

A century of contested ownership: Land tenure in Alexandra, South Africa 1912 - 2011.

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Abstract

Purpose of the paper: Alexandra was proclaimed in 1912 as the first formal township in South Africa where blacks could obtain ownership. Over the past century, a number of watershed changes in layout and ownership have taken place, most notably the promulgation of the 1913 Land Act that prohibited the proclamation of land for black ownership and a series of expropriations, resulting from apartheid policies that took place from 1950 onwards, culminating in a consolidation in 1985 that led to further expropriations.

In 2011, former land owners established land claims. These claims were complicated by the fact that a number of residents had received legal right of ownership.

Investigation of the validity of the claims required a comprehensive study of the change of ownership from the original proclamation (1912) to the situation in 2011.

Methodology. An analysis of current and historical development and management of Alexandra is provided, supplemented by a visual overview of the changing patterns of ownership and densification. The present status of land claims and their legal implications is summarized and a reliable estimate of the present population of Alexandra is provided.

Findings: The total population as determined by this study is more than 60 per cent more than the formal 2011 census estimate, resulting in a density of more than 44 400 persons per hectare. It was also found that Occupiers on one stand can have different kind of rights. However, adequate documentation has been assembled to drive the process of land tenure upgrading.

Practical implications: The higher than previously estimated population density has severe implications - physical as well as political - for future planning of this vibrant area. The importance of a reliable estimate of the ownership of property in Alexandra becomes even more apparent when the implications of the Restitution Act are considered.

Keywords: Alexandra; forced removals; apartheid; ownership patterns; land tenure; South Africa

1. INTRODUCTION

Structural economic, identity and governance tensions have a determining impact on urban regimes and societies (Yiftachel, 2009; Bollens, 2001). The township of Alexandra in Gauteng, South Africa is a clear example. Established in 1912, it still exhibits “strong vestiges of inherited urban planning systems largely inappropriate to prevailing local conditions” (Simon, 2015:216). It is a densely populated area bordering on the affluent city of Sandton.

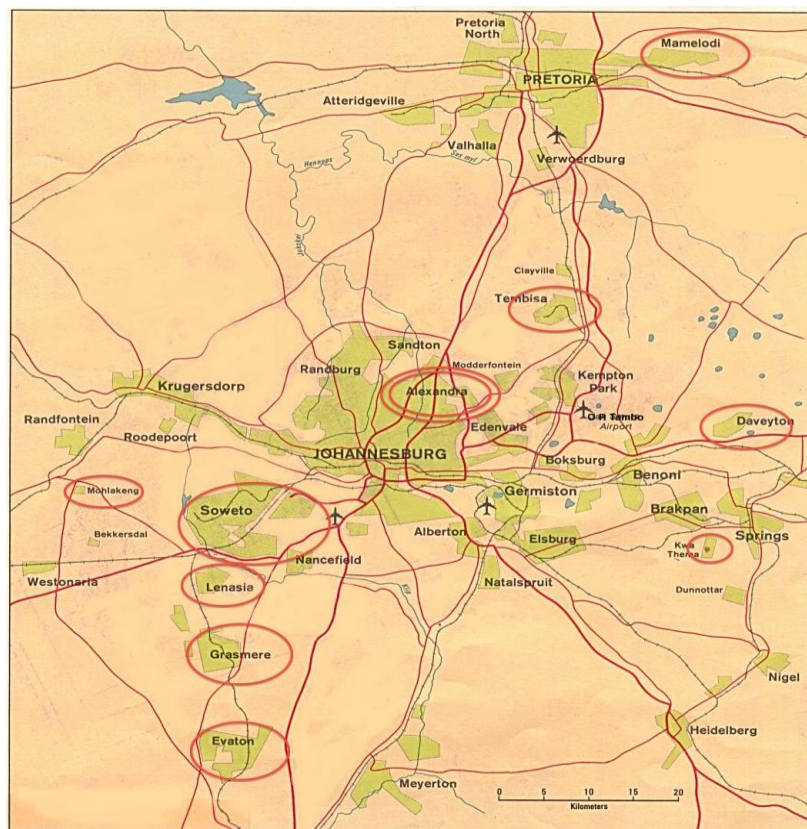


Figure 1. Location of Alexandra relative to Johannesburg, Sandton and other black townships.

Alexandra comprises an area of 6.91 km² (2.67 sq mi) and has, according to the 2011 national census, a total population of 179 624, resulting in a density of 26,000/km². Some sources, however, estimate the population to be more than 300 000, resulting in a population density of more than 43 000 persons / km² (Business Trust & dplg, 2007).

A comprehensive Land Audit and Land Tenure Rights Investigation was launched in 2011 by the Department of Local Government and Housing. The objectives were defined as follows:

- a. Map the original township as proclaimed in 1912.

- b. Map the current reality of the township in 2011.
- c. Present the registered ownership information for all erven as proclaimed in 1912.
- d. Acquire and present all registered ownership detail per erf on a map.
- e. Present the relationship between the original proclamation (1912) and the then current realities (2011).

The project was completed successfully. The process followed and the findings are described below.

2. ALEXANDRA TOWNSHIP – HISTORY (*Morris, 2000*)

The Township of Alexandra was first surveyed on the farm Syferfontein No. 380, district of Pretoria Ward Witwatersrand, Transvaal Colony during 1905. The 1905 plan consisted of 338 lots. The 1905 plan was altered and re-laid out into 2308 lots in 1912. In December 1916 a further 520 lots were surveyed.

There was little or no demand for stands in Alexandra for white people. However, there was a demand for accommodation for non-white people in the proximity of Johannesburg. The township was proclaimed as a ‘non-white’ township in 1912.

The 1913 Land Act prohibited the proclamation of land for black ownership. Economic development in the Johannesburg area resulted in demand for accommodation in areas designated for black occupation such as Sophiatown and Alexandra (Barberton et al., 1998; Frankel, 1988; Lemon, 1991; Smith, 1992).

By 1916 the Alexandra Health Committee was established to manage Alexandra, a settlement that accommodated 30 000 people. However, the Committee was not allowed to collect taxes, nor was the Johannesburg City Council willing to take responsibility for an area that it claimed fell outside its jurisdiction.

In line with Apartheid policy of neighborhoods segregated according to “color”, a committee was established in 1943 to investigate the conditions in Alexandra. The committee made a decision that properties be expropriated and residents be removed and resettled (Nauright 1998). Due to the cost of this process and the convenience of a large labor pool close to the northern suburbs of Johannesburg, it was decided to upgrade the township and incorporate it into Johannesburg.

The Alexandra property owners were expropriated of their ownership between 1950 and 1983. The following major expropriations took place: 1960 (99 properties); 1963 (472 properties) and 1963 – 1965 (673 properties). In 1973 some of the property owners were demoted to tenants. This process continued until 1981, but to a lesser extent.

Some of the claimants were dispossessed or removed in order for hostels to be built – hostels which were used to accommodate migrant laborers.

After 1948 when the National Party came into power there was increased government control over the administration of black townships. Over the years a number of decisions to relocate Alexandra and its inhabitants were taken by the apartheid government.

- On 3 February 1958 the administration of Alexandra was taken over by the Peri-Urban Areas Health Board, which board functioned under the direction of the Department of Native Affairs. This department was headed by Dr. H. F. Verwoerd. Strategically, this department's goal in respect of Alexandra was to reduce the black population, control movement in the area and expropriate freehold property.
- The intention of the Ministry was to resettle the people to designated Resettlement Board Townships such as Soweto and Thembisa.
- During the 1960's a decision was made by government to demolish all property in Alexandra and to establish the area as a hostel city for single migrant laborers.
- During the 1970's, the West Rand Administration Board took over control of all urban black townships in that area. Occupiers were ordered by this board to vacate the properties or to pay rent to the Board.
- During the late 70's which period was characterized by social protest and violence, the government's approach changed to a more relaxed approach. During this time, the 99 year lease-hold system was introduced.
- In 1980, a so called master plan for Alexandra was announced by the then Minister of Cooperation and Development. This plan entailed the demolition of all houses, the relocation of Alexandra inhabitants to shared housing, transportation infrastructure and the construction of a hospital. However, in March 1982 it was announced that the proposed development would be delayed due to a lack of funding.

In the 1980's, after the Alexandra City Council took over the administration of the township, it started to sell the properties (or portions of the original stands) back to some of the former land owners (Sarakinsky, 1984).

It is apparent from the above that the question of tenure in Alexandra is complex (in fact, the situation has been described as an "insoluble mess" (quoted in Business Trust and dplg, 2007:9).

3. METHODOLOGY

An internally-designed software program (Planet GIS) was used to map the different variations on township layouts from 1912 to 1938. Figure 4 shows the complete 1912 General Plan with the 2314 erven.

The 1912 General Plan was partially re-laid out in 1916 and again 1938. In 1916 an additional 521 erven were laid out as shown in figure 5. In 1938 an additional 20 erven were laid out as shown in figure 6.

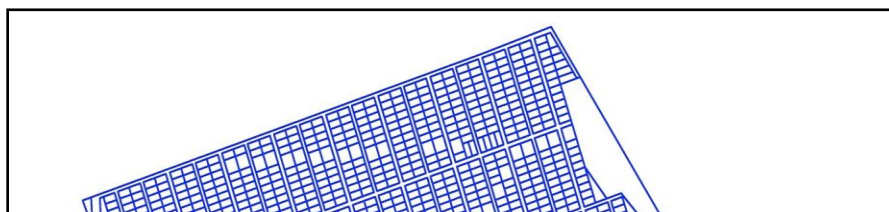


Figure 4: Map created from the 1912 General Plan



Figure 5: Sub-Division of additional 521 erven in 1916 (Green Area) and additional 20 erven in 1938 (See Orange Area)

The first erven in Alexandra were laid out over the period 1912 to 1938. A total number of 2855 erven existed in Alexandra before the consolidation took place. Figure 7 shows the map which contains all the erven before the consolidation. This is also the map which will be referred to as the “Pre-1985” map.

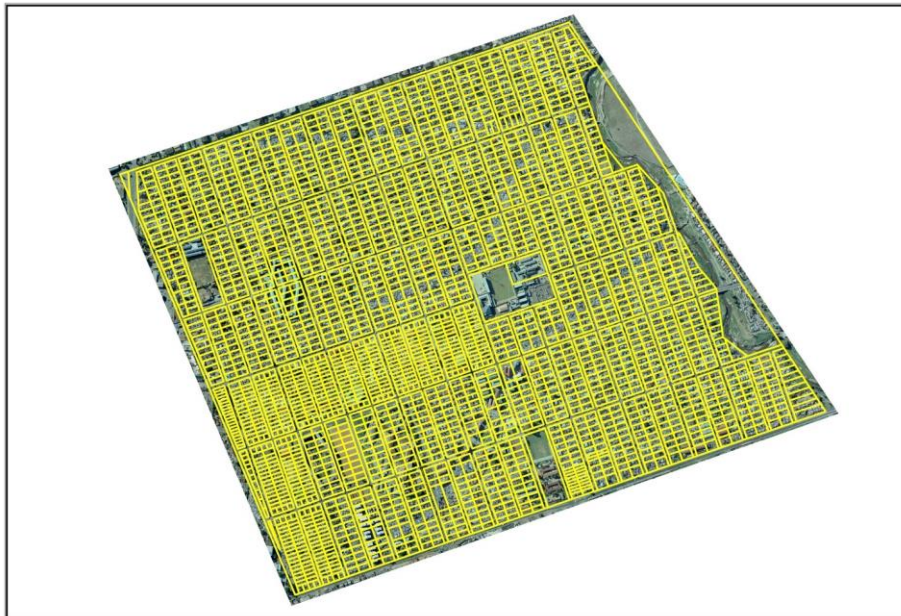


Figure 6: The Pre-1985 map before the Consolidation in 1985

In 1985 a consolidation exercise was launched. A new consolidated Title Diagram was generated and many of the land owners before the 1985 consolidation exercise were expropriated or refunded by various government organizations for their properties. Figure 7 to Figure 11 show the records of the consolidation.

The first step in the investigation of historical land rights was to obtain copies of title deeds for the properties indicated on the 1912 and 1916 diagrams.

Title deeds were obtained from the Regional Land Claims Commissioner, Gauteng Province, which office dealt with the land claims for Alexandra.

The second source of information was the Department of Land Affairs Deeds Office in Pretoria.

The property registers were consulted for each property in order to find the title deed number where the property was transferred from a black owner to the State. When the perusal was completed, the title deed was ordered and copies were made by the Deeds Office.

Where transferring deed numbers were not found, the original title deed in the archives had to be perused. An endorsement on such title deed would provide the correct title deed number which could then be ordered.

Status	Description	Total
Completed	Title Deed completed, information captured	2755
No Record	No record showing dispossessed title found	43
No Book	Titled Deed number available, however book could not be located	27
Removed / Destroyed	Title Deed number available, however the book has been removed/destroyed	37
Grand Total		2862

The majority of properties (94%) were transferred to statutory bodies:

- The Blacks Resettlement Board (12%)
- The West Rand Administration Board (22%)
- Peri-Urban Areas Health Board (61%)

Most of the properties were transferred between 1959 and 1981, with most transfers taking place in 1961 (301 properties) and in 1981 (249 properties). From 1959 and during the administration by the Peri-Urban Areas Health Board, an average of 115 properties per annum were transferred.

During the 1960's to 1970's, properties were mainly transferred to the Peri-Urban Areas Health Board.

During 1970's to 1980's properties were transferred to West Rand Bantu Affairs Administration Board and the Blacks Resettlement Board.

Although the majority of the properties might still be registered in the name of one of these institutions, it must be accepted that the Johannesburg Municipality will be regarded as the "owner" of the property.

After the consolidation a total number of 65 General Plans were deducted leaving a remainder of portion 387 of 108 hectare. The 65 General Plans represent a total number of 5642 registered erven. Figure 7, which will be referred to as the Post-1985 map, shows these erven.

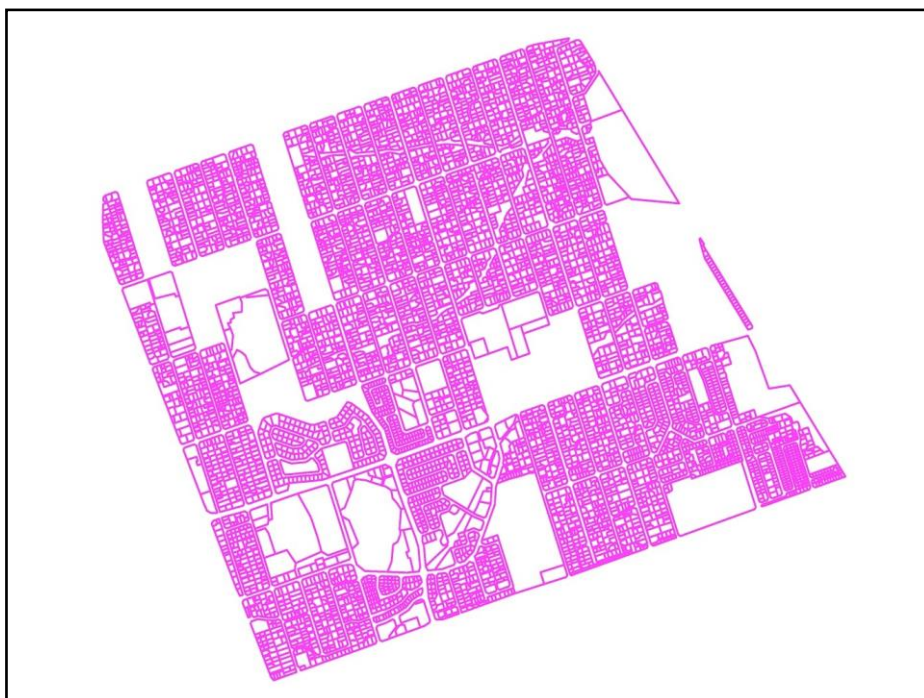


Figure 7: The Post-1985 map (5642 Registered Erven)

3.1 *Alexandra: Pre-1985*

Figure 8 shows the Pre-1985 map just before the consolidation. This map forms the basis for claims from dispossessed owners. The Land Claims Commission had a "Screening Report" which indicated a total number of 1230 claims on this map. Figure 8 indicates all the erven with claims.

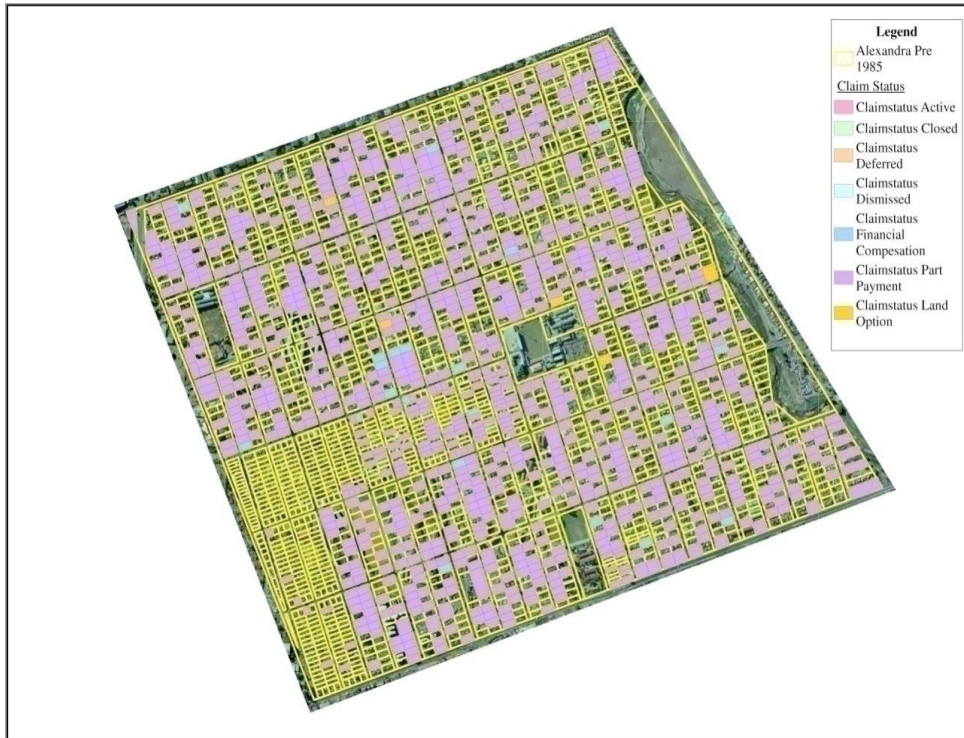


Figure 8: Erven affected by Claims on the Pre-1985 Map

The total number of claims according to the “Screen Report” resulted in 1230 claims. A total number of 2855 erven were laid out on the Pre-1985 map. For all the erven on the Pre-1985 a total number of 2737 title deeds were found and linked. Thirty-seven Title Deeds were found to have been either removed or destroyed.

3.2 Alexandra: Post-1985

Figure 9 shows the Post-1985 map with 5642 registered erven. Figure 10 indicates the registration status of the 5642 erven.

Alexandra has seen a great influx of people due to the close proximity of the township to flourishing business centres like Sandton. It was evident from the start of the project that overcrowding was a great problem on all of the erven. The project had to follow an alternative approach to determine the number of dwellings residing on each of the erven.

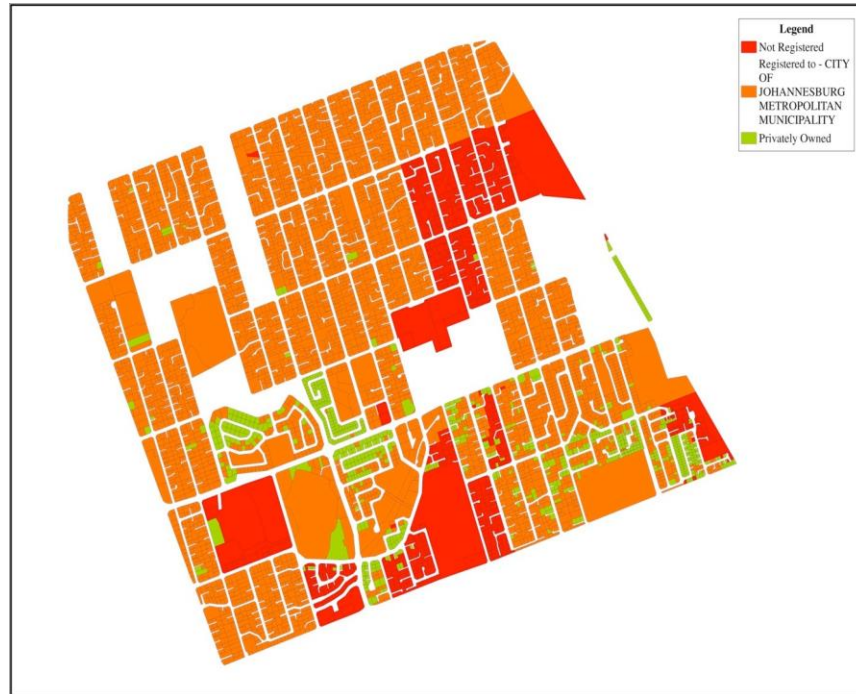


Figure 9: Post-1985 Registration Status

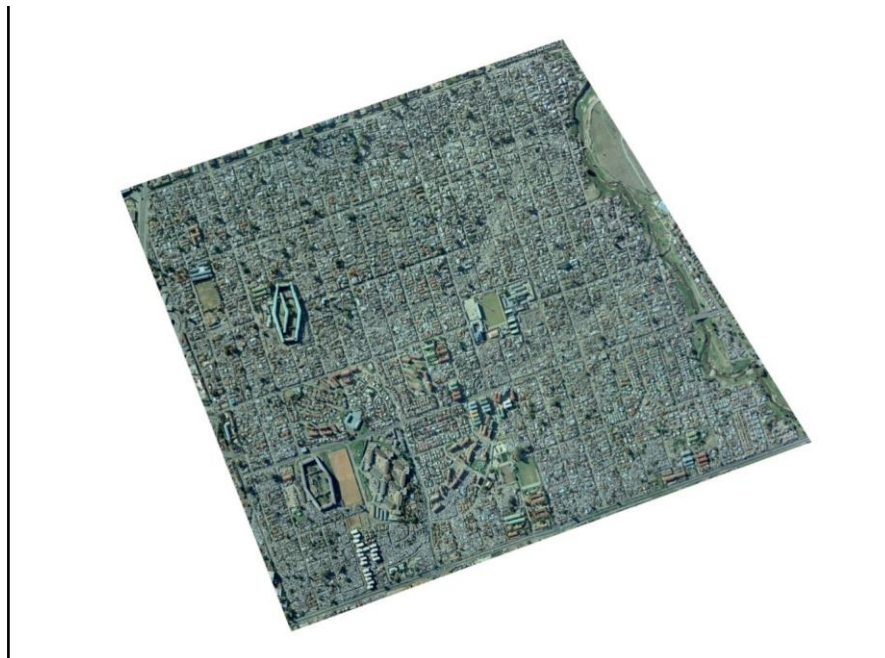


Figure 10: Alexandra Aerial Photograph, 2010

A total number of 13 900 rooftops were identified but a physical field exercise was required to determine the accuracy of the rooftops and number of dwellings residing under each one of them.

Digital loggers were used to count every door of every dwelling. A total number of 58 500 dwellings were identified during this exercise. Figures 11 and 12 shows the map with all the rooftops.

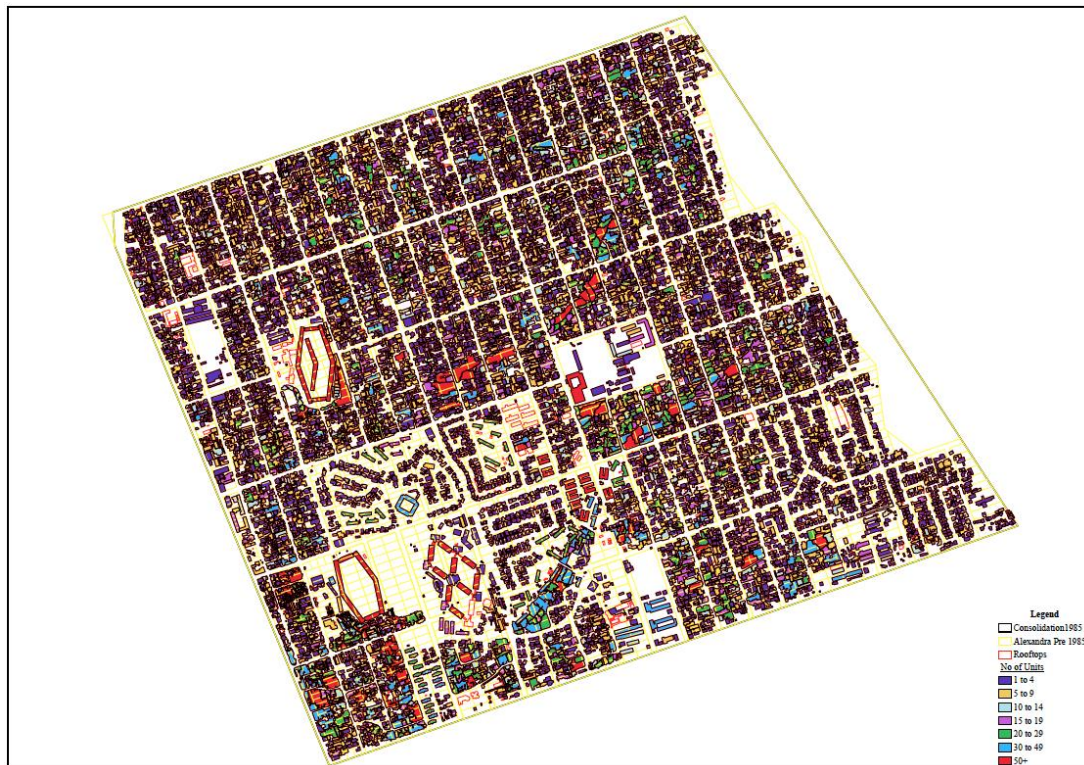


Figure 11: Alexandria Rooftops (13 900)

During the rooftop verification exercise the following attributes were determined for every dwelling:

- Was the dwelling formal or informal?
- What was the primary use of the dwelling?
 - Residential
 - Business
 - School

- Hostel
- Flat
- Recreation



Figure 12: Alexandra Rooftops (Close-up)

Figure 13 shows the relationship between formal and informal dwellings.

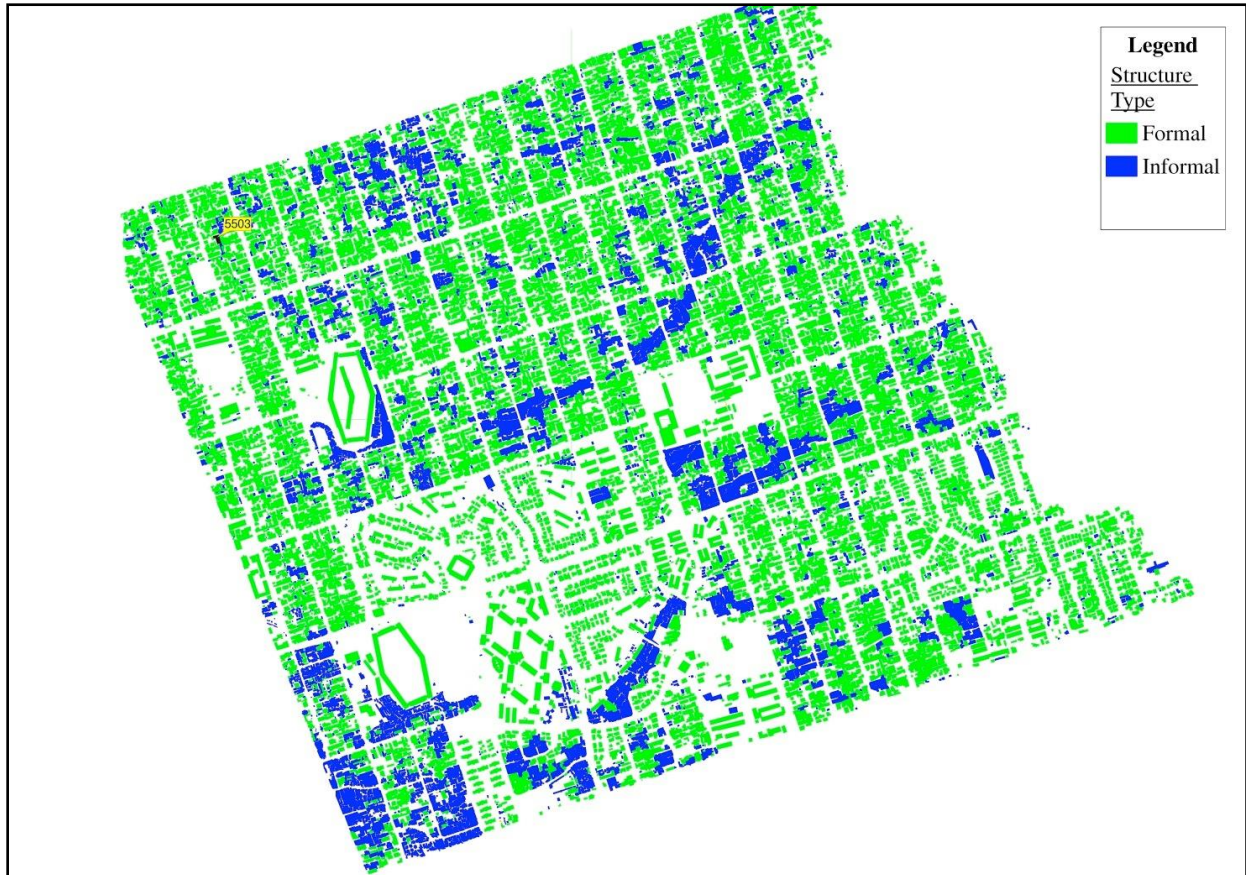


Figure 13: Dwellings (Formal and Informal)

Figure 14 displays the dwelling use of all dwellings in the Alexandra Township

4. FINDINGS

Table 1 summarizes the results of the various investigations. It indicates the growth in the number of erven in the township since 1912, but also highlights the extremely high density of dwellings (formal as well as informal) on the available erven.

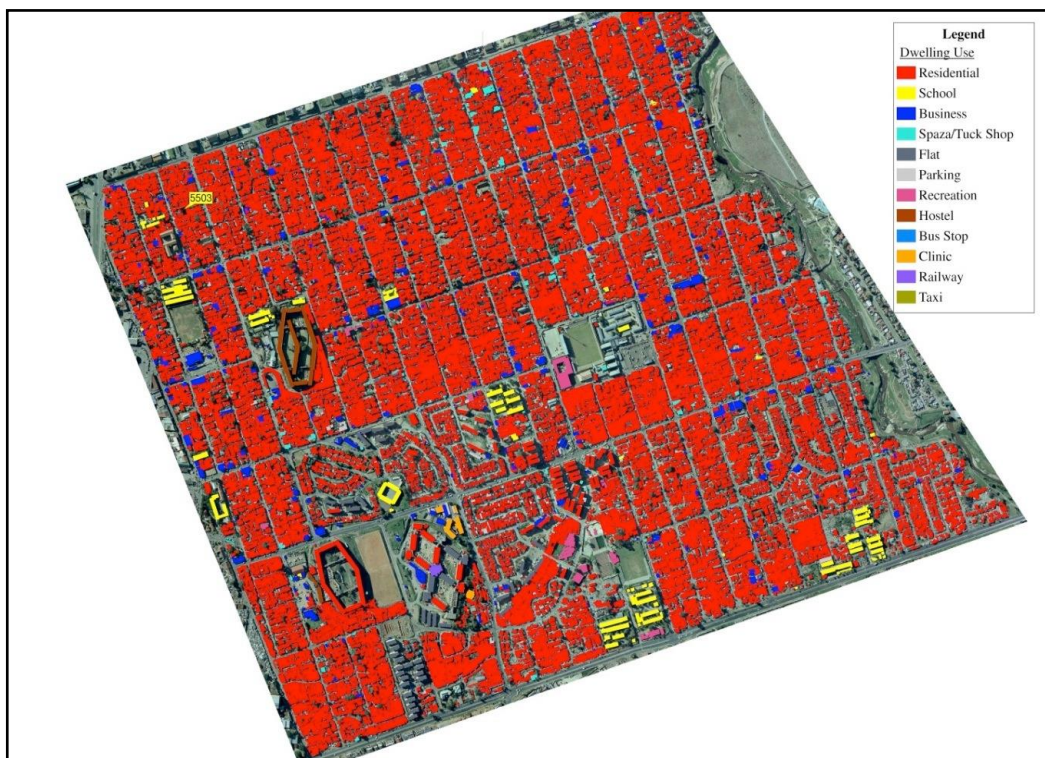


Figure 14: Alexandra Dwelling Use

Table 1: Phase 1 Project Findings

Pre-1985 Map (1912 to Consolidation)		
Alexandra Township (Portion 387)	2.2km x 1.8km	Total area of 355.884 Hectares
Total Number of Erven Laid Out (1912)	2314	
Total Number of Erven Laid Out (1916)	521	

Total Number of Erven Laid Out (1938)	20	
Total number of Erven Registered after re-layout in 1916 & 1938	2538	
Number of Claims Lodged by dispossessed owners according to Screening Report	1345	
Number of Erven affected by 1345 Claims	1148	

Post-1985 Map (After 1985 Consolidation)		
Total Number of Erven Surveyed	5646	
Total Number of Erven Registered	4841	
Total Number of Erven Registered to State Institutions	4006	
Total Number of Erven Registered to Private Entities	835	
Total Number of Erven not Registered	805	
Remaining Extent of Portion 387 not surveyed as part of 5646 Erven (Open Areas on Map)		Total area of 108.436 Hectares (30.46% of Alexandra Township)

Number of Post 1985 Erven affected by 1345 claims as per Screening Report	3055	
Alexandra (Situation in 2011)		
Total Number of Dwellings in Township	58518	100
Total Number of Formal Dwellings	38922	66.5%
Total Number of Informal Dwellings	19596	33.5%

Given an estimate of an average of 5 persons per household as determined by responses of inhabitants to a subsequent survey (Proplan, 2012), the total population of Alexandra could be estimated to be about 293 000.

5. IMPLICATIONS AND FUTURE RESEARCH

The total population as determined by this study is more than 60 per cent more than the formal 2011 census estimate, resulting in a density of more than 44 400 persons per hectare. This has severe implications - physical as well as political - for future planning of this vibrant area.

The importance of a reliable estimate of the ownership of property in Alexandra becomes even more apparent when the implications of the Restitution Act are considered. A total of 2826 stands were proclaimed in Alexandra prior to 1916; the purchasers had ownership of the property. Many of these owners were forcefully relocated as a result of racially discriminating legislation or practices. In terms of the Restitution Act people could submit a claim for rights in land they lost.

A total of 1226 owners or descendants submitted land claims at the office of the Regional Land Claims Commissioner. Of these, 890 (72.5%) were settled in full between the claimants and Restitution Commission. Part-payment was made in 18 claims (1.5%), 24 claims (2.0%) were deferred, 120 claims (9.8%) were dismissed and 17 claims (1.4%) are still outstanding. 152 duplicate claims were lodged.

The status of different occupational rights people have in Alexandra and the process to obtain ownership is complex. Occupational rights include Residential Permits in terms of the *Better Administration of Designated Areas*, Deed of Transfer (1915), Deed of Transfer (1945), Deed of Sale (2008) and Deed of Agreement (Leasehold). Occupiers in former “black townships” had limited tenure rights and the current government is in the process to upgrade these rights into ownership.

References

Barborton, C., Blake, M. and Kotze, H. (1998). *Creating Action Space: The Challenge of Poverty and Democracy in South Africa*. David Philip Publishers, Cape Town

Bollens, S. A., (2001). *City and soul: Sarajevo, Johannesburg, Jerusalem, Nicosia*. *City* 5(2), pp. 169-187.

Business Trust & the dplg, (2007). *Nodal Economic Profiling Project, Alexandra, Gauteng*. Department: Provincial and Local Government, Pretoria, RSA.

Frankel, P. (1988). *Urbanisation and Informal Settlement in the PWV Complex*, Vol. 2. Johannesburg: Department of Political Studies, University of the Witwatersrand.

Lemon, A . (ed.) (1991) *Homes Apart: South Africa's Segregated Cities*. David Philip, Cape Town.

Morris, P., (2000). Alexandra Township—a history, lessons for urban renewal and some challenges for planners. *SA Planning History Study Group, University of Natal (Durban)*.

Nauright, J., (1998): *'The Mecca of Native Scum' and 'a running sore of evil': white Johannesburg and the Alexandra Township removal debate, 1935–1945*, *Kleio*, 30:1, pp. 64-88

Sarakinsky, M., (1984). *Alexandra, from "freehold" to "model". Township (No. 5)*. University of the Witwatersrand, Development Studies Group.

Simon, D., (2015). *Uncertain times, contested resources: Discursive practices and lived realities in African urban environments*. *City* 19(2-3), pp. 216-238.

Smith, D. M ., (1992). *The Apartheid City and Beyond: Urbanization and Social Change in South Africa*. Witwatersrand University Press, Johannesburg

Yiftachel, O., (2009). "Critical theory and 'gray space' Mobilization of the colonized". *City* 13 (2-3), pp. 240-256