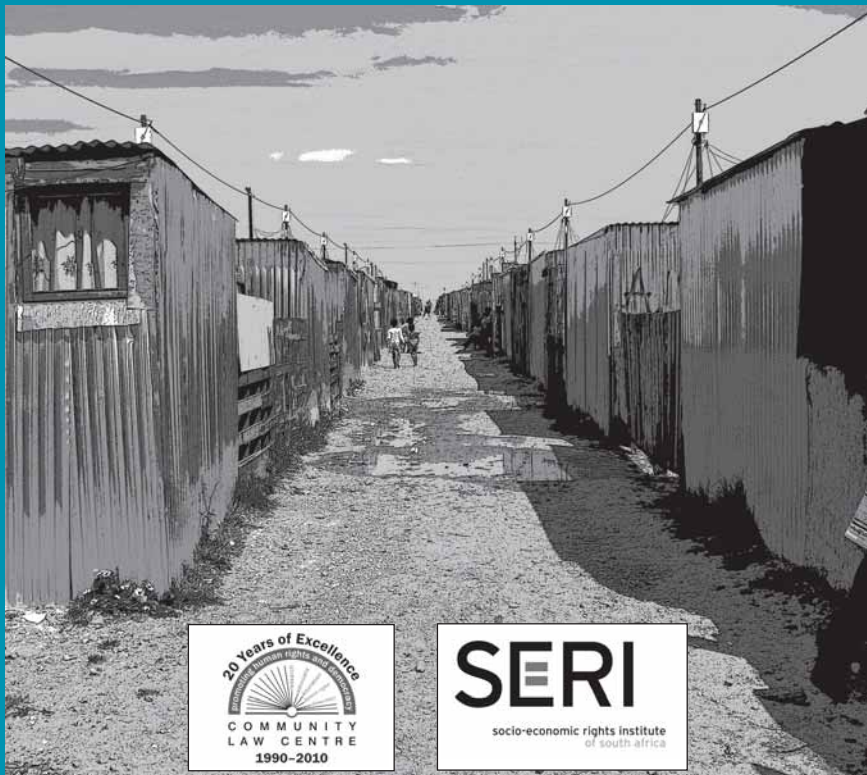


# Ukuthethathethana okunokuba luncedo norhulumente kumalungelo entlalo-qoqosho

Ujoliso kwilungelo lezindlu

Lilian Chenwi no-Kate Tissington



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# Iziqulathiso

Amatyala ekubhekiselwe kuwo	4
Umthetho nemigaqo-nkqubo ekubhekiselwe kuyo	5
Intshayelelo	7
Yintoni uthethathethwano olunokuba luncedo?	10
Ingaba uthethathethwano olunokuba luncedo luyafana nokudibana okanye ulamlo?	12
Uthini uMgaqo-siseko ngothethathethwano olunokuba luncedo?	13
Uthini umthetho waseMzantsi Afrika ngothethathethwano olunokuba luncedo?	15
Uthini umthetho wamazwe ngamazwe ngothethathethwano olunokuba luncedo?	18
Ziyintoni iinjongo kunye nomxholo wothethathethwano olunokuba luncedo?	21
Kufuneka lwenzeke nini uthethathethwano?	24
Yintoni eyenza ukuba uthethathethwano lube 'luncedo'?	25
Iyintoni indima yeenkokheli zoluntu kwinkqubo yothethathethwano?	27
Isishwankathelo sezigqibo ezikhethekileyo ezibalulekileyo	28
Iinkcukacha zoqhagamshelwano	32

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# 1. Intshayelelo

Ukuqinisekisa ukuba uziso lweenkonzo luyasebenza kwaye luneempembelelo ezintle kubulunga bobomi babantu, kubalulekile ukuba kubekho uthethathethwano olunokuba luncedo phakathi koluntu norhulumente. UMzantsi Afrika uyakuqonda ukubaluleka kothethathethwano okanye ukuthabatha inxaxheba kwabemi (kunye nabo bangengabo abemi) ekulawuleni ilizwe. UnoMgaqo-siseko ophakamisa uhlobo lwedemokhrasi olunomelo nolunothabatho-nxaxheba. Ukuvota kunyulo kubalulekile kodwa akwanelanga. Idemokhrasi enothabatho-nxaxheba ithetha idemokhrasi ethathela kuyo uxanduva, engafihli nto, ephendulayo nevulelekileyo. Idemokhrasi yothabatho-nxaxheba ithetha idemokhrasi elwenzayo ulungiselelo kubantu kunye nakuluntu ukuba luthabathe inxaxheba kwiinkqubo kunye nakwizigqibo zokuziswa kweenkonzo.

UMgaqo-siseko uthi urhulumente kufuneka aqinisekise ukuba ilungelo labantu lokuba bathabathe inxaxheba lenziwa ukuba lenzeke (liyafezekiswa). Abantu kufuneka balibange eli lungelo kwaye balisebenzise ngokubonakalayo.

UMqulu wamaLungelo kuMgaqo-siseko ukhusela iintlobo ezahlukeneyo zamalungelo. Amanye awo ngamalungelo entlalo-qoqosho, aquka ilungelo lofikelelo ku:

- mhlaba
- izindlu ezoneleyo
- iinkonzo zokhathalelo lwempilo
- amanzi kunye nokutya okwaneleyo
- ukhuselo lwasekuhlaleni kunye noncedo lwasekuhlaleni.

UMqulu wamaLungelo ukwakhusela amalungelo entlalo-qoqosho abantwana, afana:

- nesondlo esisisiseko
- indawo yokuhlala
- iinkonzo zokhathalelo lwempilo ezisisiseko
- iinkonzo zasekuhlaleni.

Ukhuselo oluqilimba olunikwa la malungelo kuMgaqo-siseko lubalulekile ekulweni ubuhlwempu, ukungalingani kunye nokungaselwa-so.

## Amalungelo entlalo-qoqosho kunye nelungelo lezindlu ezaneleyo

Xa amalungelo anokunyanzelwa ziinkundla, aziwa njengoku ngamalungelo **anokulungiswa enkundleni**. UMzantsi Afrika ngomnye wamazwe ambalwa onamalungelo entlalo-qoqosho akhuselwe kuMgaqo-siseko wawo njengamalungelo anokulungiswa enkundleni. Amalungelo anokuqulatha zombini izibophelelo ezivumayo (izinto ekufuneka zenziwe ngurhulumente) kunye nezibophelelo ezingavumiyo (izinto urhulumente kunye nabanye ekufuneka baziphephe okanye baqinisekise ukuba azenzeki). Ilungelo kwizindlu liqulethe zozibini izibophelelo ezivumayo nezingavumiyo. Ilungelo kwizindlu alithethi ukuba urhulumente kufuneka anike wonke umntu indlu ngoko nangoko ngaphandle kwentlawulo xa umntu eyifuna. Endaweni yoko, lithetha ukuba urhulumente abe nayo kwaye ayiphumeze inkqubo efanelekileyo yokubonelela wonke umntu ngofikelelo kwizindlu ezaneleyo. Esi sisibophelelo esivumayo. Izibophelelo ezivumayo zixhomekeka kwingxowamali karhulumente.

Izibophelelo ezingavumiyo eziqulethwe kwilungelo lezindlu zinento yokwenza, umzekelo, nokukhutshwa. Urhulumente kunye namanye amaqela kufuneka bangaphazamisani namalungelo abantu ofikelelo kwizindlu ezaneleyo. Kufuneka bangakhuphi abantu kwiindawo abahlala kuzo ngokungekho mthethweni. Kukho izikhuselo ezikhusela abantu ekubeni bakhutshwe ngaphandle kwesizathu baze bangabi namakhaya. Esinye sezikhuselo nesibalulekileyo luthethathethwano olunokuba luncedo.

Nangona abantu benawo ephepheni la malungelo entlalo-qoqosho, xa kusenziwa akusoloko kusenzeka ukuba afezeke. Oku kungenxa yokuba ambalwa amathuba okuthabatha inxaxheba kunye nokuthethathethana ngokunokuba luncedo kwiinkqubo zokwenziwa kwezigqibo zikarhulumente, oko kuchaphazela unikezo lweenkonzo. Kaninzi amagosa karhulumente enza izigqibo ngasentla ngaphandle kokubandakanya uluntu lwengingqi.

Ngo-2009, iSebe loLawulo lweNtsebenziswano neMicimbi yeMveli (Cooperative Governance and Traditional Affairs) (COGTA) lenza uhlobo lwesizwe lukarhulumente wengingqi ukuze libone ubuninzi beengxaki elinazo ekufezekiseni iinkonzo. Kwaye kwachongwa iingxaki ezininzi. Umzekelo:

- ukuyeka kokusebenza kwedemokhrasi yengingqi;
- unxibelelwano kunye nobudlelwane obuthathela uxanduva obulambathayo noluntu;



- uthatyatho-nxaxheba loluntu luyeke-yeke;
- ukubekelwa ecaleni koluntu okubangwa yingqalelo engonelanga kuyilo 'olunxenye yalo iqala phantsi' kunye neenkqubo zokudibana.

Inkcaso yoluntu kurhulumente ebonwe kuqhankqalazo ngokuziswa kweenkonzo kunye nokuzabalaza kwemibutho yasekuhlaleni kubonisa ukuba uluntu lunemvakalelo yokuba alunalo ilizwi elinokuba luncedo ekwenziweni kwezigqibo ngurhulumente. Alunayo imvakalelo yokuba izinto ezilukhathazayo ziyeviwa okanye zithathelwa phezulu.

### Uthatyatho-nxaxheba loluntu

UMgaqo-siseko, umthetho wesizwe kunye nomthetho wamazwe ngamazwe yonke ithi urhulumente unoxanduva lokuphakamisa kunye nokuququzelela uthatyatho-nxaxheba loluntu.

Amatyala akutsha nje enkundla agxininise ukuba urhulumente kufuneka 'athethathethane ngokunokuba noncedo' nabantu abahluphekayo kulungiselelo lweenkonzo, ezifana nezindlu. Uthethathethwano olunokuba luncedo yinguqu ebalulekileyo kwindlela yeenkundla yokunyanzelisa amalungelo entlalo-qoqosho kwaye luphakamise uthatyatho-nxaxheba olusebenzayo kulungiselelo lweenkonzo. Uthethathethwano olunokuba luncedo lunedemokhrasi engaphaya, luyaguquguquka kwaye luphendule kwizinto ezikhathazayo ezenzekayo eziphakanyiswa ngala malungelo. Lunokuphakamisa utshintsho lwentlalo kwabo baphantsi ngokwenza ukuba kuvakale ilizwi labahluphekayo nabangasiweso eMzantsi Afrika.

Abanye abantu abazi ukuba ilungelo labo lokuthabatha inxaxheba likhuselwe kuMgaqo-siseko, kumthetho woMzantsi Afrika kunye nakumthetho wamazwe ngamazwe. Kwakhona abayazi imithetho-siseko engundoqo emalunga nothethathethwano olunokuba luncedo ebekwe ziinkundla, ingakumbi yiNkundla yoMgaqo-siseko. Kubalulekile kubanini bamalungelo ukuba bazi ngelungelo labo lokuthabatha inxaxheba. Kufuneka bazi ngento ethethwe yinkundla malunga nemisebenzi eyibeke kurhulumente kunye neenkqubo zothethathethwano olunokuba luncedo.

Iinkundla zimamele kakhulu ngothethathethwano olunokuba luncedo kumatyala anento yokwenza namalungelo ezindlu (amanye ala matyala acaciswe ngokuthe vetshe ekupheleni kwale ncwadana). Ngoko ke, le ncwadana ijolise kakhulu kwilungelo lezindlu xa icacisa iinjongo, umxholo neenkqubo zothethathethwano olunokuba luncedo.

### Le ncwadana:

- icacisa ukuba yintoni uthethathethwano olunokuba luncedo;
- izama ukubonakalisa unxibelelwano phakathi kothethathethwano olunokuba luncedo nokudibana nokulamla;
- icacisa ukuba lukhuselwe njani uthethathethwano olunokuba luncedo kuMgaqo-siseko, kumthetho wesizwe nakumthetho wamazwe ngamazwe
- inika ulwazi ngeenjongo nomxholo wothethathethwano olunokuba luncedo;
- icacisa ukuba kufuneka lwenzeke nini uthethathethwano;
- icacisa ukuba kufuneka lube ngantoni uthethathethwano;
- ichonga imithetho-siseko nezikhokelo ezinokwenza ukuba uthethathethwano lube 'luncedo';
- icebisa ngokuba kufuneka ibe yintoni indima yeenkokheli zoluntu kwinkqubo yothethathethwano;
- inika isishwankathelo sezigqibo ezithathu zeNkundla yoMgaqo-siseko ezingothethathethwano olunokuba luncedo;
- inika iinkcukacha ngemibutho namaziko anokunika ingcebiso kubantu abajongene nokukhutshwa apho bahlala khona apho uthethathethwano belungelulo uncedo, okanye anokunika iingcebiso jikelele kuthethathethwano olunokuba luncedo ekufikeleleni kumalungelo entlalo-qoqosho.

## 2. Yintoni uthethathethwano olunokuba luncedo?

La magama 'uthethathethwano olunokuba luncedo' sele kulithuba ekhona, kodwa achazwa kakuhle okokuqala yiNkundla yoMgaqo-siseko kwityala i-*Olivia Road*. Eli tyala lalimalunga nelungelo lofikelelo kwizindlu ezoneleyo kwabo bajongene nokukhutshwa kwizakhiwo ezidilikayo kumbindi wesixeko sase-Johannesburg. Ityala eli ngumzekelo omhle apho uthethathethwano luye lwasebenza.

Kwisigwebo se-*Olivia Road*, iNkundla yoMgaqo-siseko yathi uthethathethwano olunokuba luncedo 'luyinkqubo endlela-mbini apho iSixeko kunye nabo bazakuphulukana namakhaya abo bazakuthethana ngokuluncedo ukuze kuphunyezwe iinjongo ezithile' (isitanza se-14). Ezi njongo zichazwe kamva kule ncwadana. Inkqubo endlela-mbini iNkundla yoMgaqo-siseko ebhekisela kuyo ayisebenzi kuphela kubantu abakhethekileyo ababandakanyekayo kwityala i-*Olivia Road*, kodwa inokusebenza nakwizimo ezifana nalo kwilizwe xa lilonke.

Ngoko ke, ngokubanzi, 'uthethathethwano olunokuba luncedo' lwenzeka xa uluntu kunye norhulumente bethethana kwaye bamamelana, kwaye bazame ukuqonda iimbono zelinye iqela, ukuze babe nako ukuphumeza

iinjongo ezithile. Sisithuba 'esingathath'icala' apho urhulumente kunye nabantu banokuxoxa kwaye bayile iindlela ezinokusetyenziswa kunye nezisombululo kwimiba enzima. Inkqubo yothethathethwano olunokuba luncedo kufuneka:

- yakhiwe kakuhle, ilungelelaniswe, ifane kwaye iquke konke kwaye ingalahlekisi;
- ithathele ingqalelo ukhetho lolwimi; kwaye
- yenze ukuba abantu okanye uluntu luphathwe njengamaqabane kwinkqubo yokwenziwa kwezigqibo.

Kufuneka lube lolwabantu beziziqu kanye nentlanganisela. Akwanelanga ukudibana nje neekomiti okanye imibutho esekelwe ekuhlaleni (community-based organisations) (CBOs) ebanga ukuba imele uluntu. Kwaye kungonelanga kananjalo ukudibana nabantu beziziqu okanye imizi. Urhulumente makazenze zombini. Kwakhona kufuneka aphenjule ngendlela efanelekileyo ekungangqinelanini nasekuxhalabeni okunokuvela phakathi kwamaqela kunye nakubantu beziziqu xa kuqala ukusetyenziswa umgaqo-nkqubo wentlalo-qoqosho.

Umzekelo ngowokuba ukuba ngaba urhulumente kufuneka athathe nawaphi na amanyathelo anokuchaphazela ilungelo labantu kwizindlu, amanzi okanye ukhuselo lwasekuhlaleni. Phambi kokuba athathe isigqibo sokugqibela malunga namanyathelo afuna ukuwathatha, kufuneka athethathethane ngokunokuba noncedo nabantu malunga namanyathelo awacingayo. Kufuneka abanike amathuba afanelekileyo okuba kuviwe nawabo amazwi kwaye bathabathe inxaxheba kwizigqibo ezinokuchaphazela amalungelo abo. Kwakhona, ukuba ngaba urhulumente uphuhlisa isicwangciso sokuhlangabezana nezibophelelo zakhe zomgaqo-siseko ekufezekiseni ilungelo elithile lentlalo-qoqosho, kufuneka athethathethane noluntu kumabakala onke esicwangciso eso. Oku kuthetha ukuba kufuneka athethathethane nabo ngexa lokwenziwa kweenkqubo zezigqibo, uyilo, ukuphunyezwa nohlolo.

### **Yintoni engasilulo uthethathethwano olunokuba luncedo?**

Ukuba urhulumente uhlangana noluntu oko ekwenzela ukuba alucenge ukuba lwamkele isigqibo esele senziwe kwaye kuthiwe sesilungele bona, oku ayikuko ukuthethathethana okunokuba luncedo. Uthethathethwano olunokuba luncedo ayikokuba abantu mabavume imigaqo-nkqubo karhulumente, 'bephawula ibhokisi' yesibophelelo sothatyatho nxaxheba olusemthethweni okanye bebonelela 'ng okungagungqi' kwizigqibo esele zithathiwe.

### 3. Ingaba uthethathethwano olunokuba luncedo luyafana nokudibana okanye ulamlo?

Xa abantu becelwa ukuba banike izimvo kwimicimbi ebachaphazelayo, oko kukudibana nabantu. Ulamlo, kwelinye icala, lwenzeka xa abantu abanembambano becela ngokuzithandela ukuba kungenelele umntu wesithathu owamkelekileyo ('umlamli') ukuba abancede bafikelele kwisivumelwano kwimiba ebahlukanisayo.

'Ukuthethathethana' kufana nokudibana kunye nokulamla. Ngokufanayo nokudibana, iimbono zabantu ziyacelwa ngexa lothethathethwano. Oku kukwasebenza njengokukhangela amanyathelo karhulumente. Ukuthethathethana kukwayenye indlela yokusombulula impixano, njengolamlo, kunye nendlela yokubandakanya abo bamalungelo abo agxojiweyo ngokuzisa ulungiso.

Kunika umdla ukubona ukuba iNkundla yoMgaqo-siseko ikhuthaze imibutho yasekuhlaleni (civil society organisations) (CSOs) enomdla ukuba ibandakanyeke njengabantu besithathu kwinkqubo yothethathethwano (umzekelo jonga kwi- *Olivia Road*, izitanza ese-19 nesama-20).

Ngamanye amaxesha, iinkundla ziwasebenzise amagama 'ukuthethathethana', 'ukudibana' kunye 'nolamlo' ngokungathi ayinto enye. Koko, kukho umahluko osisiseko phakathi koluvo lokuthethathethana okunokuba luncedo, njengoko kuphuhlisiwe yiNkundla yoMgaqo-siseko, kunye nokudibana nje.

Xa kudityanwa, umntu obambe iintambo (umzekelo urhulumente wengingqi) ucela izimvo zabantu kodwa kaninzi nguye owenza isigqibo sokugqibela. Akucaci ukuba izimvo zabantu zifakwe kangakanani na kwisigqibo eso. Uthethathethwano olunokuba luncedo, kwelinye icala, luthetha ukuba amaqela enza isigqibo sokugqibela *kunye*. Okunye ukudibana kunokuphantse kufane nokuthethathethana okunokuba luncedo ngokuxhomekeka kubunjani benkqubo kunye nokuba isulungekile na. Ngenxa yoko, umthetho wamazwe ngamazwe, njengoko kubonwa ngezantsi, ugxininisa ukudibana 'okusulungekileyo'. Oku kuthetha ukuba kuyedlula kwilungelo lokuviwa (*audi alteram partem*) kwaye kubandakanya ukuphuhlisa ubudlelwane bexesha elide phakathi kukarhulumente kunye nabemi (okanye abo bangengabo abemi).

Ukudibana kuhlala kungesigqibo esinye ekufuneka senziwe ngexesha elinye. Ukudibana linyathelo lenkqubo eyimfuneko ekwenziweni kwesigqibo. Kakhulu *sisenzo* kunokuba ibe *yinkqubo*.

Uthethathethwano kwelinye icala, lubhekisele *kwinkqubo* yotshintshiselwano lwarhoqo oluphakathi kwabemi okanye (abo bangengabo abemi) kunye norhulumente. Lumalunga noyilo kunye nokuphunyezwa

kwenkqubo yentlalo-qoqosho echaphazela uluntu oluthile okanye iqela labantu. Ngoko ke akululanga ukuba kuthiwe makwenzeke isenzo phambi kokuba kuthathwe isigqibo esisemthethweni. Sisenzo esenziwe ngoluhlu lwezigqibo eziyimfuneko ekuyileni nasekuphumezeni inkqubo yentlalo-qoqosho.

#### 4. Uthini uMgaqo-siseko ngothethathethwano olunokuba luncedo?

UMgaqo-siseko awusebenzisi amagama athi 'uthethathethwano olunokuba luncedo'. Kodwa kukho amacandelo kuwo akhusela ngokukhethekileyo ilungelo lokuthabatha inxaxheba kwiinkqubo kunye nakwizigqibo zoziso lweenkonzo. Kwityala i-*Olivia Road*, iNkundla yoMgaqo-siseko yathi isiseko sothethathethwano olunokuba luncedo sifumaneka kula magatya omgaqo-siseko alandelayo (izitanza ese-16 nese-18):

- Isingeniso kuMgaqo-siseko sithi urhulumente unoxanduva 'lokuphucula umgangatho wobomi babo bonke abemi kwaye akhulule ukuba nako komntu';
- Umhlathi we-152 uthi urhulumente wengingqi kufuneka abonelele uluntu ngeenkonzo ngendlela enokulondolozeka, kufuneka aphakamise uphuhliso lwezentlalo kunye noloqoqosho, kwaye kufuneka ukuba akhuthaze uluntu kunye nemibutho yoluntu ukuba izibandakanye kwimicimbi karhulumente wengingqi;
- Umhlathi we-7(2) ubeka umsebenzi kurhulumente wokuhlonipha, ukukhusela, ukuphakamisa nokuzalisekisa amalungelo akuMqulu wamaLungelo. INkundla yathi awona abalulekileyo lilungelo lesidima somntu kunye nelungelo lokuphila;
- Umhlathi wama-26(2) uthi urhulumente kufuneka asebenze ngokufanelekileyo ukuqinisekisa ukuba ilungelo lofikelelo ezindlini liyafezekiswa;
- Umhlathi wama-26(3) uthi 'akukho namnye omakakhutshwe kwikhaya lakhe, okanye adilizelwe ikhaya lakhe, ngaphandle komyalelo wenkundla owenziwe emva kokuthathela ingqalelo zonke iimeko ezibandakanyekayo'. Ukufumanisa ukuba 'zonke iimeko ezibandakanyekayo' ziyintoni kuthetha ukuba uthethathethwano olunokuba luncedo kufuneka lwenzeke phambi kokukhutshwa okukhokelela ekubeni ungabinalo ikhaya.

## Urhulumente makasebenze ngokufanelekileyo

- UMgaqo-siseko uthi urhulumente makasebenze ngokufanelekileyo ngokunxulumene namalungelo kukhathalelo lwempilo, ukutya, amanzi, ukhuselo lwasekuhlaleni, imfundo nomhlaba, ngokunjalo nezindlu.
- Kwinto nganye ayenzayo, urhulumente makajolise ekuphuculeni umgangatho wobomi babo bonke abantu abahlala eMzantsi Afrika.
- Enye yeendlela ezisetyenziswayo zokwenza isigqibo sokuba ingaba inqubo karhulumente ejoliswe ekufezekiseni ilungelo kukuba ingaba lubekhona na uthethathethwano olunokuba luncedo. Umgangatho wothethathethwano nawo ubalulekile.

UMgaqo-siseko ukwathetha oku ngothethathethwano olunokuba luncedo:

- Umhlathi wama-33 uthi urhulumente makahloniphe **inkqubo engenamkhethe** xa ethatha amanyathelo olawulo achaphazela amalungelo abantu. Iinkqubo ekufuneka zilandelwe ngurhulumente xa ethethana nabantu okanye uluntu zifumaneka kwimihlathi owesi-3 nowesi-4 womThetho wokuPhakanyiswa kokuLungisa kuLawulo wesi-3 ka-2000 (PAJA).
- Umhlathi we-195 woMgaqo-siseko uxela iinqubo ezisisiseko kunye nemithetho-siseko emele kuphatha ulawulo loluntu. Iquka ukukhuthazwa koluntu ukuba luthabathe inxaxheba ekwenziweni komgaqo-nkqubo kwaye kunikwe uluntu ulwazi kwangethuba, olufikelelekayo noluchanekileyo.

## Inkqubo engenamkhethe ithetha ukuba urhulumente kufuneka:

- azise abantu okanye uluntu ngelona nyathelo lolawulo (njengesigqibo esichaphazela amalungelo amalungu oluntu) afuna ukulithatha, *phambi* kokuba alithathe;
- anike isaziso esoneleyo ngesindululo kwaye anike abantu ithuba elifanelekileyo ukuba lunike izimvo nomelo. Oku kunokwenziwa ngeengxoxo zikawonke-wonke ngokunjalo nezimvo ezibhaliweyo;
- athathele ingqalelo izimvo kunye nomelo loluntu ngengqondo evulekileyo;
- abazise ngenyathelo lolawulo elithathiweyo kunye nezizathu zalo; kwaye
- avumele ukuba kwenziwe isibheni kwiqonga elingasentla ukuba ngaba isigqibo asanelisi.

## 5. Uthini umthetho woMzantsi Afrika ngothethathethwano olunokuba luncedo?

Isiseko sothethathethwano olunokuba luncedo sinokufunyanwa kwakhona kwimithetho kunye nemigaqo-nkqubo eyahlukeneyo, ubukhulu becala kwimimandla yezezindlu kunye norhulumente wengingqi.

Umthetho ongundoqo omalunga **nezezindlu** ngumThetho wezeziNdlu we-107 ka-1997. Lo mthetho uthi urhulumente wesizwe, owephondo nowengingqi kufuneka:

- adibane ngokunokuba luncedo nabantu kunye noluntu oluchatshazelwa luphuhliso lwezindlu; kwaye
- enze ukuba kwenzeke kubo bonke abo babandakanyekayo ukuba bathabathe inxaxheba kuphuhliso lwezindlu (umhlathi we- 2(1)(l); jonga kwakhona umhlathi we- 9(2)(a)).

Imigaqo-nkqubo yezezindlu kunye nezicwangciso zikarhulumente kufuneka zigxininise uthatyatho-nxaxheba loluntu oluchaphazelekayo kuyilo kunye nakuphuhliso lwezindlu. Oku kuxelwe kwiPhepha leNgcaciso yoMgaqo-nkqubo kwezeziNdlu (1994), elijolise ukukhokela urhulumente kumgaqo-nkqubo wezezindlu. Kukwakhankanyiwe kwiKhowudi yeziNdlu yeSizwe (2000) enezikhokelo malunga nomgaqo-nkqubo wezezindlu. (iKhowudi yezeziNdlu yahlaziywa ngo-2009 kodwa ayikathiwa thaca.)

Omnye wemimigaqo-nkqubo kuku'Qalwa kokuTsha' ('Breaking New Ground) kwakutsha nje: UYilo oluBanzi lokuPhuhliswa kweeNdawo zokuHlala ezinokuGcinakala (Agasti 2004). Ngokuqhelekileyo yaziwa njengokuba 'kukuQalwa kokuTsha' (Breaking New Ground') (BNG) kwaye ithi ukudibana nothatyatho nxaxheba loluntu zizigaba ezibalulekileyo kuphuhliso lwezindlu. UMgaqo-nkqubo wezezeNdlu weNtlalo woMzantsi Afrika (Julayi 2003) uthi abaxhamli kufuneka babandakanywe kulawulo nasekuphatheni izindlu abazikhethele zona. Ukwabeka umsebenzi kumaziko ezindlu zasekuhlaleni ukuba adibane nabahlali ngothatyatho nxaxheba olunokuba luncedo.

Uthatyatho nxaxheba olunokuba luncedo yimfuneko ebalulekileyo xa kufuna ukukhutshwa abantu apho bahlala khona phantsi komThetho woThintelo lokuKhutshwa okungekho mThethweni kunye nokuHlala eMhlabeni ngokungekho mThethweni we-19 ka-1998 (**umThetho we-PIE**). Ukwafuneka kulo lonke ukhutsho lwabantu kwiindawo abahlala kuzo kwimeko yophuhliso lwezindlu (*Abahlali*, isitanza sama-69 ne *PE Municipality*, isitanza sama-39 ukuya kwesama-45).

## UmThetho we-PIE

UmThetho we-PIE ukhusela 'abahlali kuloo ndawo ngokungekho mthethweni' ekukhutshweni okungahambelaniyo nomthetho. 'Abahlali ngokungekho mthethweni' ngabantu abahlala emhlabeni ngaphandle kwemvume yomnini okanye yomntu ophethe kuloo ndawo. Oku kuquka abaqashi abo iimvume zabo zipheliswe ngabanini beendawo. UmThetho we-PIE umisela izinto ezithile ekufuneka zenziwe phambi kokuba ukhutsho olo luvunywe. Umhlathi wesi-4 womThetho, umzekelo, uthi umnini makanike umhlali ngokungekho mthethweni kunye nomasipala wengingqi 'isaziso esibhaliweyo nesisebenzayo ngeenkqubo zokukhutshwa. Oku kufuneka kwenzeke okungenani kwiintsuku ezili-14 eziphambi kwetyala lenkundla lenkqubo yokukhutshwa. Isaziso kufuneka sixele ukuba:

- ukhutsho lufunwa phantsi kweyiphi na imihlaba;
- sixele umhla kunye nexesha ekuza kuviwa ngawo yinkundla isicelo sokukhutshwa; kwaye
- sazise umhlali ngokungekho mthethweni ngelungelo lakhe lokuvela phambi kwenkundla, ukuzithethelela etyaleni, okanye lokufaka isicelo soncedo lomthetho.

UmThetho we-PIE ukwathi **inkundla** kufuneka ithathele ingqalelo amalungelo kunye neemfuno zamaqela athile angakhuselekanga ngabahlali kwiindawo abangekho mthethweni. Aba ngabantu abadala, abantwana, imizi entloko zawo ingabasetyhini kunye nabakhubazekileyo. Ukuba ngaba u(aba)mhlali kuloo ndawo ongekho mthethweni uhleli kuloo isakhiwo/umhlaba ngaphezulu kweenyanga ezintandathu, uthi umThetho inkundla kufuneka icinge ngokuba ingaba ukhona na umhlaba ofumanekayo apho lowo m(ba)hlali ungekho mthethweni anokufuduselwa khona, okanye ingaba kungenziwa ukuba ufumaneke na umhlaba ngumnini wawo okanye ngumasipala wengingqi.

Kulapha ke apho lubaluleke khona 'uthethathethwano olunokuba luncedo'. Ukuba ngaba umntu okhutshiweyo kwindawo ebehlala kuyo uza kungabi nalo ikhaya, iinkundla zitolike umThetho we-PIE ngendlela ozivumelayo ukuba ziwale umyalelo wokukhutshwa okanye zithi urhulumente kufuneka abonelele ngenye indawo yokuhlala.

Ezi zinto zibalulekile ukuba ziqatshelwe:

- Umntu unokhukhutshwa kuphela ngokusekelwe kumyalelo wenkundla. Lo myalelo kufuneka wenziwe emva kokuthathela ingqalelo zonke iimeko ezibandakanyekayo – umzekelo, ukuba ingaba uthethathethwano olunokuba luncedo lwenzekile na kunye nokuba ingaba kufuneka inikwe na enye indawo yokuhlala;



- Umntu okanye uluntu lunokuya enkundleni ngokukhawuleza, nokuba alunagqwetha, kwaye
  - a. luxelele ijaji ukuba awukho umyalelo wenkundla ngokoMgaqo-siseko kunye nomthetho wokukhutshwa obandakanyekayo umz, umThetho we-PIE;
  - b. lucacise ukuba lixesha elingakanani bekuloo mhlaba okanye kweso sakhwiwo;
  - c. ukuchaza ukuba khangе kubekho thethathethwano olunokuba luncedo kwaye enye indawo yokuhlala ibonelelwe.
- Ukuba ngaba kukho umyalelo wenkundla wokuba abantu bakhutshwe kodwa lube uthethathethwano olunokuba luncedo lungenziwanga phambi kokuba unikwe umyalelo wokukhutshwa kwabantu, abo bachaphazelekayo kufuneka baye enkundleni ngokukhawuleza bakucacisele ijaji okanye umantyi oku.
- Inkundla ngeke ngokuqhelekileyo iyalele ukukhutshwa kwabantu abahlupheka kakhulu ukuba ngaba iyaxelwa ngamagqwetha ukuba ukukhutshwa oko kuyakukhokelela ekubeni bangabi nawo amakhaya.

Imithetho emisela inkqubo-sikhokelo **karhulumente wengingqi** ikwathetha malunga nokuthethathethana kunye noluntu. Umzekelo, umhlathi we-19(2) kaRhulumente weNgingqi: umThetho wamaQumrhu kaMasipala we-117 ka-1998 (umThetho wamaQumrhu) uthi ibhunga likamasipala malizijonge kwakhona iinkqubo zalo zokubandakanyeka koluntu nyaka ngamnye. Umhlathi we-19(3) uthi kufuneka aphuhlise iindlela zokudibana noluntu kunye nemibutho yoluntu ekwenzeni imisebenzi yakhe kunye nasekusebenziseni amagunya akhe. Umhlathi we-16(1) kaRhulumente weNgingqi: umThetho weNkqubo zikaMasipala wama-32 ka-2000 (umThetho weNkqubo) uthi urhulumente wengingqi kufuneka:

- akhuthaze kwaye adale iimeko ezinokwenza ukuba uluntu lwengingqi luthabathe inxaxheba kwimicimbi kamasipala, kuqukwa nobonelelo ngeenkongo;
- afake isandla kuphuhliso lwezakhono zoluntu lwengingqi ukuze lube nako ukuthabatha inxaxheba kwimicimbi kamasipala; kwaye
- asebenzise imithombo kunye nemali ekuhlahlo lwabiwo-mali lwakhe ukunceda abantu ukuba bathabathe inxaxheba.

Umhlathi we-17 womThetho weNkqubo uthi umasipala kufuneka abe neendlela neenkqubo ezifanelekileyo ukuze uluntu lwengingqi lukwazi ukuthabatha inxaxheba kwimicimbi kamasipala. Umzekelo, kufuneka abambe iintlanganiso zikawonke-wonke nezeengxoxo, iiseshoni zokudibana kunye nokunikwa kwengxelo koluntu lwengingqi. Xa esenza oku, umasipala

kufuneka athathele ingqalelo iimfuno ezikhethekileyo zalo maqela ahlelelekileyo, afana nabantu abangakwaziyo ukubhala nokufunda, abantu abakhubazekileyo, kunye nabasetyhini.

#### Amalungu oluntu anelungelo:

- lokufaka isandla kwiinkqubo zokwenziwa kwezigqibo zikamasipala ngokwenza izindululo zomlomo okanye ezibhalwe phantsi, umelo kunye nezikhalazo eziya kwibhunga likamasipala okanye kwelinye iqonga lwezopolitiko;
- ukucela iimpendulo kunxibelelwano lwabo kwaye bacele ukuba baziswe ngezigqibo zebhunga ezichaphazela amalungelo abo; kwaye
- bafune ukuba iinkqubo zivuleleke kuluntu (Umhlathi wesi-5(1) womThetho weNkqubo (Systems Act).

## 6. Uthini umthetho wamazwe ngamazwe ngothethathethwano olunokuba luncedo?

Umthetho wamazwe ngamazwe ubalulekile kuba:

- Udlale indima engundoqo ekuqulunqweni koMgaqo-siseko woMzantsi Afrika.
- Amalungelo amaninzi kuMgaqo-siseko ayafana nalawo afunyanwa kwiminqophiso yamazwe ngamazwe.
- Imihlathi owama-39 nowama-233 oMgaqo-siseko athi iinkundla kufuneka zithathele ingqalelo umthetho wamazwe ngamazwe xa zitolika amalungelo kuMgaqo-siseko.
- INkundla yoMgaqo-siseko ithe umthetho wamazwe ngamazwe ubonelela ngenkqubo-sikhokelo yokuhlola nokuqonda amalungelo kuMgaqo-siseko (*Makwanyane*, isitanza sama-35).

Inani lemimiselo yamazwe ngamazwe lithi kufuneka kubekhona uthethathethwano kunye nabanani abanamalungelo okanye uluntu ekuphonyezweni kwamalungelo entlalo-qoqosho. AmaNqakwana Jikelele eKomiti yeZizwe eziManyeneyo kumaLungelo ezoQoqosho, iNtlalo neNkcubeko (United Nations Committee on Economic, Social and Cultural Rights) (CESCR) yimizekelo emihle. Lamanqakwana Jikelele atolika amalungelo kwiSivumelwano samaZwe ngamaZwe kumaLungelo ezoQoqosho, iNtlalo neNkcubeko (International Covenant on Economic, Social and Cultural Rights) (ICESCR). Akwatolika nokuba yintoni ekufuneka yenziwe ngurhulumente ekuphumezeni amalungelo akwi-ICESCR. UMzantsi Afrika usayine i-ICESCR, okuthetha ukuba uzibophelele ekuhlonipheni imithetho-siseko ye-ICESCR.

Umthetho wamazwe ngamazwe uthi kufuneka kubekho ukudibana okukuko nokubanzi xa kuziwa kwilungelo kwizindlu ezoneleyo kunye nangokunxulumene nokukhutshwa okucetywayo kunye nokuhlaliswa ezindaweni okucetywayo. Umelo oluvela kubantu kunye noluntu oluchaphazelekayo malumenywe kwaye luthathelwe ingqalelo (jonga iNqakwana Jikelele lesi- 4 kwilungelo lezindlu ezoneleyo (1991) izitanza ese-8 nese-12; iNqakwana Jikelele lesi-7 kwilungelo lezindlu ezoneleyo kumxholo wokukhutshwa okunyanzelwayo (1997) izitanza ese-13 nese-15).

Kwakhona, imiThetho-Siseko esiSisiseko kunye neziKhokelo ekuKhutshweni okuSekelwe kuPhuhliso nokuThathelwa iNdawo yeZizwe eziManyeneyo (2007) ithi onke amaqela kunye nabantu abanokuba bachaphazelekile banelungelo lokufumana ulwazi olubalulekileyo kunye 'nokudibana kunye nothabatho nxaxheba olupheleleyo' ngexesha lonke lenkqubo yokukhutshwa (isitanza sama-38). Amanyathelo akhethekileyo kufuneka athathwe ukuze bonke abantu abachaphazelekayo, kuqakwa abasetyhini nabangakhuselekanga kunye namaqela angasiweso, aqukiwe kwinkqubo yokudibana (isitanza sama-39).

Izikhokelo kunye nemithetho-siseko ikwathi iinkqubo zophuhliso ezinokukhokelela ekususweni kwabantu kumakhaya abo kufuneka zibe nezinto ezithile ezakhelwe kuzo (isitanza sama-37). Umzekelo, iziphathamandla mazisasaze ulwazi olubalulekileyo kwangaphambili. Iingxoxo zokunika ulwazi uluntu kufuneka zibanjwe ngoyilo kunye neendlela ezizezinye ezicetywayo. Ezi zinokunika amathuba okucela umngeni kwisigqibo sokukhutshwa okanye zithi thaca izindululo ezizezinye, kwaye zivakalise iimfuno ezahlukeneyo kunye nokubalulekileyo ngokokuza kuqala kuphuhliso.

I-CESCR ikwathi ukudibana okukuko kubaluleke kakhulu ngakumalungelo okhuselo lwasekuhlaleni, amanzi, impilo nomsebenzi. Ithi:

- Phambi kokuba urhulumente okanye naliphi na elinye iqela lesithathu lithathe nawaphi na amanyathelo aphazamisana namalungelo abantu kukhuselo lwasekuhlaleni kunye nasemanzini, kufuneka kubekhona ithuba 'lokudibana okusulungekileyo' kunye nabo bachaphazelekayo. Ulwazi olupheleleyo nolugqibeleleyo kumanyathelo acetywayo kufuneka abonelelwe kwangethuba (iNqakwana Jikelele le-19 kwilungelo lokhuselo lwasekuhlaleni (2008) isitanza sama-78); iNqakwana Jikelele le-15 kwilungelo lamanzi (2003) isitanza sama-56).
- Ilungelo labantu kunye namaqela lokuthabatha inxaxheba kwiinkqubo zokwenziwa kwezigqibo kufuneka libe yinxenye yawo nawuphi na umgaqo-nkqubo, inkqubo okanye isicwangciso esiphuhlisela ukuhlangabezana nezibophelelo zikarhulumente kumalungelo empilo,

amanzi nomsebenzi (iNqakwana Jikelele le-14 kwilungelo lowona mgangatho uphezulu unokufumaneka wempilo (2000) isitanza sama-54; iNqakwana Jikelele le-15 (2003) isitanza sama-48; iNqakwana Jikelele le-18 kwilungelo lomsebenzi (2006) isitanza sama-42).

Kwakhona, umthetho wamazwe ngamazwe ugxininisa ilungelo lamaqela athile angakhuselekanga akhankanywe kumThetho we-PIE (afana nabasetyhini kunye nabadala) lokuba athabathe inxaxheba kuphuhliso nasekuphunyezweni komgaqo-nkqubo. Umzekelo, umhlathi we-14 iNgqungquthela yokuPheliswa kwazo zoNke iiNtlobo zoCalulo olubhekiselwe kwabaseTyhini (Convention on the Elimination of All Forms of Discrimination against Women) (1979) (CEDAW) uthi **abasetyhini banelungelo lokuthabatha inxaxheba**, ngokulinganayo, kuyilo lophuhliso kumanqanaba onke. UMzantsi Afrika uyamkele i-CEDAW kwaye ke ubotshelwe yiyo. Kwakhona, i-CESCR igxininisa **ilungelo labadala** lokuba bathabathe inxaxheba ekwenziweni nasekuphunyezweni kwemigaqo-nkqubo echaphazela ngqo ukuphila kwabo. Oku kukwiNqakwana Jikelele lesi-6 kumalungelo ezoqoqosho, intlalo nenkcubeko abantu abadala (1995) (izitanza ese-5 nesama-39).

### Apho uwufumana khona umthetho wamazwe ngamazwe

- AmaNqakwana Jikelele afumaneka kwi internet ku [www2.ohchr.org/english/bodies/cescr/comments.htm](http://www2.ohchr.org/english/bodies/cescr/comments.htm)
- ImiThetho-siseko neziKhokelo eziSisiseko zifumaneka kwi internet ku [www2.ohchr.org/english/issues/housing/docs/guidelines\\_en.pdf](http://www2.ohchr.org/english/issues/housing/docs/guidelines_en.pdf)
- I-CEDAW ifumaneka kwi internet ku-[www2.ohchr.org/english/law/cedaw.htm](http://www2.ohchr.org/english/law/cedaw.htm)[EB]

Kwinqanaba lommandla we-Afrika, iKomishini ye-Afrika yamaLungelo abaNtu yathi oorhulumente kufuneka banike amathuba anokuba luncedo kubantu ukuba baviwe kwaye bathabathe inxaxheba kwizigqibo zophuhliso ezichaphazela uluntu lwabo. Le yimfuneko kuMqulu wase-Afrika wamaLungelo abaNtu kwaye yaphuhliswa kwityala le-*SERAC* (isitanza sama-53). UMzantsi Afrika uwamkele uMqulu wase-Afrika kwaye ke ngoko ubotshelwe nguwo.

## 7. Ziyintoni iinjongo kunye nomxholo wothethathethwano olunokuba luncedo?

Inkqubo yothethathethwano olunokuba luncedo iqinisekisa ukuba urhulumente uzalisekisa izibophelelo zakhe zomgaqo-siseko zokufezekisa amalungelo entlalo-qoqosho. Oku kuthetha ukuba inkqubo yothethathethwano olunokuba luncedo ibaluleke kakhulu ekuqinisekiseni ukuba iinkqubo zophuhliso ezizama ukufezekisa amalungelo entlalo-qoqosho ziyasebenza kwaye zinokugcinakala, kwaye zincipha uluntu oluhluphekayo. Uthethathethwano olunokuba luncedo kukuvakaliswa kwedemokhrasi yothatyatho nxaxheba 'eqala ezantsi isiya phezulu'. Iphakamisa ukungafihli kunye nokuthatha uxanduva ekufezekisweni kwamalungelo entlalo-qoqosho. Inganegalelo kwakhona ekusombululeni iimbabano.

### Ukuqonda nokuhlonipha kuthelekiswa nesivumelwano

Ukuqondana okuhlanganyelweyo, intlonipho kunye nokwamkela okukhathaza omnye nomnye kufuneka ibe lujoliso olungundoqo lothethathethwano olunokuba luncedo, endaweni yokufikelela kwisivumelwano (i-*Joe Slovo*, isitanza sama-244).

Uthethathethwano olunokuba luncedo lukwavakalisa isidima sabemi (kunye nesabo bangengabo abemi) eMzantsi Afrika. Kwityala i-*Joe Slovo*, iNkundla yoMgaqo-siseko yathi 'imfuneko yokuthethathethana isuka kwimfuno yokuphatha abahlali ngentlonipho kunye nokukhathalela isidima sabo' (isitanza sama-238; jonga kwakhona kwisitanza sama-261 nesama-406; kwi-*Olivia Road*, isitanza se-10 ukuya kwese-11 kunye naku-*Grootboom*, isitanza sama-83). Ityala i-*Joe Slovo* lalimalunga nokukhutshwa kwabantu kwiindawo abahlala kuzo kuluntu lwamatyotyombe oluninzi ukuze kunikwe ithuba lenkqubo yophuhliso lwezindlu karhulumente. INkundla kwakhona yathi kweli tyala 'uthethathethwano nabantu lubonisa intlonipho kunye nokukhathalela isidima sabantu'. Kwenza ukuba urhulumente aqonde iimfuno kunye nokukhathaza imizi ngaminye ukuze, apho kwenzekayo khona, athathe amanyathelo okuhlangabezana noko kubakhathazayo' (isitanza sama-238).

Ukuba uthethathethwano olunokuba luncedo lwenzeka *phambi* kokukhutshwa kwabantu, lunokuthintela abantu abangonelisekanga ekubeni baye enkundleni. Oku kuthetha ukuba urhulumente kunye noluntu baneengxoxo ezinokuba luncedo malunga nesimo umzekelo, ukuba nokwenzeka **kolungiso behleli-apho** okanye, ngenye indlela, ukufuduselwa kwenye indawo ekufutshane. Konga ixesha nemali ekuhambeni kwexesha. Esi sisisombululo esifanelekileyo.

## Ukulungiswa abantu *behleli-apho*

- Ulungiso abantu *behleli-apho* aluthethi ukuba kufunela kubekho ukufuduswa. Lubandakanya uphazamiso oluncinane kufuduso lweendawo zokuhlala kangangoko kunokwenzeka.
- INkqubo yokuLungiswa kwamaTyotyombe (Oktobha 2004), iSahluko se-13 seKhowudi yeSizwe yeziNdlu, ithi inkxaso karhulumente iyafumaneka koomasipala kulungiso lwamatyotyombe abantu *behleli-apho*, oko kunika ukhuselo lomiwo mhlaba, iinkonzo ezisisiseko zikamasipala, izinto eziluncedo kwintlalo nakuqoqosho kunye nokuxhobisa abahlali basematyotyombeni. Kubalulekile ukuqaphela ukuba iNkqubo iyatsho ukuba abantu banokusiwa kwenye indawo kwaye bahlaliswe apho ngenxa yeenkqubo zophuculo, kodwa *kuphela ukuba ayikho enye indlela kwaye ngaphandle kwakwiimeko ezikhethekileyo*.
- Kwityala i-*Abahlali*, iNkundla yoMgaqo-siseko yathi 'akukho kukhutshwa kwabantu kwiindawo abahlala kuzo [ngokomThetho we-PIE] kufuneka kwenzeka de zibe iziphumo zothethathethwano olululo ziyaziwa'. Yathi 'uthethathethwano olululo luyakuquka ukuthathelwa ingqalelo okufanelekileyo kweminqweno yabantu abaza kukhutshwa kwiindawo abahlala kuzo; *nokuba imimandla abahlala kuyo inokulungiswa behleli-apho*; nokuba kunokubakhona enye indawo yokuhlala. Uthethathethwano lunokuquka indlela yokukhutshwa kwabantu kwiindawo abahlala kuzo kunye namaxesha amiselwe ukukhutshwa kwabo' (*Abahlali*, isitanza se-114). Ngoko ke ukukhutshwa kwabantu okanye ukusiwa kwabo kwenye indawo ihlala iyeyona nto yokugqibela, kwaye kuphela emva kokuba ukulungiswa *behleli-apho* sele kuthathelwe ingqalelo.

Ukuba ngaba iinkundla ziyalela uthethathethwano, ziphakamisa uthatyatho nxaxheba lwabo bahluphekayo ekubeni beze nesisombululo. Oku kunceda ekuphumezeni isisombululo kwaye kuqinisekise ukuba sifanelekile kwaye sinokugcinakala. Ekuhambeni kwexesha, kukwalondoloza ixesha nemali karhulumente kwaye kuqinisekise ukuba abantu banofikelelo olupheleleyo kumalungelo abo entlalo-qoqosho.

Kwityala i-*Olivia Road*, iNkundla yoMgaqo-siseko yadwelisa ezinye zeenjongo zokuthethathethana. Ezi njongo ziyakusebenza kwizimo apho umasipala afuna ukukhupha abantu apho bahlala khona, nabasenokungabi namakhaya ngenxa yoko. Injongo zothethathethwano kwesi simo ziyakuba kukufumanisa ukuba:

- zinokuba yintoni iziphumo zokukhutshwa kwabantu;
- ngaba isixeko sinokunceda na ekuphuculeni ezo ziphumo;

- ngaba kungenzeka ukwenza izakhiwo zikhuseleke zingani nangozi ingako yempilo ixeshana;
- ingaba isixeko sinazo naziphi na izibophelelo kubahlali kwezo ndawo; kwaye
- isixeko siyakuziphumeza nini kwaye njani ezo zibophelelo.

## Iinjongo zixhomekeka kwisimo

Alukho uluhlu oluvaliweyo lweenjongo zothethathethwano. Iinjongo zixhomekeka kwisimo esithile. Ayingorhulumente kuphela otshoyo ukuba zeziphi ezi njongo.

Sakube isigqibo sokukhupha abantu sithathiwe, uthethathethwano kakhulu luyakuba ngokuhlaliswa kwezinye iindawo kwabantu kunye nohlobo lwendawo yokuhlala eyenye. Oku ngokucacileyo akuyi kuba kuk lulo uthethathethwano olunokuba luncedo olugqwesileyo, kananjalo. Kwityala i-*Joe Slovo*, umzekelo, eminye yemiba amaqela ekufuneka abandakanyeke kuyo ibe (isitanza se-7(11)):

- kukufumana amagama, iinkcukacha kunye neemeko ezikhethekileyo zobuqu zabo bachatshazelwa kukusiwa kwenye indawo ngakunye;
- elona xesha ngqo, indlela kunye neemeko ukusiwa kwenye indawo okuya kwenzeka phantsi kwazo;
- iiYunithi zokuHlala zeXeshana (Temporary Residential Units) (TRUs) ezingqalileyo eziza kwabelwa abo basiwa kwenye indawo;
- uthutho lwabo bazakusiwa kwenye indawo kunye neseempahla zabo;
- izibonelelo zothutho kwizinto eziluncedo ezufana nezikolo, izibonelelo zempilo kunye neendawo ekusetyenzwa kuzo; kunye
- umbuzo wamva, izindlu zesigxina, kuqukwa nolwazi lwendawo abemi kuyo abantu kuluhlu lokulindla izindlu kunye nokubanceda bagcwalise amaxwebhu ezicelo zenkxaso yezindlu.

Malunga nolungiselelo lweenkonzo jikelele, umhlathi we-4(2) womThetho weeNkqubo uthi iBhunga likamasipala kufuneka likhuthaze ukubandakanyeka koluntu lwengingqi 'kwinqanaba, umgangatho, uluhlu neempembelelo zeenkono zikamasipala ezibonelelwayo' kunye 'neendlela ezinokukhethwa ezifumanekayo zokufezekiswa kweenkonzo'. Ukudibana apha akufani naxa inkundla iyalela inkqubo yothethathethwano enokuba luncedo, kodwa imithetho-siseko yona iyafana. Ukubaluleka kwenkqubo yokudibana eyiyo kulungiselelo lweenkonzo kubaluleke ngokufanayo njengakumatyala okukhutshwa kwabantu, ngazo zonke ezi zizathu zichazwe ngasentla.

Ityala i-*Mazibuko*, umzekelo, lalimalunga nelungelo lokufikelela emanzini. INkundla ePhakamileyo yathi abantu abachaphazelekayo abanikwanga isaziso

esoneleyo, zange bacetyiswe ngamalungelo abo omthetho kwaye zange banikwe ulwazi ngoncedo olufumanekayo. Yathi ngokwenkqubo oku bekungafaneleknaga kwaye ukudibana kungonelanga (izitanza ese-121 ukuya kwese-122). Elityala lenza kucace ukuba izaziso mazingakhutshwa njengendlela yokuthengisa isigqibo esele senziwe njengokumsebenzi wonxulumano noluntu.

### **Uxanduva lukamasipala lokuthethathethana**

Kwityala i-*Olivia Road*, iNkundla yathi abantu abaza kukhutshwa kwiindawo abahlala kuzo banokuziva bengakhuselekanga kangangokuba bangakuqondi ukubaluleka kothethathethwano. Banokwala ukuthabatha inxaxheba kwinkqubo. Ukuba oku kuyenzeka, umasipala ngeke avele ayiphelise nje inkqubo. Endaweni yoko kufuneka azame uthethathethwano ngokungaphaya. Unokuqhuba kuphela ngaphandle kothethathethwano olufanelekileyo ukuba ngaba wenze iinzame ezifanelekileyo kwaye azaphumelela. (i-*Olivia Road*, isitanza se-15).

## **8. Kufuneka lwenzeke nini uthethathethwano?**

INkundla yoMgaqo-siseko ithi uthethathethwano ngokuqhelekileyo kufuneka lwenzeke phambi kokuba imiba iye enkundleni, hayi emva koko (*Olivia Road*, isitanza sama-30; *Abahlali*, isitanza se-119 ukuya kwese-120). Kwimeko yezindlu, oku kuthetha ukuba akukho zinkqubo zokukhupha abantu kufuneka ziqalwe de abe urhulumente okanye umasipala uthethathethane nabantu ababandakanyekayo kunye nabanye abaza kuchaphazeleka. INkundla ikwathe kwityala i-*Abahlali* ukuqala uthethathethwano emva kokuba sele yenze isigqibo sokuqalisa ngenkqubo yokukhupha abantu kwiindawo abahlala kuzo ngeke ibeyiyo okanye ibe luncedo (isitanza se-120). Koko, kwityala i-*Joe Slovo*, uthethathethwano lwayalelwa njengenxeny yomyalelo wokukhupha abantu kwiindawo abahlala kuzo. Kwakunxulumene nenkqubo yokuhlaliswa kwenye indawo.

### **Amanqaku abalulekileyo amawathathelwe ingqalelo**

- Uthethathethwano olunokuba luncedo ayiyonto nje ekufuneka yenziwe phambi kokuba ufumane umyalelo wokukhupha abantu apho bahlala khona. Awukho malunga nokuphawula iibhokisi nje ngokulula.
- Ukuba uthethathethwano lwenzeka njani kwaye siyintoni isiphumo salo kuneempembelelo ezibalulekileyo ekubeni ingaba ukukhutshwa kwabantu apho bahlala khona kunobulungisa na kwaye kusemdleni woluntu kusini na.
- Kuyakuba kuchasene nomgaqo-siseko ukuba kubekho umthetho ovumela iinkqubo zokukhupha abantu ukuba ziqalwe ngaphandle kothethathethwano olufanelekileyo nolunokuba luncedo.



Uthethathethwano olunokuba luncedo kufuneka lwenzeke *phambi* kokuba kucetywe imigaqo-nkqubo, izicwangciso okanye iinkqubo zophuhliso. Kufuneka kwakhona lwenzeke ngexa ziphonyezwa kunye naxa zihlolwa. Ngoko ke kubalulekile ukuba urhulumente athethathethane ngokunokuba luncedo noluntu phambi kokuba enze isigqibo sokuba aqhube na nokubakhupha abantu kwiindawo abahlala kuzo okanye nophuhliso lwezindlu okanye umgaqo-nkqubo onokuchaphazela amalungelo abantu.

## 9. Yintoni eyenza ukuba uthethathethwano lube 'luncedo'?

Le mithetho-siseko nezikhokelo ezilandelayo zokuqinisekisa ukuba inkqubo yothethathethwano enokuba luncedo ixeliwe kwizigqibo zeNkundla yoMgaqo-siseko (jonga i-*Olivia Road*, isitanza ese-13 ukuya kwese-15 nese-19 ukuya kwesama-21; i-*Joe Slovo*, izitanza ze-117, 247, 238, 261, 378, 380):

- Abahlali okanye uluntu kufuneka baphathwe njengamaqabane ekwenziweni kwezigqibo, endaweni yokuba bafumane ulwazi olumalunga nezigqibo ezidluliselwa kubo nje.
- Uthethathethwano malwenziwe nabantu kunye noluntu kubantu beziziqu kunye nabantu beyintlanganisela.
- Inkqubo yokuthethathethana kufuneka ilawulwe ngabantu abanononophelo nabavakalelwayo.
- Uthethathethwano kufuneka luquke nabanye ababandakanyekayo. Ii-CSO ezixhasa amabango abantu kufuneka ziququzelele inkqubo yothethathethwano ngandlela yonke enokwenzeka. Amaqonga kufuneka asekwe kwaye abe nabasebenzi bebhunga abawufaneleyo umsebenzi wabo kwaye abavakalelwayo kwaye abanezakhono kuthethathethwano.
- Iindlela ezithembakeleyo nezinokuba luncedo zonxibelelwano kufuneka zigciniwe. Kufuneka kubekho amajelo onxibelelwano avulekileyo.
- Uthethathethwano malube yinkqubo yonxibelelwano endlela-mbini, apho omabini amaqela amamelanayo kwaye azame ukuqonda imbono zelinye.
- Omabini amacala kufuneka asebenze ngokufanelekileyo nangomoya omhle.
- Inkqubo mayingenziwa emfihlakalweni.
- Iingxelo egqibeleleyo nechanekileyo ngenkqubo yothethathethwano kufuneka inikezwe. Ezingxelo kufuneka okungenani ziquke iinzame ezifanelekileyo zikamasipala kuthethathethwano.

- Inkqubo yothethathethwano kufuneka yakhiwe, ilungelelaniswe, ifane kwaye ibe banzi, ingakumbi apho amanani amaninzi abantu anokuchaphazeleka. Yiloo nto, uthethathethwano kufuneka luphuhliswe njengenkqubo emiselwe ixesha elide.
- Ukuthethana okungacetywanga kunokufaneleka kumasipala omncinane apho, mhlawumbi, ukukhutshwa endaweni ohlala kuyo lwenzeka kanye okanye kabini kunyaka ngamnye, kodwa ke oku akufanelekanga kwaphela kumasipala omkhulu. Oku kubanjalo ingakumbi apho ukhutsho olunokubakhona luyinxenye yenkqubo yophuhliso.
- Amaqela kufuneka athathe amanyathelo okuqala angakhuseli nje kuphela. Kufuneka abonise amanyathelo ekhangela esisombululo
- Amaqela mawangezi ecinga ngento enye angafuni ukujika kuyo okanye abe nenkani. Kufuneka bangayonakalisi ngabom inkqubo yothethathethwano ngokubanga izinto ekungenakuthethathethwana ngazo, nezingafanelekanga.
- Amaqela mawabekele ecaleni iyantlukwano yawo yamathuba athile ajolise ekuphumezeni oko bavumelana kuko.

### Ukubandakanya nabanye ababandakanyekayo

Ukubandakanya nabanye ekusetyenziswana nabo kwinkqubo yothethathethwano kuxhaswa yinto ethethwe yiNkundla yoMgaqo-siseko kwi-*New Clicks* (isitanza sama-627) yokuba 'onke amaqela anomdla, hayi abo kuphela amalungelo abo anokuchaphazeleka ngokungalunganga, anelungelo lokwazi ukuba wenza ntoni na urhulumente, kwaye njengabemi abazikhathazayo, babe nalo ilizwi elifanelekileyo'. Kutsha nje ku*Mamba* (isitanza soku-1) inkundla yayalela ukuba abo babandakanyekayo nabo babandakanywe kwinkqubo yothethathethwano.

Eminye imithetho-siseko kunye nezikhokelo ezibalulekileyo kwinkqubo yothethathethwano ukuba lube 'luncedo' iquka le ilandelayo:

- Ulwazi olubalulekileyo kufuneka lufikeleleke kwaye lungafihli nto, Unxibelelwano kufuneka lwenziwe ngendlela ethathela ingqalelo ukhetho lolwimi kunye neemfuno ezikhethekileyo zabantu. Abathabathi nxaxheba kufuneka bazi kwangaphambili ukuba yintoni ezakube kuxoxwa ngayo kwingxoxo.
- Izaziso ezifuna izimvo zoluntu kwimigaqo-nkqubo, izicwangciso neenkqubo zophuhliso kufuneka zenziwe zifikeleleke ngokungaphaya kuluntu.
- Abathabathi nxaxheba kufuneka bachongwe ngokuchanekileyo, kuqakwa abaxhamli, amaqela achaphazelekayo nanomdla kunye nabo babandakanyekayo.

- Indawo yothethathethwano kufuneka kube lula ukufikelela kuyo luninzi lwabathabathi nxaxheba.
- Abathabathi nxaxheba kufuneka bakwazi ukuthetha ngokukhululekileyo.

### Ugunyaziso ngokusemthethweni kwesivumelwano ziinkundla

- Ngokuqhelekileyo iiNkundla ziyakuthathela ingqalelo kwaye zihlole imiqathango yesivumelwano evela kuthethathethwano eluyaleleyo. Ukusilela ukufikelela kwisivumelwano ikwayinto inkundla enokuyithathela ingqalelo (i-*Joe Slovo*, isitanza se-139 ne-*Olivia Road*, isitanza sama-30).
- Kananjalo, inkundla ayiyikuhlala izivuma izivumelwano ezenziwe emva kokuthethathethana (i-*Olivia Road*, isitanza sama-30), ingakumbi apho bekukho iingxaki kwinkqubo.
- Kubalulekile ukucela imvume yenkundla yesivumelwano sothethathethwano phambi kokuba sisebenze.

## 10. Iyintoni indima yeenkokheli zoluntu kwinkqubo yothethathethwano?

Abantu abamele uluntu kwinkqubo yothethathethwano banoxanduxa olubalulekileyo. Kufuneka:

- bazise onke amalungu ngenkqubo yothethathethwano kuselithuba;
- bachaze ngokucacileyo ukuba yeyiphi na imiba kwaye iza kuba malunga nantoni na inkqubo yothethathethwano;
- babeke izaziso malunga nothethathethwano apho abantu abaqhelekileyo banokuzibona, ukuphepha ukuba kungashiywa ngaphandle nawuphi na umntu. Ezi zaziso kufuneka zithathele ingqalelo ulwimi olukhethwayo;
- baqinisekise ulingano kumelo phakathi kwabasetyhini kunye namadoda, kunye naphakathi kwabemi kunye nabo bangengobemi;
- basebenzise inkcubeko kunye nezicwangciso eziqhelekileyo kuluntu;
- baququzelela ukonyulwa kwabameli ngendlela engenamkhethe. Kuthethathethwano oluqhubekayo, kufuneka baqinisekise ukuba abameli bayatshintshwa baphinde bonyulwe kwakhona kuthethathethwano ngalunye;
- badlulisele zonke izigqibo kuluntu phambi kokuba kugqitywe ngazo.

Iinkokheli zoluntu ezichubekileyo zibaluleke kakhulu ukuze zenze inkqubo yothethathethwano ibe yimpumelelo. Indima yabo ayipheli xa kufikelelwe kwisivumelwano. Ibalukekile:

- ekuphumezeni okuyelelwa yinkundla;
- ukuncedisa ukusa abantu kwezinye iindawo zokuhlala; kunye
- nonxibelelwano phakathi koluntu, **amagqwetha** kunye namagosa karhulumente.

### Indima yamagqwetha kwinkqubo yothethathethwano

Amagqwetha anendima ebalulekileyo ekuququzeleleni iimeko eziyimfuneko kuthethathethwano olunokuba luncedo. Oku kubalulekile ingakumbi apho uthethathethwano luyalelwa yinkundla. Indima yawo ikwabalulekile lwakube ukhutsho luyalelwe. Umzekelo, amagqwetha ayakunika ingcebiso ngomthetho kunye nangomgaqo-nkqubo, aqinisekise ukuba ulwazi olufunekayo kuthethathethwano lunikwa ngendlela enokufikeleleka, kwaye achange axhobise neenkohlakali zoluntu ezifanelekileyo. Indima yegqwetha ayipheli xa kufikelelwe kwisivumelwano. Abalulekile ekuqinisekiseni ukuba uphunyezo lwesivumelwano alukhethe cala kwaye luyasebenza.

## 11. Isishwankathelo sezigqibo ezikhethiweyo ezibalulekileyo

*Abahlali base-51 Olivia Road, Berea Township, nabaNye v iSixeko sase-Johannesburg kunye nabaNye 2008 (5) BCLR 475 (CC)*

### Okwenzekileyo nesigqibo

Eli tyala yaba sisicelo esiya kwiNkundla yoMgaqo-siseko esivela kubahlali bebhena kwiNkundla ePhakamileyo yeziBheno (Supreme Court of Appeal's) (SCA) ngesigqibo sokuvumela ukukhutshwa kwabo. I-SCA yagunyazisa ukukhutshwa kwabahlali bezakhiwo ezibini kumbindi wesixeko sase-Johannesburg ngenxa yokuba izakhiwo zazingakhuselekanga kwaye zingekho mpilweni. Emva kokuba iNkundla yoMgaqo-siseko ilivile ityala kwaye phambi kokuba yenze isigqibo, yayalela ukuba amaqela athethathethane ngokunokuba luncedo elinye nelinye ukuze kupheliswe iingxaki zabafaki sicelo (abahlali), kunye nolungiselelo lwenye indawo yokuhlala esisigxina. Amaqela afikelela kwisivumelwano, esaye sagunyaziswa yiNkundla saze saphunyezwa kamva. Kwisigwebo sayo, iNkundla yoMgaqo-siseko yathi:

- Umasipala kufuneka athethathethane ngokunokuba luncedo nabantu phambi kokuba abakhuphe ukuba bazakusala bengenamakhaya emva kokukhutshwa.

- Ngexa iSixeko kufuneka sidlize izakhiwo ezingakhuselekanga nezingenampilo, sikwanomsebenzi ngokomgaqo-siseko wokunika ufikelelo kwizindlu ezoneleyo. Oku kuthetha ukuba kufuneka sithathele ingqalelo yokuba abantu bangabi nawo amakhaya xa sisenza isigqibo sokubakhupha.
- Umhlathi we-12(6) womThetho weMimiselo wezaKhiwo zeSizwe kunye nemiGangatho yezaKhiwo we-103 ka-1977 wenza ukuba ibe lulwaphulo-mthetho ukuhlala kwizakhiwo emva kokunikwa isaziso sokukhutshwa siSixeko kodwa phambi kokuba iNkundla iyalele ukukhutshwa. Oku kuchasene nomgaqo-siseko kuba kuphikisana nomhlathi wama-26(3) woMgaqo-siseko, othintela ukukhutshwa okungaziswanga.

### Amanqaku abalulekileyo

- Umasipala okhupha abantu kumakhaya abo ngaphandle kokuba kubekho uthethathethwano olunokuba luncedo kuqala nabo wenza izinto ngendlela echasene nomoya kunye nenjongo yezibophelelo zakhe ezikumgaqo-siseko (isitanza se-16).
- Umhlathi wama-26(2) woMgaqo-siseko uthi umasipala kufuneka aphendule ngendlela efanelekileyo kwabo bantu banokungabi nawo amakhaya athethathethana nabo (isitanza se-18).
- UMgaqo-siseko ubeka umsebenzi kumasipala wokuba athethathethane ngokunokuba luncedo nabantu abanokungabi nawo amakhaya ukuba uyabakhupha. Ngoko ke, xa ezama ukukhupha abantu umasipala, inkundla kufuneka ithathele ingqalelo yokuba ingaba lube khona na uthethathethwano olunokuba luncedo oluthobela umhlathi wama-26(3) woMgaqo-siseko (izitanza ese- 18 nesama-21).

*Abahlali boluNtu lwase-Joe Slovo Community, eNtshona Koloni v iThubelisha Homes nomNye iTyala 2009 (9) BCLR 847 (CC)*

### Okwenzekileyo nesigqibo

Eli tyala lalimalunga nokukhutshwa koluntu oluninzi kwaye olwasele luzinzile kumakhaya alo kumatyotyombe ase-Joe Slovo eKapa. Bakhutshwa ukuze kuqhutywe ngeProjethi yeziNdlu ye-N2 Gateway. Le projethi yayiyiprojethi yolingo yokuvavanya ukuphunyezwa kwenkqubo ye-BNG. INkundla yoMgaqo-siseko yayalela ukuba abahlali abebekhutshiwe mabafunelwe enye indawo. Ukwenza ukuba ukukhutshwa 'kubenobulungisa kwaye kufaneleke', iNkundla yabeka kwakhona iimfuneko ezithile:

- Yaxela ngokweenkcukacha umgangatho kunye nobunjani bezindlu zexeshana apho abantu banofuduselwa khona, kuqukwa nolungiselelo lweenkonzo kunye nezibonelelo..
- Yayalela abamangalelwa kweli tyala (iThubelisha Homes, uMphathiswa weSizwe weziNdlu kunye noMphathiswa woRhulumente beeNgingqi neziNdlu wePhondo) ukuba bathethathethane ngokunokuba luncedo nabahlali ngexesha elimiselweyo lokufuduswa kunye nokudibana nabahlali abachaphazelekayo kufuduso ngalunye.
- Yayalela ukuba abamangalelwa baqinisekise ukuba umyinge wama shumi asiXhentele ekhulwini (70%) samakhaya amatsha azakwakhwa e-Joe Slovo abelwe abahlali bangoku base-Joe Slovo, okanye abo babesakuba ngabahlali abafudukela e-Delft ngaphambili ukuze bavule indlela yeProjethi ye-N2 Gateway.

Umyalelo wokukhutshwa waye warhoxiswa yiNkundla yoMgaqo-siseko. Ngexa lenkqubo yokuthethathethana, kwaye kwafunyaniswa ukuba akukho mali okanye mhlaba wonelayo wokuphumeza umyalelo wokukhutshwa kwabantu. Kwaye kwakhona nezinye iimpazamo ezinkulu kwiProjethi ye-N2 Gateway. Ukuba nokwenzeka kolungiso abantu *behleli-apho* e-Joe Slovo ngoku kusaphandwa.

### Amanqaku abalulekileyo

- Iya kuba kokufanelekileyo ukuba urhulumente athethathethane nabantu ngabanye kwaye nosapho ngalunye olubandakanyekayo ngononophelo (isitanza se-117).
- Urhulumente makenze umzamo wokuthethathethana noluntu kunokuwisa izigqibo ezithathwe kwinqanaba lezopolitiko (isitanza se-166).
- Xa kusenziwa inkqubo yezindlu, kufuneka kubekho uthethathethwano olunokuba luncedo phakathi kukarhulumente kunye nabo babandakanyekayo (isitanza sama-238).
- Inkqubo yokuthethathethana ayifuni ukuba amaqela avumelane ngomba ngamnye. Injongo kukufumana isisombululo esamkelekileyo esihlanganyelweyo kwimiba enzima ejongene norhulumente kunye nabahlali ekuboneleleni ngezindlu ezoneleyo (isitanza sama-244).
- Urhulumente kufuneka athethathethane ngokunokuba luncedo ngokomhlathi wama-26(2) woMgaqo-siseko. Kufuneka kwakhona athathe amanyathelo ngokungenamkhethe ngokomhlathi wama-33 woMgaqo-siseko, njengoko kuchaziwe kwi-PAJA (isitanza sama-297). Ezi mfanelo zimbini kufuneka ziqondwe kunye.

## Okwenzekileyo nesigqibo

Eli tyala laba ngumceli mngeni kumThetho waKwaZulu-Natal wokuPheliswa nokuThintelwa kokuGxunyekwa kwaKhona kweeNdawo ezikwiSimo esibi ezinoMgangatho oPhantsi wesi-6 ka-2007 (umThetho weeNdawo ezikwisimo esibi ezinoMgangatho oPhantsi). Lo mthetho ujolise ekupheliseni iindawo ezikwisimo esibi ezinomgangatho ophantsi KwaZulu-Natal. Uvumela ukukhutshwa kungekho luthethathethwano olunokuba luncedo. Umhlathi we-16 womThetho uthi umasipala kufuneka aqalise iinkqubo zokukhutshwa kwabahlali abengekho mthethweni ukuba ngaba umnini okanye umntu ophethe umhlaba uyasilela ukukwenza oko kwithuba lexesha elixelwe yi-MEC. Kwaye kwacelwa umngeni kulo mhlathi kwityala i-*Abahlali*. INkundla yoMgaqo-siseko yathi:

- Umhlathi we-16 womThetho awukho ngokomgaqo-siseko. Unika amagunya amaninzi i-MEC kwaye uthathela phantsi kakhulu ukhuselo olukumhlathi wama- 26(2) loMgaqo-siseko (funda kunye nomnye umthetho wezindlu).

## Amanqaku abalulekileyo

- Uthethathethwano olufanelekileyo alufunwa kuphela ngumhlathi wama-26(2) loMgaqo-siseko kodwa lukwafunwa kulo lonke ukhutsho phantsi komthetho we- PIE (isitanza sama-69).
- Ukuba ngaba uthethathethwano lwenzeka emva kokuba sesikhona isigqibo sokumisela iinkqubo zokukhutshwa, ngeke sibe sisulungekile okanye sibe nokuba luncedo (izitanza esama-69 nese-120).
- Uthethathethwano olululo luquka ukumamela iminqweno yabantu abakhutshwayo. Lukwaquka nokucinga ngokuba ingaba imimandla abahlala kuyo ingalungiswa *behleli-apho* kunye nokuba kungabonelelwa ngendawo yokuhlala eyenye na. Uthethathethwano lunokuquka kwakhona iingxoxo ngendlela okuyakwenzeka ngayo ukukhutshwa kunye namaxa amiselwe kona (isitanza se-114).

## 12. Iinkcukacha zoqhagamshelwano

Ngasezantsi ziinkcukacha zeminye imibutho kunye namaziko anokunika uncedo okanye ingcebiso apho uthethathethwano malunga nokukhutshwa belungelancedo. Anokunika iingcebiso jikelele kuthethathethwano olunokuba luncedo ekufikeleleni kumalungelo entlalo-qqoqosho.

<b>Umbutho/iziko/ Imibutho yasekuhlaleni</b>	<b>Iinkcukacha zoqhagamshelwano</b>
Abahlali baseMjondolo (AbM)	<i>Ethekwini</i> Suite 416 Tower B.Salisbury Centre 347-351 Dr Pixley kaSeme aka West Street Durban 4001 Inombolo yomNxeba: 031 304 6420 / 083 547 0474 (S'bu Zikode) IFeksi: 031 304 6436 I-Website: <a href="http://www.abahlali.org">www.abahlali.org</a> <i>Cape Town</i> Tel: 073 246 2036 (Mzonke Poni) Email: <a href="mailto:abmwesterncape@abahlali.org">abmwesterncape@abahlali.org</a>
IQumru eliChasene noKwenza buCala (Anti-Privatisation Forum) (APF)	6th Floor, Vogas House 123 Pritchard Street Johannesburg 2001 INombolo yomNxeba: 011 333 8356 (Johannesburg) 082 212 6518 / 082 663 1133 (East Rand): 073 948 3357 (Vaal) 083 572 8993 I-Imeyile: <a href="mailto:drdalet@metroweb.co.za">drdalet@metroweb.co.za</a> I-Website: <a href="http://apf.org.za">http://apf.org.za</a>
IZiko leziFundo zomThetho (Centre for Applied Legal Studies) (CALS)	DJ du Plessis Building University of the Witwatersrand West Campus INombolo yomNxeba: 011 717 8600 IFeksi: 011 403 2341 I-Imeyile: <a href="mailto:mary.munyembate@wits.ac.za">mary.munyembate@wits.ac.za</a> I-Website: <a href="http://www.law.wits.ac.za/cals">www.law.wits.ac.za/cals</a>



IZiko lomThetho loluNtu  
(Community Law Centre)(CLC)

New Social Sciences Building  
University of the Western Cape  
Modderdam Road  
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IFeksi: 021 959 2411  
I-Imeyile: [serp@uwc.ac.za](mailto:serp@uwc.ac.za)  
I-Website: [www.communitylawcentre.org.za](http://www.communitylawcentre.org.za)

UMbutho woluNtu weZiko  
leziBonelelo zaseziDolophini /  
AbaHlali kwiiNdawo  
ezikuMgangatho oPhantsi  
zamaZwe ngamaZwe  
(I-Community Organisation  
Urban Resource Centre) (CORC) /  
(Slum Dwellers International)  
(SDI)

3rd Floor Above Seven Eleven  
Corner Raapenberg and Surrey Road  
Mowbray 7705  
Cape Town  
INombolo yomNxeba: 021 689 9408  
IFeksi: 021 689 3912  
I-Imeyile: [admin@courc.co.za](mailto:admin@courc.co.za)  
I-Website: [www.courc.co.za](http://www.courc.co.za) /  
[www.sdinet.org](http://www.sdinet.org)

AmaGqwetha amaLungelo  
oluNtu I(Lawyers for Human  
Rights)(LHR)

**EPitoli**  
Kutlwanong Democracy Centre  
357 Visagie Street  
Pretoria 0002  
INombolo yomNxeba: 012 320 2943  
IFeksi: 012 320 2949 / 320 7681  
I-Website: [www.lhr.org.za](http://www.lhr.org.za)

**E-Johannesburg**

2nd Floor Braamfontein Centre  
23 Jorissen Street (corner of Jorissen and Jan  
Smuts)  
Braamfontein 2001  
INombolo yomNxeba: 011 339 1960  
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**EThekwini**

Room S104, Diakonia Centre  
20th Diakonia Avenue (formerly St. Andrews Street)  
Durban 4001  
INombolo yomNxeba: 031 301 0531  
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### **E-Stellenbosch**

Corobrick Offices  
Bridge Street  
Stellenbosch 7599  
INombolo yomNxeba: 021 887 1003  
IFeksi: 021 883 3302

IZiko leziBonelelo zomThetho  
(Legal Resources Centre)  
(LRC)

### **E-Johannesburg**

15th and 16th Floor, Bram Fischer Towers  
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INombolo yomNxeba: 011 836 9831  
IFeksi: 011 834 4273  
I-Website: [www.lrc.org.za](http://www.lrc.org.za)

### **EKapa**

3rd Floor, Greenmarket Place  
54 Shortmarket Street  
Cape Town 8001  
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IFeksi: 021 423 0935

### **EThekwini**

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Durban 4001  
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IFeksi: 031 304 2823

Umbutho wamaLungelo oBumi  
(Organisation of Civil Rights)  
(OCR)

Suite 304  
Salisbury House  
332 Smith Street  
Durban 4001  
INombolo yomNxeba: 011 356 5860  
IFeksi: 011 339 5950  
I-Imeyile: [civicrights@ocr.org.za](mailto:civicrights@ocr.org.za)  
I-Website: [www.ocr.org.za](http://www.ocr.org.za)

IZiko lezeNtalo-Qowqosho  
IoMzantsi Afrika  
(Socio-Economic Rights  
Institute of South Africa)  
(SERI)

6th Floor, Aspern House  
54 De Korte Street, Braamfontein 2001  
INombolo yomNxeba: 011 356 5860  
IFeksi: 011 304 2823  
I-Imeyile: [kate@seri-sa.org](mailto:kate@seri-sa.org)  
I-Website: [www.seri-sa.org](http://www.seri-sa.org)

IKomishini yamaLungelo  
oluNtu yoMzantsi Afrika  
(South African Human  
Rights Commission)  
(SAHRC) i-Ofisi yeSizwe

29 Princess of Wales Terrace  
Corner of York and St Andrews Streets  
Parktown 2193  
Johannesburg  
INombolo yomNxeba: 011 484 8300  
IFeksi: 011 484 7149  
Website: [www.sahrc.org.za](http://www.sahrc.org.za)

IKliniki yoNcedo  
ngomThetho yeYunivesit  
i yaseNtshona Koloni  
(University of the Western  
Cape Legal Aid Clinic)

Old Library Building  
University of the Western Cape  
Modderdam Road  
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IFeksi: 021 959 2747  
I-Website: [www.uwc.ac.za](http://www.uwc.ac.za)

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Witwatersrand (University of  
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I-Website: [http://web.wits.ac.za/Academic/CLM/  
Law/CentresClinicsResearch/WitsLawClinic/  
contact.htm](http://web.wits.ac.za/Academic/CLM/Law/CentresClinicsResearch/WitsLawClinic/contact.htm)

IPhulo eliChasene  
nokuKhutshwa laseNtshona  
Koloni (Western Cape Anti-  
Eviction Campaign) (AEC)

INombolo yomNxeba: 076 186 1408  
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I-Website: <http://antieviction.org.za>

Qaphela: Ii-Ofisi zabaNcedisi bamaGqwetha zamaCebiso zikwanika  
iingcebiso kunye noncedo kunye neengcebiso zokuqonda  
nokufikelela kumalungelo entlalo-qoqosho

