



CENTRE ON HOUSING RIGHTS AND EVICTIONS

Training with the Ash Road shack settlement

A report on the COHRE training workshop held in Pietermaritzburg, South Africa
7th June 2008

The Ash Road settlement

In 2007, COHRE together with the Centre for Applied Legal Studies (CALs) published *Pushed to the periphery: Low-income residents in Pietermaritzburg, South Africa* (download from www.cohre.org/store/attachments/Pushed_tothe_Periphery_14May07.pdf).

Although that report focused primarily on problems affecting residents of the local council's flat rental stock, it also briefly discussed the situation of shack-dwellers across the Masukwane River from those apartments. The report painted a pretty grim picture of the situation of the Ash Road community of between one and two thousand people living on Municipal land that at the time was zoned as an industrial area:

“The accommodation consists predominantly of mud and wattle dwellings that are rented by residents, who are otherwise unable to access housing close to the Pietermaritzburg city centre. There are just three taps supplying water; there is no electricity; and the Municipality does not provide regular services such as refuse removal to this community. Rubbish heaps overflow for months before the Municipality eventually undertakes collection.”

COHRE's report also noted that “The Municipality has been attempting to evict residents at Ash Road for a number of years, but a majority of people there have resisted”.

Since the publication of the report, pressure to get rid of the people's homes there has increased dramatically. After a severe rainstorm lashed the city on 15th January 2008 and damaged some homes in the shack settlement, the City Council and local politicians used the flood damage as a pretext to declare the entire settlement untenable. Since then they have pushed hard and fast to set in motion a process of forced removal and relocation.

The local daily newspaper, *The Witness*, quoted Deputy Mayor and African National Congress (ANC) politician, Mervyn Dirks, the very next morning saying: “We will consult with the people but the leadership have to make a decision in the end. We have to lead and take decisions in the interest of the people [and] they have to move.” The Democratic Alliance (DA) councillor for the area, Peter Green, announced: “I have a vision to relocate them to rental accommodation because they can afford it”. (“*Over 300 shack-dwellers homeless again*”, 16 January 2008).

By May 2008, local media were giving extensive, uncritical and sympathetic coverage to the Municipality's announcements and ceremonies launching their multi-million plans to achieve the demolitions and removals. *The Mirror* newspaper reported that “Inhabitants of the Ash Road informal settlement ... will be moved to a temporary establishment while the Msunduzi Municipality finds a permanent residential area for them”. ANC Mayor, Zanele Hlatshwayo, was quoted in the same *Mirror* article saying “Once they are removed, the dwellings will be demolished because **we don't need anyone here**” (“*Jika Joe dwellers on the move*”, 14 May 2008).

Although the proposed eviction was consistently presented by its protagonists as being in the interests of, and in consultation with, the people of the settlement, in fact most of the affected people were sidelined from any real participation and have been afforded no effective voice to shape their own futures. Whenever they have been given the opportunity to speak for themselves, the people consistently say that they want to stay where they are; that they do not want to be removed; and that the poor living conditions they endure in the shacks should be improved.

Although the people of Ash Road have not been publicly told it is the case, Councillor Green's "vision" and the removal of people that the city managers "don't need here" are in fact being implemented in terms of the notorious new provincial 'Slums Clearance' legislation, the *KwaZulu-Natal Elimination and Prevention of Re-emergence of Slums Act, 2007 (Act no. 6 of 2007)*.

Rejected by the independent shack-dwellers' movement, *Abahlali baseMjondolo* (who are contesting the law in the courts at the present time), this anti-slums law has been described by a leading University of the Witwatersrand academic and expert on shack settlement upgrading, Marie Huchzermeyer, as "reminiscent of apartheid policy". She describes the prospect of other provinces adopting copy-cat legislation as indicating a government attitude to shack settlements that is "lunatic and sadly sinister in what it means for the lives of vulnerable people" ("*Slums law based on flawed interpretation of UN goals*", *Business Day*, 19 May 2008, at <http://www.businessday.co.za/articles/topstories.aspx?ID=BD4A768901>).

Ironically there are provisions in South African law and official housing policy that would seem on the face of it to be much more appropriate to the needs of a community like Ash Road – although they do not perhaps provide the municipal officials and political elites with the 'slum' cleansing satisfaction that evictions would give them.

COHRE's training intervention

Under these circumstances, COHRE was approached to support running a training workshop open to all the people of the settlement where the people themselves could present their concerns, questions, and demands and could also hear about alternative policy and practical options. This workshop was held on 7th June 2008 and COHRE was represented by its Deputy Director, Jean du Plessis. It was also arranged for Marie Huchzermeyer to attend in order to listen the people's opinions and questions, and to share information about relevant policy options in the light of their situation.

Before the workshop got underway, Du Plessis and Huchzermeyer spent a number of hours walking the settlement with local leadership and talking with residents. Evidence of the people's creativity and vitality was everywhere – this is, after all, a settlement providing shelter to thousands of people despite the non-recognition of their rights and dignity, and the hostility of the official city directed at them. Evidence of their impending eviction was also everywhere – every door throughout the settlement had been crudely spray painted by council workers. Doors either got a number daubed on them indicating they might qualify for alternative housing if, when, and where the council decides for them, or they got a cross indicating pretty much the end of the road. Bright yellow poles erected between houses apparently delineate the council's determination of a 'flood line' below which they have decreed it is unacceptable to build houses. (As a resident pointed out later in the meeting, "what's funny is that they leave only the areas of the housing owned by biggest shack-lords, the shack-lord family's shops, and the church!")

The workshop

The workshop itself was attended by more than 60 residents of the Ash Road shack settlement. Guests also included Sbu Zikode, Zodwa Nsibande, and Mnikelo Ndabankulu elected leaders of the *Abahlali baseMjondolo* organisation from Durban shack settlements. Local DA councillor, Peter Green, also attended.

After local *Abahlali baseMjondolo* leadership welcomed everybody, they started the meeting by opening it for the people themselves to speak about what their questions, experiences and concerns are about the current situation. People were encouraged to speak freely because the thinking of the ordinary people is most important.

For many participants, the workshop created an important space and opportunity to express their concerns and communal anger against local politicians and local government officials. For the visitors and guests attending, their inputs provided invaluable insight (and indeed 'training') in to the issues faced by the community, and how they hope to address them.

From the community inputs it became very clear that:

- People are not being treated with respect and properly involved in determining their own future – as one resident put it: “The people’s experience of living here is that the authorities do what they want and we are not consulted properly. So we do not know properly what is happening – this is not right. We say: ‘Nothing about without us!’”
- Residents are being given so little and such biased information that they experience almost everything that is being done by the local council as confusing, threatening, and hurtful.
- The tendency of the councillors and politicians and local government departments to work through small (and sometimes unpopular) committees, elites and groups of individuals excludes most people from participation.
- What is in fact being implemented is certainly not pursuant to a shared ‘vision’ from within the community.
- The people do not want to be removed – at the meeting, a community member said: “We are against relocation. We are here for good reasons – like jobs, schools, town, clinics and so on that we can reach easily and affordably. This new water story from council is rubbish! Some of us have been here since 1994, we have children born and raised here and we know the truth”.
- They do want living conditions and service levels to be greatly improved – a resident put it clearly: “We say we must be upgraded where we are!”
- They know that the tragedy of the floods is being misused against them to achieve their eviction – one said: “The way the floods are being used to remove us from here is not true or fair. That water only affected a few houses next to the river – we’ve never seen or been affected by this other water that the council is talking about now and marking with their yellow poles”.

Alternative visions

The inputs from Marie Huchzermeyer, Sbu Zikode and Jean du Plessis were an outstanding opportunity for the people to see that something different is possible – even in terms of official government policies; that Ash Road can be upgraded rather than just demolished. There are many other communities all over the world in their position, facing eviction, poor housing conditions and a lack of basic, and some of those have achieved remarkable victories in averting eviction and getting the authorities to work with them on solving their housing

and service delivery problems. In South Africa, the official Breaking New Ground (BNG) policy exists and would allow a better process to involve the people in improving the situation here without everyone having to leave – this approach is ‘*in situ* upgrading’.

In her presentation Marie Huchzermeyer noted that in 2004 the national Department of Housing launched a new ‘Upgrading of Informal Settlements Programme’ (UISP), as part of the Housing Code. This programme innovatively allows for *in situ* upgrading and relocation of entire communities through a community-based grant that covers land acquisition, land rehabilitation, interim as well as permanent servicing, community empowerment and participation in the decision-making around layouts. Funding is released on the basis of a business plan that is produced by the municipality, rather than on a standard grant based on the number of qualifying subsidy beneficiaries. Only in later phases of the programme are subsidies given to individuals for converting their shacks into formal houses. The Programme sets out to relocate **only as a very last resort**. It sets out responsive procedures for community involvement in decision-making about relocation, layout planning of the relocation site, and support in the relocation process. Despite this programme, informal settlement intervention practice in South Africa has not changed. Informal settlements continue to be treated as beneficiaries of standardised housing projects. Indeed, the Pietermaritzburg local council seems to be ignoring the provisions of these more progressive approaches and using the regressive Slums Clearance Act approach instead.

In the workshop, it was stressed that an ‘*in situ* upgrading’ approach takes time and needs the continued involvement and support of all the people. For it to work well, it has to be fair and include everybody. To move forward in this way, it will be necessary to deal with and find good solutions to any divisions in the community. For example, this means that the people will have to talk about how to deal with the shack-owners who take rental from the people.

Participants were also informed that the Breaking New Ground policy makes clear that funding is not strictly limited to houses but should also provide other facilities that are necessary for a proper settlement – like shops, infrastructure, and recreation and shared spaces. Additionally, if the people move forward with an *in situ* upgrading approach as the medium- or long-term approach to develop this place, then it could also be important to think about interim demands that can be addressed in the shorter term while the longer processes get going. These can include things that are quite easy for government to address quickly and that can really make a good difference to the lives of the people – providing decent sanitation and toilets, more taps, proper pathways and drainage systems between the houses and so on. The city of Cape Town has a different approach to the Pietermaritzburg council and they provide services to shacks even if they are quite temporary settlements because people are people and have rights to at least basic services.

Sbu Zikode shared his experience of the initiatives of organised shack communities, the difficulties faced and the importance of communities learning to assert themselves through organised action. He emphasised that people from the shacks are generally treated with contempt: "Who the hell are you? You are from the shacks!" is the widespread attitude from those in power. The struggle of the movement of shack-dwellers is a struggle by those who are silenced and are not counted to speak for themselves. Zikode encouraged the shackdwellers of Ash Road stressing that everyone matters; that every voice deserves to speak and be heard. He said that the time has come for those who are always put last on the list to come first, and for the poor living in shacks to be treated with respect.

Du Plessis provided input on the situation in other contexts and the common challenges faced by many thousands of communities across the world. He drew out some of these common challenges, and spoke about the importance of communities becoming organised and working together to develop a common vision, articulating that vision powerfully to the authorities, and when conditions are right working with the authorities to get that vision realised. He confirmed that in most cases of forced eviction the official reasons for the evictions were questionable, and the authorities should be confronted through community action undertaken in alliance with support organisations. City officials and politicians should be convinced to work with rather than against people living in shack settlements.

Conclusion

The workshop included an extended period of questions and discussion by the participants. Community members also took the opportunity to engage directly with the DA councillor, which demonstrated a confidence to confront politicians with questions and to demand accountability on matters that affect their living conditions and future.

One participant commented afterward that “People had a fantastic occasion to speak freely. [...] People want to participate in the process”.

