

Murambatsvina in KZN: The Notorious Slums Bill

Abahlali baseMjondolo Press Statement Thursday, 21 June 2007

Operation Murambatsvina comes to KZN: The Notorious Elimination & Prevention of Re-emergence of Slums Bill

Today the KwaZulu-Natal Elimination & Prevention of Re-emergence of Slums Bill will be discussed in the provincial parliament. Abahlali baseMjondolo have discussed this Bill very carefully in many meetings. We have heard Housing MEC Mike Mabuyakulu say that we must not worry because it is aimed at slumlords and shack farming. We have heard Ranjith Purshotum from the Legal Resources Centre say that "Instead of saying that people will be evicted from slums after permanent accommodation is secured, we have a situation where people are being removed from a slum, and sent to another slum. Only this time it is a government-approved slum and is called a transit area. This is the twisted logic of the drafters of the legislation". We have heard Marie Huchzermeyer from Wits University say that this Bill uses the language of apartheid, is anti-poor and is in direct contradiction with the national housing policy Breaking New Ground. Lawyers have told us that this Bill is unconstitutional.

It is very clear to us that this Bill is an attempt to mount a legal attack on the poor. Already the poor, shack dwellers and street traders, are under illegal and violent attack by Municipalities. This Bill is an attempt to legalize the attacks on the poor. We know about Operation Murambatsvina. Last year one of our members visited Harare and last week we hosted two people from Harare. This Bill is an attempt to legalize a KZN Operation Murambatsvina before the World Cup in 2010. We will fight it all the way.

1. AIM OF THE BILL

The Bill says that its main aims are to:

- Eliminate 'slums' in KwaZulu-Natal
- Prevent new 'slums' from developing
- Upgrade and control existing 'slums'
- Monitor the performance of departments and municipalities in the elimination of 'slums' and the prevention of new 'slums' from developing.

It has detailed plans to make sure that all of this really happens. The Bill also says that it aims to 'improve the living conditions of communities' but it has no detailed plans to make sure that this really happens. It is therefore clear that its real purpose is to get rid of 'slums' rather than to improve the conditions in which people live. Mabuyakulu says that we shouldn't worry because the real targets are slum lords and shack farming but this is not what the Bill says and, anyway, there are no slum lords in Abahlali settlements. Abahlali members have been to Nairobi. We have seen how the slum lords rule the Nairobi settlements and we are strongly against slum lordism. But we do not live in Nairobi. All Abahlali settlements are democratic communities and many other settlements in KZN are also not run by slum lords.

The Bill does not aim to:

- Force local and provincial government to deal with the conditions that force people to leave their homes and move to shack settlements
- Force local and provincial government to immediately provide basic services to shack settlements like toilets, electricity, water, drainage, paths and speed bumps while they wait for upgrades or relocations
- Force local and provincial government to follow the laws that prevent evictions without a court order, the laws that prevent people from being made homeless in an eviction or to follow the Breaking New Ground Policy that aims to upgrade settlements in situ (where people are already living) instead of relocating people so far from work and schools that they have to leave their low cost houses and come straight back to shacks.
- Force local and provincial government to make their plans for shack dwellers with shack dwellers to avoid the bad planning that undermines development (such relocating people so far away from work that they have to move back to shacks)

We do not need this Bill. The first thing that we need is for government (local, provincial and national) to begin to follow the existing laws and policies that protect against evictions, forced relocations and which recommend in situ upgrades instead of relocations. After that we need laws that break the power that the very rich have over land in the cities and we need laws to compel municipalities to provide services to shack settlements while people wait for houses to be built.

This Bill is not for shack dwellers. It is to protect the rich, by protecting their property prices.

2. DEFINITION OF IMIJONDOLO

In the Bill the word 'slum' is defined as an overcrowded piece of land or building where poor people live and where there is poor or no infrastructure or toilets. The Bill uses the word 'slum' in a way that makes it sound like the places where poor people live are a problem that must be cleared away because there is something wrong with poor people. But it does not admit that the poor have been made poor but the same history of theft and exploitation that made the rich to be rich and it does not admit that places where poor people live often lack infrastructure and toilets because of the failure of landlords or the government to provide these things. The solution to the fact that we often don't have toilets in our communities is to provide toilets where we live and not to destroy our communities and move us out of the city. In this Bill the word 'slum' is used to make it sound like the poor and the places where they live are the problem rather than the rich and the way in which they have made the poor to be poor and to be kept poor by a lack of development.

In America black community organizations have opposed the use of the word 'slum' to describe their communities because they say it makes it sound like there is something wrong with them and their places rather than the system that makes them poor and fails to develop their places. They also say that once a place is called a 'slum' it is easy for the rich and governments to say that it must be 'cleared' or 'eliminated' but if a place is called a community then it is easier to say that it must be supported and developed.

There is also a problem with calling imijondolo 'informal settlements' because once a place is called 'informal' it is easy for people to say that it shouldn't get any of the 'formal' services that people need for a proper life like electricity, toilets, refuse collection and so on. But many of us have lived our whole lives in 'informal settlements'. We can't wait until we live in 'formal' houses to get electricity to stop the fires, water, toilets, drainage, refuse collection and so on. We are living our lives now. We can't wait to start living only when and if the government puts us in a 'formal' one roomed 'house' far out of town.

And we don't like the word 'eliminate'. This is a word that is violent and threatening, not respectful and caring. Our communities should be nurtured, not eliminated. The people who live in the imijondolo must decide for themselves what they want their communities to be called. We must be allowed to define ourselves and to speak for ourselves.

3. SUPPORTING THE RICH AGAINST THE POOR

- The Bill makes it criminal to occupy a building or land without permission from the owner of the building or the land.
- It forces municipalities to force landowners to evict people on their land (or in their buildings).
- It forces municipalities to seek evictions if landowners fail to do so.
- It forces municipalities to make a plan to eliminate all the 'slums' in its area within six months of this Bill becoming law.
- It forces municipalities to give an annual report on its progress towards eliminating all 'slums'.
- It forces the provincial Department of Housing to closely watch Municipalities and to support them to make sure that they evict people from land that they have occupied.
- It forces the Provincial Department of Housing to support 'any project adopted by a municipality' to 'relocate' people from imijondolo.
- It says that Municipalities may evict people when evictions are in the public interest.
- It forces landowners to protect their land against the poor with fences and security guards. Landowners who do not protect their land against the poor will be guilty of a criminal offence.
- It forces landowners to evict people from their land.

This Bill does not provide any protection for people who have been made poor by the same history and economy that made the rich to be rich and who have decided to occupy land or buildings that are owned by the rich but are not being used by them. In many countries the poor have a legal right to use vacant land or buildings that are owned by the rich but are not being used by them. It is like this in Turkey. There is no reason why South Africa can not also give this right to the poor.

The need of the very poor for housing in the cities near work and education should come before the needs of the very rich to have their property prices protected.

4. TRANSIT AREAS

The Bill allows Municipalities to buy or take land to accommodate people that have been evicted while they are waiting for new developments. These are called 'transit

areas'. The Bill does not give any guarantees as to where these 'transit areas' will be located, what services will be provided there, if communities will be kept together or broken up when people are taken to these places or how long they will have to live in these places.

We know that all through history and in many countries governments have put their political opponents, the very poor, people who were seen as ethnically, cultural and racially different and people without I.D. books in camps. These camps are always supposed to be temporary – a 'transit' between one place and another. But very often these camps have become places of long and terrible suffering. That is why in the Mail & Guardian it was written that this Bill reminds people of Nazi Germany. We know that in India shackdwellers who were taken to transit camps in the 1960s are still there now.

5. EXPROPRIATION OF LAND

The Bill gives Municipalities the right to expropriate land. This means that they have the right to take land from landowners. This could be a very good thing for the poor if land was taken in the cities so that the poor could live safely and legally next to work, schools and clinics. But the Bill says nothing about which land should be taken. It only says that land can be taken to set up a 'transit area' or for people 'removed or evicted from a slum'. Therefore it seems that the right to expropriate land will most likely be used to evict the poor from the cities and to dump them in rural areas and not to defend their right to live in the cities against the interests of very rich land speculators and developers. Already shack dwellers are being taken out of Durban and dumped in 'formal' low cost houses in places like Park Gate. There is no guarantee that this will not continue.

6. CRIMINALISING THE POOR

This Bill makes any one who tries to stop an eviction a criminal who can be fined R20 000 or sent to prison for 5 years. Any normal person would try to stop an eviction. Which mother would stand by while her home and community is destroyed? If this law is passed it will make us all criminals. But this law says nothing about stopping the illegal and unconstitutional evictions that are perpetrated against shackdwellers all the time by the eThekweni Municipality. The Municipality breaks the law every time that it evicts us without a court order and every time it leaves people homeless but Municipal officials are never arrested. If the laws that exist now are not used fairly we have no guarantee that this law will be used fairly

7. WHO SHOULD PLAN THE FUTURE OF OUR CITIES?

Durban and Pinetown and Pietermaritzburg and all the cities in this province, this country and in the world were built by the work of the poor. But poor people didn't only build our cities. They have also done a lot of the planning of the development of our cities. It was the poor who decided that black and white and rich and poor shouldn't live separately and who took unused land so that everyone could live together in our cities. Our cities look the way that they do because of both the planning of the rich, the planning of various governments and the planning or ordinary poor people. For example it was Biko Zulu who decided to start a settlement

in Jadhu Place near to the schools in Overport and the jobs in Springfield Park and not any government.

A democratic government should allow the poor to continue to be able to participate in planning the future of our cities. Planning should not only be a right for governments and the rich.

On Friday 4th May 2007 the Provincial Legislature came to the Kennedy Road community hall to introduce the “ KZN Elimination and Prevention of Re-Emergence of Slums Bill, 2006”. The hall was overflowing with people from affiliating settlements of the Abahlali BaseMjondolo Movement. We clearly said “No land, No House - No Vote, No Bill!” We clearly told the Provincial Legislature about the illegal demolitions and evictions undertaken by the eThekweni Municipality, the failure to provide basic services to shack dwellers and the brutal criminalization of the politics of the poor by people like Supt. Glen Nayager of the Sydenham Police Station. They said that they do not know about any of this. If they do not know what is happening to shack dwellers in their own province then they must listen to shack dwellers before making laws. Listening and talking must come before deciding.

A World Class city is not a city where the poor are pushed out of the city. A World Class city is a city where the poor are treated with dignity and respect and money is spent on real needs like houses and toilets and clean water and electricity and schools and libraries rather than fancy things for the rich like stadiums and casinos that our cities can just not afford.

We will fight this Bill in the courts. We will fight this Bill in the streets. We will fight this Bill in the way we live our ordinary lives everyday. We will not be driven out of our cities as if we were rubbish.

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