

## In The Forbidden Quarters: Shacks in Durban till the end of apartheid<sup>1</sup>

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*I shouted a greeting to the world and the world slashed away my joy. I was told to stay within bounds, to go back where I belonged.*

- Frantz Fanon<sup>2</sup>

The first shack settlements began to be constructed in Durban following the destruction of the Zulu Kingdom and the simultaneous movement into the city of Indian workers who had completed their indenture on sugar plantations.<sup>3</sup> Bill Freund writes that “Durban had the appearance of a string of colonial commercial and residential islands set in a sea of cultivated shacklands.”<sup>4</sup> He adds that “To a white observer, the vast majority of poor Indians lived in squalid shacks whose disorder defied any sense of structured purpose. However, those wood-and-iron shacks in fact were ideally suited to the needs of their inhabitants in some respects. They could be built, repaired and extended cheaply with little reference to the construction industry.”<sup>5</sup> They were equally functional for Africans, many of whom had been forced off their lands and were looking for a well located and affordable means of access to the alternative livelihoods offered by the city.

Colonial authorities soon began to act against the settlements by legally entrenching the segregation of Africans. The key tool of colonial urban planning was the division of the city into different zones which were then allocated to different activities and to different groups of people. By 1900 municipal acts had been adopted to control and monitor access to these different urban zones. By

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<sup>1</sup> I have planned to begin the PhD that I hope to write on the struggle for the city in contemporary Durban with a chapter on the history of shacks in Durban. This paper summarises what I have learnt so far. It is based on the academic literature and some discussions with people that lived in shacks under apartheid. I make no claims for this to be read as an original contribution. It is just an attempt at extracting a coherent picture from a body of literature. I thank Keith Breckenridge and Catherine Burns for letting me know about some of the work that I’ve used, Ikes Books for my access to many of books referenced here, Mark Butler for finding and sharing copy of *Holding Their Ground*, Zaheer Vadachia for a gift of *Life in the Liberated Zone*, Julian Brown for casting a rigorous editorial eye over an earlier draft of this work, Mark Butler (again) and Jean Du Plessis for telling me to write this more clearly, Xolani Tsalong for sharing some of the history of Lamontville and Shamita Naidoo for doing the same with Motala Heights, Mnikelo Ndabankulu and Thandi Khambule for helping me with some of the interviews, David Ntseng for translating an earlier version of this work into isiZulu, Abahlali baseMjondolo for the meeting to discuss it in December last year and for creating a living solidarity, Vashna Jagarnath for love and solidarity and, also, encouraging me to present an attempt at some sort of a history to the scrutiny of actually existing historians.

<sup>2</sup> Frantz Fanon *Black Skin, White Masks*, Grove Press, New York, 1967, pp.114-115.

<sup>3</sup> In 1960 R.G.T. Watson, former General Manager of the Tongaat Sugar Company, wrote, without regret, that in the 1920s ‘Flogging...was accepted as the traditional and most effective method of getting work out of coolies and kaffirs and of maintaining plantation discipline’. *Tongaati, an African Experiment* (Hutchinson: London, 1960) p. 149. It is hardly surprising that so many chose the relative freedom of the shanty town over re-indenture.

<sup>4</sup> Freund, *Insiders and Outsider*, p. 33.

<sup>5</sup> Ibid. 35.

1901, in consequence, a third of the city's African population (20 000 people) had been arrested in terms of various government and municipal laws.<sup>6</sup> In 1903 contemporary commentators described Durban as a "modern Babylon" in which white men living with African women were "bringing disgrace on our own people".<sup>7</sup> In the same year the City acted to practically entrench segregation by beginning to build Municipal barracks for male migrant workers. This was intended to result in - in their own words - "reducing illegal liquor traffic, theft, assault, and the risk of fire, to protect health standards and to maintain property values".<sup>8</sup>

Concerns mounted still further when it was learnt that the number of African families living in central Durban had increased to 200 in 1904.<sup>9</sup> In that year, the debate over space in the city was hotly contested in white Durban as some of the white urban population called for the African labour force to be housed in barracks on the outskirts of the city while business owners argued for these barracks to be located closer to the sites of work. These barracks were a cheap alternative to proper housing, which the city had decided it could not afford.<sup>10</sup> Despite this conflict between white citizens and white business - especially acute around the building of barracks near the port for stevedoring companies - many barracks were built in the city during the early years of the century.<sup>11</sup> These urban barracks, along with the growing shack settlements, escalated white anxieties still further. A town councillor declared that the:

...want of a system of rule, control and provision for the native is one which ought not to be tolerated one hour longer... he lives under unsanitary conditions [and] is almost out of control... there are five or six thousand men right in the middle of the town exposed to temptations of various sorts in the shape of drink. What would be thought of us if there was a serious riot in the middle of the large town?<sup>12</sup>

The constant anxiety surrounding the presence of single African woman earning livelihoods outside of colonial control is striking. In 1906 the Chief Constable declared that:

This borough is at present infested by a large floating population of Native females, and who are living in many instances with Europeans and with Kaffirs... principally through

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<sup>6</sup> Paul la Hausse, 'Alcohol, The Ematsheni and Popular Culture in Durban, 1902-1936' in P. Maylam & I. Edwards (ed) *The People's City: African Life in Twentieth-Century Durban* (Pietermaritzburg: University of Natal Press) p.83.

<sup>7</sup> Ibid., p. 61.

<sup>8</sup> Maarsdorp & Humphries, *From Shanty Town to Township*, p. 11.

<sup>9</sup> Ibid., p. 42.

<sup>10</sup> Ibid., p. 40

<sup>11</sup> Ibid., p. 40.

<sup>12</sup> Ibid., p.40.

the manufacture and sale of Native beer... it is very desirable that the borough should be rid of these persons.<sup>13</sup>

Hut taxes and other taxes had been used by British colonial governments across Africa to force people out of a rural non-capitalist economy and into wage labour. In 1906 the tax burden in Natal was significantly increased when a poll tax, known as the head tax, was implemented. Resistance to this resulted in the Bhambatha Rebellion. Some two thousand African workers and domestic servants left the city to return to their homesteads, where many joined the rebellion.<sup>14</sup> This rural revolt produced tremendous anxiety in white Durban about the possibility of an attack on the city.<sup>15</sup> However, the rebellion was ruthlessly crushed. Governor Sir Henry McCullum described it as “unfathomable unrest.”<sup>16</sup> The inability of white authority to understand the rationale of black resistance would also prove to be an enduring trope.

The crushing of the Bhambatha Rebellion increased the labour supply for the City.<sup>17</sup> As a result the pressure to address white anxieties about the autonomous African presence in the city, and in particular the presence of autonomous women, increased, as did concern over the more material matter of who would pay for the African presence in the city. The key strategy developed from 1908 was to establish a Municipal beer monopoly, via the Native Beer Act (No. 23). Under this Act, Africans were only allowed to drink ‘native beer’, the City was the only agent licensed to brew it, and it was only sold at licensed Municipal Beer Halls.<sup>18</sup> The City could thus simultaneously seize control of the largest source of African women’s economic independence, and also ensure that neither ratepayers nor business would have to cover the costs. The profits were then used to fund ‘Native Administration’. This process came to be known as the ‘Durban system’ and was widely copied across colonial Africa. But the beer system was not only about money. la Hausse argues that shebeens had become an important space in an emerging oppositional popular culture and that

the consequent proscription of shebeens and the African drink trade, were rooted in a wider struggle by Durban’s white rules to forge a time and labour discipline appropriate to an urban capitalist social order. The battery of labour-coercive by-laws and penal sanctions anticipated the delivery of a suitably sober, submissive and disciplined workforce to local employers.<sup>19</sup>

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<sup>13</sup> Ibid., p. 42

<sup>14</sup> Ibid., pp. 68-69.

<sup>15</sup> Jeff Guy *The Maphumulo Uprising*, p. 67.

<sup>16</sup> Ibid., p. 248.

<sup>17</sup> Paul la Hausse ‘The Cows of Nongoloza’: Youth, Crime and Amalaita Gangs in Durban, 1900-1936,’ *Journal of Southern African Studies*, Vol. 16, No.1. (1990) pp.83.

<sup>18</sup> Paul la Hausse, *Alcohol, The Ematsheni and Popular Culture in Durban*

<sup>19</sup> ‘The Message of the Warriors: The ICU, the Labouring Poor and the Making of a Popular Political Culture in Durban, 1925-1930’, *Holding Their Ground*, edited by Philip Bonner, Isabel Hofmeyer, Deborah James and Tom Lodge (Ravan Press: Johannesburg), p.23.

The establishment of the Union of South Africa in 1910 removed the colonies from direct Imperial control, and allowed local whites to run the new national state. Quick shifts towards greater regulation of the African presence in the cities followed. The 1911 Native Regulation Act put in place a series of pass controls, thus substantially firming up a system in which single male workers were expected to live in hostels for the duration of their labour contracts, and to then return to their rural homes. But various ongoing attempts to install an effective system of pass controls<sup>20</sup> over African women failed. According to Phil Bonner, “The root of this failure can itself be tracked down to the campaigns against women’s passes which burst out in a number of Free State towns between 1913 and 1923.”<sup>21</sup>

The 1913 Land Act gave legal sanction to the mass enclosures of land for the purpose of setting up a fully commercial white agriculture, and these enclosures pushed a rural crisis into a spiralling descent into mass poverty that is still evident in the deprivation and struggles of today. In his *Native Life in South Africa*, Sol Plaatjie wrote of the “roving pariahs” created by the “sickening procedure of extermination, voluntarily instituted by the South African parliament.”<sup>22</sup> The Land Act initiated two waves of expulsion from the land. The first took place immediately, as land was expropriated and enclosed.

The Durban City Council generated massive revenues from the municipal beer monopoly despite ongoing resistance in the form of daily acts of individual defiance and sporadic acts of organised collective resistance. In 1914, Mrs. Ncamu led 4 000 women in signing a petition against the Beer Act.<sup>23</sup> But despite the revenues generated by the beer monopoly, only a quarter of Durban’s 30 000 African workers were formally housed in male only barracks by 1916. White paranoia about Africans living outside of prison-like compounds remained rampant. An article in the *Natal Mercury* railed against “menacing...native hooligans.”<sup>24</sup>

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<sup>20</sup> This is not a device unique to colonial attempts to build modern cities. The Communist Party implemented a pass system in China. See Robert Neuwirth, *Shadow Cities* (Routledge: New York, 2006)

<sup>21</sup> P.L. Bonner, ‘Desirable or undesirable Basotho women?’ Liquor, prostitution and the migration of Basotho women to the Rand, 1920-1945. 1911’ in Cheryl Walker (ed.), *Women and Gender in Southern Africa to 1945* (David Philip: Cape Town, 1990) p. 241.

<sup>22</sup> Cited in Colin Bundy, *The Rise & Fall of the South African Peasantry* (David Philip: Cape Town, 1988) p.231. In the same book Bundy, writing about the 1913 Land Act, notes that “the details abound of infant mortality, malnutrition, diseases and debility; of social dislocation expressed in divorce, illegitimacy, prostitution and crime; of the erosion, desiccation and falling fertility of the soil; and of the ubiquity of indebtedness and material insufficiency of the meanest kind.” p. 221.

<sup>23</sup> Ibid. p.50

<sup>24</sup> Cited in la Hausse, *The Cows of Nongoloza’: Youth, Crime and Amalaita Gangs in Durban, 1900-1936* p.93.

A second wave of expulsions from rural land consequent to the 1913 Land Act occurred from the early 1920s as white farmers became able to capitalise agriculture. According to Paul la Hausse “the expansion of sheep farming and wattle plantations in particular led to the mass evictions of labour tenants and the impoverishment of many more.”<sup>25</sup>

A swift hardening of official attitudes towards Africans in cities followed the insurrectionary threat to the state posed by the 1922 Rand Revolt – a revolt by 20 000 white miners and their families in Johannesburg under the slogan ‘Workers of the world [to] unite and fight for a white South Africa.’<sup>26</sup> The revolt was put down bloodily, using artillery, tanks and planes. Following this, the system of reserving certain jobs for white workers was firmed up and the Land Act was followed by the Native Urban Areas Act of 1923. This act introduced a more uniform system of pass controls and urban housing segregation. It, and the various pieces of legislation that followed it, sought to stem the flow of African people into the cities through a policy of Influx Control. Those (mostly male) workers in possession of permits for formal employment were compelled to inhabit segregated workers’ quarters; those workers without permits were forced to leave the urban areas. This system remained on the statute books, in different versions, until 1986 and was replaced, in 1990/1991, by a “non-racial urban policy framework designed largely by the think-tanks of big business”<sup>27</sup> with the Urban Foundation being the major player. More than 17 million people were arrested under Influx Control Laws between 1921 and 1986.<sup>28</sup> The annual arrest toll peaked in 1968, at 694 000.<sup>29</sup>

By 1925 there were more than 22 00 Africans in Durban. Most were living illegally in shacks in what the Mayor called the ‘meanest quarters’ of the city – which were most often found in Mayville, Sydenham, Cato Manor and Clairwood.<sup>30</sup> The 1923 Urban Areas Act had specifically aimed to exclude African women from urban areas, and was followed by further regulations with similar intent. But pass laws were not the only restrictions on African women’s aspirations for urban life. African women deemed to be wearing ‘European clothes’ risked arrest as prostitutes.<sup>31</sup> Nevertheless the rate of female urbanisation in the first decades of the twentieth century was higher than that for men. Walker argues that for women “migration was more likely to represent a means of escape than either a means to reinvest in the rural economy or a process of dispossession. It was a personal

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<sup>25</sup> la Hausse, ‘The Cows of Nongoloza’, p.103.

<sup>26</sup> Jeremy Krikler, *The Rand Revolt: The 1922 Insurrection and Racial Killing in South Africa* (Jonathan Ball: Johannesburg, 2005)

<sup>27</sup> Mark Swilling, ‘Introduction’ in *Apartheid City in Transition* (Oxford University Press: Cape Town, 1991) p. xi.

<sup>28</sup> ‘Over 17 million arrested under influx control laws’, *South African History Online* <http://www.sahistory.org.za/pages/chronology/thisday/1991-02-10.htm>

<sup>29</sup> Bill Freund, *The African City* (Cambridge University Press: Cambridge, 2007) p. 125.

<sup>30</sup> La Hausse, ‘The Message of the Warriors’, p. 23.

<sup>31</sup> La Hausse, ‘The Message of the Warriors’, p.25.

choice, involving flight from the controls of pre-colonial society initially and the deteriorating quality of rural life under colonialism and settler rule subsequently.”<sup>32</sup> She shows that “excluded from the formal industrial sector”, compelled to make a life in the informal sector (or via domestic work) and “Unwanted by the urban authorities, handicapped by inferior legal status, their housing options determined by their relationships to men, African women were thrust onto the margins of urban society. That urban life continued to hold any attraction for them at all was testimony to the strength of female dissatisfaction with their situation in rural areas.”<sup>33</sup>

After rapid growth in the manufacturing industry in the 1920s Durban became the second largest city in the country, both in terms of the size of its economy and of its population. But economic growth did not reduce social tensions. Tensions around the Beer Act were coming to a head. Paul la Hausse reports that there was “massive resistance from women beer brewers at the end of the 1920s.”<sup>34</sup> In 1928 A.W.C. Champion, head of the Industrial and Commercial Workers’ Union (ICU) which had 27 000 paid up members in Durban,<sup>35</sup> spoke strongly against the Durban System in an address to a meeting of 5 000 ICU workers. In 1929 a boycott of the beer halls led to the famous beer hall riots, leading to the open expression of racial antagonism:

White ‘vigilantes’ laid siege to the ICU Hall, and by evening close on two thousand white civilians, from ‘every class’, and three hundred and fifty policemen faced six thousand stick-wielding African workers. These Africans had poured from every quarter of town to relieve the beleaguered men, women and children in the hall and in the ensuing clashes one hundred and twenty people were injured and eight mortally wounded.<sup>36</sup>

In the end the ‘vigilantes’ destroyed the ICU Hall in Prince Edward Street, along with the instruments of its famous brass band. Although the riots were soon crushed by the police, the beer monopoly never regained its full authority.

The ICU, which drew on “Zulu nationalism...Garveyism,...anti-white, anti-Indian and anti-clerical ideas, through to a broader African nationalism”<sup>37</sup> explicitly opposed itself to the elite politics of the African National Congress and the Natal Native Congress, who it derided as *Ama-respectables*, and whose meetings it sometimes forcibly closed.<sup>38</sup>

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<sup>32</sup> Ibid. pp. 188-189.

<sup>33</sup> la Hausse, ‘The Cows of Nongoloza’, p. 190.

<sup>34</sup> Ibid. 114.

<sup>35</sup> Paul la Hausse ‘The Message of the Warriors: The ICU, the Labouring Poor and the Making of a Popular Political Culture in Durban, 1925-1930’,  *Holding Their Ground*, edited by Philip Bonner, Isabel Hofmeyer, Deborah James and Tom Lodge (Ravan Press: Johannesburg), pp.19.

<sup>36</sup> Ibid. 55.

<sup>37</sup> la Hausse, ‘The Message of the Warriors’, p. 27.

<sup>38</sup> ‘a Hausse, ‘The Message of the Warriors’, p. 26.

Although most areas were racially exclusive by the 1920s and 1930s, a number of areas remained racially mixed. As the 1930s and 40s passed, official tolerance for these racially mixed zones waned. One strategy for bringing mixed and largely autonomous areas under control was the extension of the boundaries of Durban to include eight new peri-urban areas into Durban municipality in 1931.<sup>39</sup> This extended the geographic area under Municipal control up and down the coast, from Durban North to Isipingo.<sup>40</sup> According to Bill Freund, "This was done both in order to allow for economic development and to control or eliminate undesirable, illegal and untaxed activities of all varieties and by inhabitants of all colours."<sup>41</sup>

By 1937 the migrant labour system was firmly in place.<sup>42</sup> It profoundly shaped the development of South African cities and many aspects of South African life. Its central idea was that Africans had no permanent right to the city. Only whites, coloureds and Indians were thought to be fully capable of urban life and were therefore legally permitted to live in urban spaces - although the system presumed that this would happen under the authority of white paternalism in the cases of coloureds and Indians. Africans were forced to return 'home' when not in waged employment. The system required the careful containment, regulation and monitoring of Africans in the city.<sup>43</sup>

The migrant labour system was primarily justified by the racist ideology that contrasted an imagined essential connection between whiteness and urban modernity with an equally imagined connection between blackness and rural tradition. This form of racism reached its full perversity after 1959, when mass removals to the Bantustans often resulted in prosperous cosmopolitan urban people finding themselves dumped in rural 'homelands' which they had never previously visited, and in which they had no familial, economic or meaningful cultural connections.<sup>44</sup> Recent work has shown that the irrational association between whiteness and urban modernity - an association that is unable to recognise African modernity - continues to disfigure contemporary urban life in Durban.<sup>45</sup>

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<sup>39</sup> H.R. Burrows *et al*, *Durban Housing Survey 1952* (University of Natal Press: Durban, 1952) p. 19.

<sup>40</sup> *Ibid.*, p.19.

<sup>41</sup> Freund, *Insiders and Outsiders*, p. 25.

<sup>42</sup> See Marian Lacey, *Working for Boroko: The origins of a coercive labour system in South Africa* (Ravan Press: Johannesburg, 1981)

<sup>43</sup> But see T. Dunbar Moodie and Vivienne Ndatshe's *Going for Gold: Men, Mines and Migrations* (University of California Press: Berkeley, 1994) for an account of how mine workers developed ideas and practices around personal integrity and collective solidarity in the prison-like circumstances of the mine compound.

<sup>44</sup> For more on this see Cosmas Desmond's *The Discarded People*, Laurine Platsky and Cheryl Walker's *The Surplus People: Forced Removals in South Africa* and Elaine Unterhalter's *Forced Removals*.

<sup>45</sup> Richard Ballard has done important work in this regard. See, for instance, 'Middle Class Neighbourhoods or 'African Kraals'? The Impact of Informal Settlements and Vagrants on Post-Apartheid White Identity', *Urban Forum*, Vol. 15. No. 4 (2004) pp. 48-73 and 'Bunkers for the Psyche: How Gated

There was also a clear material base to the migrant labour system. As Maynard Swanson put it “the underlying question was one of overall social control: how to organize society to provide for mutual access of black labourers and white employers in the coming industrial age without having to pay the heavy social cost of urbanization or losing the dominance of white over black.”<sup>46</sup> The unpaid and unsubsidised work of rural African women enabled first the mines, and then later industry more generally, to access extremely cheap labour.<sup>47</sup> Until the development of strong black trade unions - a process<sup>48</sup> that began with the formation of the ICU in Cape Town 1919, began to achieve sustained success after the Durban strikes in 1973<sup>49</sup> and reached fruition in the 1980s - migrant labour was the foundation of much of the wealth of urban white South Africa and, also, of much of the poverty of rural African life. As Cheryl Walker observes: “The migrant labour system has long been recognised as one of the key institutions in the development of modern South Africa – a source of immense profits for a few and immense hardship for many.”<sup>50</sup>

Maynard Swanson famously coined the term ‘sanitation syndrome’ to describe the way in which arguments for urban planning policies were presented as being in the interests of public health, and thereby the general interest, when in fact they were to the systematic advantage of whites. This syndrome was driven by a conflation between white anxieties about the presence of black people in the cities and the epidemics of disease that could spring from the conditions in which black people were forced to live. In this syndrome the ‘slum’ became a particular site of racial anxiety<sup>51</sup> - an anxiety that became greatly exacerbated when such an area became a site of racial mixing. The result was that, in Phillip Bonner and Lauren Segal’s phrasing: “Fears of infection, racial mixing and a lack of control led to many sections of the whole communities – and some sections of black society – to call for the segregation and clearance of the slum yards.”<sup>52</sup> Richard Ballard’s research shows that

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Communities Have Allowed the Privatisation of Apartheid in Democratic South Africa’ *Dark Roast Occasional Paper Series*, No.2, 25. (2005) pp. 1-23.

<sup>46</sup> Bill Freund, *The African City*, p.109.

<sup>47</sup> The point has been most famously argued by Harold Wolpe, ‘Capitalism and Cheap Labour-Power in South Africa: From Segregation to Apartheid’ *Economy and Society*, 1 (1972) and Martin Legassick, ‘South Africa: Forced Labour, Industrialisation and Racial Differentiation’ in R. Harris (ed), *The Political Economy of Africa* (New York: John Wiley, 1975)

<sup>48</sup> See Ken Luckhardt and Brenda Wall, *Organize or Starve: The history of the South African Congress of Trade Unions* (Lawrence and Wishart: London, 1980)

<sup>49</sup> See Institute for Industrial Education, ‘The Durban Strikes: South Africa 1973’ in Robin Cohen, Peter Gutkind and Phyllis Brazier (eds.), *Peasants and Proletarians: The Struggles of Third World Workers* (Hutchinson: London, 1979)

<sup>50</sup> Cheryl Walker, ‘Gender and the Migrant Labour System,’ in Cheryl Walker (ed), *Women and Gender in Southern Africa to 1945* (David Philip: Cape Town, 1990) p. 168.

<sup>51</sup> Maynard W. Swanson, ‘The Sanitation Syndrome: Bubonic Plague and Urban Native Policy in the Cape Colony, 1900-1909’ *The Journal of African History*, Vol. 18, No. 3 (1977), pp. 387-410.

<sup>52</sup> Cited in Godehart, p.51.



for white society under apartheid, “Squatter settlements were constantly pathologised, and were presented as dysfunctional and problematic.”<sup>53</sup>

But shack settlements were more than just ‘slums’, and more than just a grassroots survival strategy. They were also sites of political innovation. The Industrial and Commercial Workers’ Union (ICU) was the largest political organisation of the poor in the shack settlements at the time. Helen Bradford explains that in the 1920s, “The ICU was constituting itself as a rudimentary but nonetheless alternative power centre in wide-ranging spheres of social and state activities.” She adds that:

especially when infused with the creativity of members, even superficially moderate activities could point the way to the development of innovative, popular institutions. Fragmentary and partial though they were these attempts to broaden the conflict to various arenas of society were nonetheless significant. Thus in addition to its meetings and office work, the ICU promoted alternative political and cultural practices to those through which whites shaped the ideas of blacks.<sup>54</sup>

In Durban the ICU ran night schools, staged music and dance performances, held large marches in the suburb of Sydenham and spoke in many churches, becoming what liberation theology would later call a prophetic voice in these environments and often leading to a profound re-orientation of their collective social vision.

At the same time as the ICU veered between outright militancy and various kinds of accommodation with the colonial state, it also made innovative use of the courts. Bradford notes that there was significant “grass-roots support for the ICU’s court battles” and concludes, quoting Engles, that, “Simply in order to fight, achieving and defining specific legal rights is a key tactic whereby movements acquire ‘first a soil to stand on, air, light and space.’”<sup>55</sup>

The *ad hoc* ‘slum clearance’ processes of the 1930s were given legislative support when the Slums Act<sup>56</sup> became national legislation in 1934. Its drafters described its purpose as the making of “comprehensive provision for the elimination of slums.” It declared that:

Whenever the medical officer of health is of opinion that any condition exists in or upon any premises which does not conform with the requirements of the Act or regulations, or any premises are of such construction or in such a state or so situated or so dirty or

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<sup>53</sup> Ballard, 2002. pp.49-50.

<sup>54</sup> Bradford, *A Taste of Freedom*, p. 138.

<sup>55</sup> Bradford, *A Taste of Freedom*, p. 136.

<sup>56</sup> The Regulation for the Control and Inspection of Premises in the defined Zones (1939) (City of Durban) were framed under Section 32 of the Slums Act- Provincial Notice 546 of 1939. This Act was intended to be applied to the surrounding areas and areas within the Old Borough of Durban. The aim of this Act was to obtain a simpler and quicker method of removing homes and people from these areas. For more on this see, H.R. Burrows *et al*, *Durban Housing Survey 1952* (Durban: University of Natal Press, 1952) pg 343

so verminous as to be injurious or dangerous to health or liable to favour the spread of any infectious disease ; or any premises are so situated, used or kept as to be unsafe or injurious or dangerous to health, or any land is so congested with buildings as to be injurious or dangerous to health, or any premises have not such a proper, sufficient and wholesome water supply available within a reasonable distance, he must report to the local authority that a nuisance exists upon such premises or land.<sup>57</sup>

The Slums Act required a minimum of 3.7 square meters of floor space per person and separate bedrooms for children of different sexes (i.e. there had to be three bedrooms per dwelling).<sup>58</sup> The Act did allow for owners of properties declared as slums to make the necessary investments to have this declaration withdrawn: “A declaration that premises are a slum may be rescinded if the owner satisfies the local authority that he has removed the nuisance which led to the declaration and paid all the expenses and costs to which the local authority has been put.”<sup>59</sup> However, once an area was declared a slum, the Act sought to ensure that there was no legal defence against eviction:

After an order for demolition, nobody may enter the slum except for the purpose of carrying out the demolition...Power is given in the Act to eject persons unlawfully occupying or entering a slum, and there is no exemption from ejection merely on the ground of lack of other accommodation. The Act also applies to premises owned by the Crown, and local authorities are indemnified from all claims whatsoever by reason of anything necessarily done in the execution of their duties or the exercise of their powers under the Act.<sup>60</sup>

Diane Scott argues that modernist city planning is both utopian and authoritarian. She shows that in Durban, as with this mode of planning elsewhere, zoning regulations were the key tool for planners to divide up the city. Everything had to be in its assigned place – ‘impurity’ could not be tolerated. She concludes that:

The concept of urban zoning...precludes both mixed land use and the informal, unregulated occupation of space. The word ‘slum’ ‘connotes a perception of something anomalous ... an affront to expectations of what is appropriate’. This term came to be used in modernist planning discourse to describe those areas that should be removed from the planned formal city. The existing Indian and African residential areas in Durban in the early part of the twentieth century exhibited these ‘illegal and inappropriate’ characteristics, and it was these areas that became the object of re-zoning or slum clearance procedures in the name of rational planning.<sup>61</sup>

However the legislation did not successfully override previously existing legislation that ensured that people could not be evicted if alternative accommodation was not provided. Academic supporters of

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<sup>57</sup> W. G. Hoal; A. J. Pienaar; Justice Lansdown; H. Pring; A. A. Hope; Alan Roe; R. J. Morton ‘Review of Legislation’, *Journal of Comparative Legislation and International Law*, 3rd Ser., Vol. 18, No. 2. (1936), p. 126.

<sup>58</sup> Godehart, *Transformation of a Township in South Africa*, p. 54

<sup>59</sup> Ibid. 127.

<sup>60</sup> W. G. Hoal et al, ‘Review of Legislation’, p. 127.

<sup>61</sup> Dianne Scott “‘Creative Destruction’: Early Modernist Planning in the South Durban Industrial Zone, South Africa,’ *Journal of Southern African Studies*, Vol. 29, No. 1. (March., 2003), p. 240.

the legislation lamented that “it was not always easy to implement” because “each owner of slum property must appear in court and each case must be investigated.”<sup>62</sup>

Susan Parnell has shown that the 1934 Slums Act was aimed primarily at freeing up land for the needs of business, secondly at removing perceived threats to public health and, lastly, at achieving segregation. But she also shows that simply stating the objectives of a course of action did not ensure that they would in fact be achieved through bureaucratic action. Neither the poor nor the housing crisis were successfully made to disappear through the eradication of slums.<sup>63</sup>

The first African township in Durban, Lamontville, was created in 1934 for people removed from their homes under the Slums Act. A.W.G. Champion applied for a house and was turned down on the grounds of his role in the 1929 protests.<sup>64</sup> Although Lamontville is reasonably central today, in 1934 it was 15 kilometres outside the city and very much on its periphery. Various informal livelihoods that were possible near the city centre were not viable there. Louise Torr reports that: “Durban city councillors expressed astonishment at the preference of Africans for remaining in the shack settlements”<sup>65</sup> even when shack rental was more expensive than renting a three roomed house in Lamontville. This inability amongst officials to comprehend that formal houses on the urban periphery were not necessarily in the best interests of shack dwellers would prove to be another trope with considerable staying power. However in 1934 the Reverend Mtimkulu explained the ‘mystery’ very clearly:

By living at Mayville and other such districts, the natives were able to walk to work; their womenfolk could take in washing and their children were able to attend school in the district, whereas in the case of [Lamontville] Native Village, the tenants would have to pay 8s.6d. per month for transport and no school was provided for the children.<sup>66</sup>

Paul Maylam’s has found that:

Not all of Durban’s leading administrators were ardent advocates of formal housing for Africans. The main exception was Gunn, the Medical Officer of Health. Whilst committed to shack elimination, Gunn saw the dangers of an over-commitment to a formal housing policy. As early as 1934 he condemned the Lamont township scheme as an expensive failure: it was far from places of work, and its transport and shopping facilities were inadequate. He argued that careful consideration had to be given to the existing life-style of shack dwellers: “Re-housing will fail in its object, if it compels a

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<sup>62</sup> H.R. Burrows *et al*, *Durban Housing Survey 1952*, p. 342.

<sup>63</sup> See Freund, *Insiders and Outsiders*, p. 68-69.

<sup>64</sup> Louise Torr, ‘Lamontville’ in Paul Maylam and Iain Edwards (eds.) *The People’s City: African Life in Twentieth-Century Durban* (University of Natal Press: Pietermaritzburg, 1996) p. 253.

<sup>65</sup> *Ibid.*, p. 254.

<sup>66</sup> *Ibid.*, p. 255.

radical interference with the basis of living and means of support to which the slum-dweller has been accustomed and habituated.”<sup>67</sup>

In 1939, *The Regulations for the Control and Inspection of Premises in Defined Zones (City of Durban) Slums Act - Provincial Notice 546* was passed with a view to “obtain a simpler and quicker method of cleaning up areas than is possible under the Slums Act.”<sup>68</sup> However, it was still not legally possible to carry out major slum clearances without providing new housing. Although these legal constraints to wholesale forced removals limited the powers of the Slums Act, scholars note that the Act nevertheless supported the development of “the growing prominence of a discourse about slums and slum removal” that continued until the 1970s.<sup>69</sup>

In the 1930s and 1940s there was dramatic growth in the manufacturing industry. Male African workers in formal employment were expected to be housed in barracks. One resident described them as follows:

there are narrow, dark, winding stairs, that lead to the room occupying the floor above, and the air is foul....for 3d a man is given what passes for a bed...this consists of the frame of a bed with a wooden board in place of the spring...the men must provide their own blankets...the rooms are terribly stuffy, the windows being situated so high that it would be a good job to open them...the ‘comfort’ and ‘rest’ to be got from sleeping on a wooden board in a room where a harsh light burns throughout the night must be experienced to be appreciated.<sup>70</sup>

But shack settlements provided a less regimented alternative for African workers and one in which family life was possible. For a while *Umkhumbane* (Cato Manor, the largest shack settlement in the city) was tolerated as the Imperial war economy required more labour.

But Maylam argues that:

It would be a mistake to see Durban’s shack settlements simply as the product of a housing shortage. Africans were not merely passive victims in the whole urbanization process. Although appalling living conditions often prevailed, the shack settlements did offer advantages and opportunities to their inhabitants. First, they were free from the strict regulation and control exercised by the authorities in municipal institutions. Second, shacks were cheap accommodation; and being located close to places of work,

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<sup>67</sup> Maylam, ‘The ‘Black Belt’: Black Squatters in Durban 1935-1950’, *Canadian Journal of African Studies* Special Issue on South Africa (1983) pp. 419-420.

<sup>68</sup> H.R. Burrows *et al*, *Durban Housing Survey 1952*, p. 343.

<sup>69</sup> Freund, *Insiders and Outsiders*, p.69.

<sup>70</sup> Cited in David Hemson, ‘Dock Workers, Labour Circulation and Class Struggles in Durban, 1940-1959’, *Journal of Southern African Studies*. p. 72.

transport costs were reduced. And third, the settlements offered enormous scope for informal sector activity. Petty entrepreneurs operated as unlicensed traders, hawkers, painters, backyard motor mechanics, or shack-builders.<sup>71</sup>

As the power of African workers grew, they began to extend their political demands beyond the work place and to assert a right to the city. For instance, Zulu Phungula, a leading trade unionist, insisted that: "The Government must show us where to go because our homes are here in Durban."<sup>72</sup> A range of movements developed in Mkhumbane which, according to Iain Edwards, tended to have a leadership that was charismatic, undemocratic and had often first accessed some power and authority via the extraction of rent. They included the Natal African Tenants and Peasants' Association which was led by Sydeny Myeza and was able to arrange new land occupations and to inform the state that it had its own "police and government."<sup>73</sup> A number of more democratic co-operative movements also emerged, that, soon had more members than the ANC. They put the dignity of shack dwellers at the centre of their work and, amongst other activities, arranged music festivals as well as night and winter schools where people learnt various skills. They grew out of grassroots organisation but attracted lots of elite interest. The Catholic church hoped that they would create social harmony that could avoid conflict between workers and capital while the Communist Party saw them as a basis for strengthening workers for a coming conflict.<sup>74</sup> The war years also saw an escalation of shack dwellers' movements elsewhere in the country, in particular in Johannesburg where between 63 000 and 92 500 Africans were able to successfully occupy and hold urban land.<sup>75</sup>

There were still voices within the Municipality that rejected the 'bulldoze and relocate' model of 'slum eradication.' In 1943 Gunn argued that in the absence of viable alternative housing the erection of shacks must be condoned and that "water supply and sanitary services must be made good *at all costs and with the least possible delay.*"<sup>76</sup> In the following year the Report of the Durban Health Enquiry (Wadley) Commission "condemned the earlier preoccupation with permanent,

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<sup>71</sup> Maylam, *Black Squatters in Durban 1935-1950*, p. 418.

<sup>72</sup> David Hemson 'Dock Workers', p. 88.

<sup>73</sup> Iain Edwards 'Swing the Assegai Peacefully? 'New Africa', Mkhumbane, the Co-operative Movement and Attempts to Transform Durban Society in the Late Nineteen-Forties',  *Holding Their Ground*, edited by Philip Bonner, Isabel Hofmeyer, Deborah James and Tom Lodge (Ravan Press: Johannesburg), p.83.

<sup>74</sup> Ibid., p.92.

<sup>75</sup> See Alf Stadler 'Birds in the Cornfield: Squatter Movements in Johannesburg 1944-1947', *Journal of Southern African Studies*, Vol. 6, No.1. (1979), pp. 93-123.

<sup>76</sup> Gunn, cited in Maylam, *Black Squatters in Durban 1935-1950*, p.422

formal housing” and argued that more would have been achieved by the immediate extension of water and sanitation services to the growing shack settlements.<sup>77</sup>

However the growth in shack settlements during the war produced increased anti-black feelings amongst the general white population.<sup>78</sup> The general fear of a *swart gevaar*<sup>79</sup> [black danger] took on a concrete form in escalating anxieties about cities being ‘overwhelmed’ by Africans. This resulted in an increase in popular and official white rhetoric around control and order that later became the underpinning for the development of the apartheid state. Deborah Posel explains:

Apartheid was underpinned by a hankering for order – and orderly society and an orderly state to tame the perceived dissolution and turbulence engendered during the 1940s. For many anxious whites, the fate of white supremacy had grown precarious, endangered by the spectre of *die swart gevaar* (the black danger) threatening to overwhelm cities.<sup>80</sup>

According to Posel, whites felt a need to reassert boundaries that could better control space and movement, and thus limit interaction among people regarded as racially different.<sup>81</sup> The state therefore turned hostile attention towards pockets of space considered to be racially diverse, such as Berea Road, Stamford Hill, Greyville and Cato Manor.

At the same time a black working class non-racialism developed as African and Indian workers stood together in a series of strikes beginning at the Falkirk Foundry in 1937.<sup>82</sup> But in the year after the war an acute shortage of land threatened this solidarity. Unlike Africans, Indians had been free to live in the city and to buy ‘white land’. As a result, many of those who had become successful market gardeners turned to shack renting as it was more profitable in the period during and after the war.<sup>83</sup> The shortage of land led to increased overcrowding and the exploitation of many of the renters by the Indian landlords. The *Durban Housing Survey* argued that:

Many Indian landlords, in common with landlords of other races, are tempted to exploit the acute need for shelter that has arisen in the post-war years. The relatively high rents charged often limit the accommodation that can be afforded. As a result a typical family crowds into one room and must share with the other occupants of the house the kitchen, lavatory and bathroom. In many cases, however, there is no kitchen available either for

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<sup>77</sup> Ibid.

<sup>78</sup> See Freund, *Insiders and Outsiders*, p. 68, and Paul La Hausse, ‘The Cows of Nongoloza’.

<sup>79</sup> Deborah Posel, “What’s in a name? Racial categorisations under apartheid and their afterlife,” *Transformation* 47 (2001) p. 52.

<sup>80</sup> Ibid., p. 52.

<sup>81</sup> Deborah Posel, ‘What’s in a name?’, p. 52.

<sup>82</sup> See Freund, *Insiders and Outsiders*, p. 54-56.

<sup>83</sup> Ibid., p. 25.

private or common use, and each family must prepare its food in its one living room, or outside in the yard.<sup>84</sup>

Although the National Party was voted into power in 1948, it wasn't able to give immediate effect to its plans to entrench and formalise colonial segregation. Paul Maylam shows that, on the contrary:

shack-builders were penetrating close to some of [white] Durban's most venerated areas; in 1949 shacks were found next to the Botanic Gardens and on land opposite the Country Club. So serious was the situation, complained Gunn, that no part of the city could be regarded "as wholly immune" from shack building.<sup>85</sup>

Middle class opposition became increasingly strident:

For a great many of Durban's middle class residents, the shack settlements aroused sentiments of fear and indignation. Particularly vociferous were Indian property-owners in neighbouring areas. The Cato Manor Ratepayers Association complained that their community was threatened by disease and that Indian market gardeners were being "ruined" as shack-dwellers stole their produce or polluted their gardens. In 1948 the Merebank branch of the Natal Indian Congress drew the town clerk's attention to the "nuisance" being created by shack-dwellers in their area. The shack settlements were widely perceived as hotbeds of crime, vice, and disease.<sup>86</sup>

In 1949 serious conflict erupted in Durban between Indian landlords and African tenants denied the right to own property. This conflict, according to Freund, "escalated into an anti-Indian pogrom."<sup>87</sup> David Hemson describes it as "one of the most destructive upheavals in South African history. The most dominated and repressed section of the South African working class turned against a minority group which possessed urban land and trading rights and preferential treatment in employment."<sup>88</sup>

Most academic accounts ascribe the riots to a mixture of Indian racism and the struggle for Africans to secure space in the city (a problem consequent to white racism). This accords well with contemporary popular memory amongst African shack dwellers. Those with roots in *Umkhumbane* and other settlements of the time (e.g. around Pinetown) remember the conflict as a 'war' against exploitation and exclusion.<sup>89</sup> As is consistently the case, there were attempts at the time to ascribe the disturbances to white agency, but there is no evidence for this.<sup>90</sup> It is also important to note that after 1949 a new African shack-lord class emerged to extort large profits from tenants and to

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<sup>84</sup> H.R. Burrows *et al*, *Durban Housing Survey 1952*, p. 232.

<sup>85</sup> Paul Maylam 'The "Black Belt": African Squatters in Durban 1935- 1950' *Canadian Journal of African Studies / Revue Canadienne des Études Africaines*, Vol. 17, No. 3, Special Issue: South Africa. (1983), p. 415.

<sup>86</sup> *Ibid.*, p. 415.

<sup>87</sup> Freund, *Insiders and Outsiders*, p. 57.

<sup>88</sup> Hemson, 'Dock Workers', p. 111.

<sup>89</sup> Mpola focus group. 17 September, 2007.

<sup>90</sup> Freund, *Insiders and Outsiders*, p, 58.

attempt to forge clientalist relations with the state.<sup>91</sup> The riots certainly did not achieve the decommodification of the land. Moreover after the riots a pro-apartheid and anti-Indian organisation, the Zulu Hlangananau Co-Operative and Buying Club, was formed and succeeded in closing down the more diverse and democratic political spaces in which the co-operative movement had flourished.<sup>92</sup>

The Indian Mayville and Cato Manor Rate Payers' Association responded to the conflict by requesting that Africans be expelled from the area.<sup>93</sup> By this time there were close to 70 000 people living in the shacks. The initial response of the City was to provide basic services within the settlement – “roads, storm water drainage, street lights and ablution blocks...Sites were also made available for schools, churches, community halls, sports grounds, crèches, shops.”<sup>94</sup> Low interest loans were also provided for building and upgrading shacks. In the policy jargon of today this would be called an *in-situ*-upgrade. For a while *Umkhumbane* flourished and its urban cosmopolitanism produced everything from its famous *izitabane* (gay) community to musical and dance syntheses that have continued into the present.<sup>95</sup> Some attempts were made to move Indians out of the area and into poor quality formal housing on Springfield Estate, but as Freund notes: “It was often difficult to persuade shack dwellers to consider moving there.”<sup>96</sup>

In 1950, however, the legal foundation for the successful segregation of the City were laid via the newly-passed Group Areas Act, which eventually resulted in mass forced removals of blacks to segregated townships on the periphery of the city. Freund notes that “Few whites were forced to leave their homes, but many benefited from the availability of relatively cheap land for home purchases.”<sup>97</sup>

In Freund's analysis:

Two trajectories came together in the making of Group Areas. The first was white racism, the desire to define Durban as a city built around a white core...However, at the same time, the Group Areas idea was closely allied to notions of progress, hygiene and modernity...For the bureaucratic planners of Group Areas...it was an undeniable good. They aligned themselves with the massive movement to reconstruct working class housing in Britain and other European countries at the same time, a movement which

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<sup>91</sup> See Iain Edwards, 'Cato Manor, June 1959' in Maylam and Edwards (eds.), *The People's City*.

<sup>92</sup> Edwards, 'Swing the Assegai Peacefully', p. 95. In the mid 1950s it split into two factions – one became part of the ANC and the other made the first attempt to restart the Inkhata movement.

<sup>93</sup> Freund, *Insiders and Outsiders*, p. 70.

<sup>94</sup> Gavin Maarsdorp & A.S.B. Humphreys, *From Shantytown to Township* (Juta: Cape Town, 1975) p. 17.

<sup>95</sup> Edwards, 'Cato Manor, June 1959', p. 108.

<sup>96</sup> Freund, *Insiders and Outsiders*, p. 69.

<sup>97</sup> *Ibid.*, p. 64.



certainly had major parallels and affinities with processes in South Africa...Modern Durban was to be reconstructed on the basis of the clearance of slums.<sup>98</sup>

The City presented their project as “the noble art of slum clearance”<sup>99</sup> and Freund stresses that planning for segregation was often organised through “sanitised language” that evoked “technocratic rationality.”<sup>100</sup> The opponents of this process sought to reveal its politics by presenting it as a racist attack on black interests. There were times when some of the motives of the state were laid bare. For instance in 1951 Dr. Eiselen, Secretary for Native Affairs, stated that “Only by the provision of adequate shelter in properly planned Native townships can full control over urban Natives be regained.”<sup>101</sup>

In 1951, the Prevention of Illegal Squatting Act was passed. Writing in 1985, Platzky and Walker noted that it “was the opening shot in what has been an ongoing and increasingly vicious battle to root out the people living ‘illegally’ in town and to destroy their precarious hold on an urban livelihood.”<sup>102</sup> It gave magistrates powers to order the demolition of shacks, and placed obligations on landowners to evict squatters. Although so called ‘transit camps’ had been used to house people removed from shack settlements since the late 1940s, this Act formalised the practice. It enabled local authorities to set up ‘transit camps’ instead of providing alternative accommodation whenever they wanted to evict people from their homes.<sup>103</sup>

Cato Manor had been under particular pressure for some time. In 1951, the Durban Housing Survey declared Cato Manor an “appalling threat” and reported that: “Urgent steps are obviously needed to eliminate the threat to the health, comfort and security of both the slum dwellers and their fellow citizens.” The Survey recommended urgent “re-siting” as a “temporary plan chiefly for the control of an area of potential danger to the City’s health.”<sup>104</sup>

Previous attempts at legislating segregation had experienced mixed success. By the 1950s, however, the apartheid state was in a strong position and the city of Durban had developed a powerful planning bureaucracy.<sup>105</sup> This was largely hostile to shack dwellers. An example of this hostility can be seen in a 1952 pro-segregation study by academics at the University of Natal, which declared that:

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<sup>98</sup> Ibid., pp. 64-65.

<sup>99</sup> Ibid., p. 65.

<sup>100</sup> Ibid., p. 69.

<sup>101</sup> Cited in Godehart, *Transformation of Townships in South Africa*, p.52.

<sup>102</sup> Platzky and Walker, *Forced Removals in South Africa*, p. 104.

<sup>103</sup> Marie Huchzermeyer *Unlawful Occupation: Informal Settlements and Urban Policy in South Africa and Brazil* (Africa World Press: Trenton, N.J., 2004) p. 100.

<sup>104</sup> H.R. Burrows *et al*, *Durban Housing Survey 1952*, pp. 382-383.

<sup>105</sup> Scott, ‘Creative Destruction,’ p. 239.

Durban's attractive flowering trees are threatened by destructive insects, many of her older dwellings by white ants, and her beach by unchecked tides. But the most serious threat to Durban's health and racial harmony lies in her slums and vast shack settlement, the breeding grounds of disease, crime and despair made more dangerous by ignorance and neglect.<sup>106</sup>

This elite hostility was matched by popular white hostility. By the 1950s black people in 'white' neighbourhoods were at risk of violence from groups of young white men.<sup>107</sup>

In March 1958, as the city's African population grew rapidly and the apartheid state began to achieve its full power, the Durban City Council began a 'slum clearance' project. This project was conceived within a colonial academic and policy consensus that possessed a global reach.<sup>108</sup> It was justified in the name of increasing property values, reducing crime, and improving health and hygiene. There was a clear racial bias: "Whereas white families were compensated or accommodated in sanitary public housing schemes, black people were often financially ruined by the forced relocation from 'slums'."<sup>109</sup> Black shack dwellers were relocated to racially segregated modern townships on the periphery of the city, such as KwaMashu. The new houses in these townships were significantly smaller than those built in Lamontville in the 1930s. In contrast, white shack dwellers (numbering, according to Lodge, "a few thousand"<sup>110</sup>) were moved into flats in the city. People who didn't have their names on the right documents "would have their homes and sometimes their possessions within them flattened without warning by bulldozers."<sup>111</sup> Among the people made homeless by the forced removals were "unemployed and self-employed men and women, widowed women and their dependents, single women and the elderly and infirm not directly related to a prospective KwaMashu household head."<sup>112</sup>

Forced removals to new houses in new townships were militantly opposed, primarily on the grounds that transport costs from the new townships to work were unaffordable. This opposition was popular, and extended beyond people at risk of being made homeless by eviction. In 1958 ten thousand Indians gathered at Curries Fountain to protest against the Group Areas Act.<sup>113</sup> In June

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<sup>106</sup> H.R. Burrows *et al*, *Durban Housing Survey 1952*, p. 341.

<sup>107</sup> Freund, *The African City*, p. 121.

<sup>108</sup> It is important to note this fact because it is now routinely assumed by elites that the City Council's policies towards shack dwellers must be highly commendable because they are informed by a global academic and policy consensus and are therefore 'world class'.

<sup>109</sup> SANGOCO *Paper on Housing for the Poverty Hearing*, 1998, p.7.

[http://www.sangoco.org.za/site/index.php?option=com\\_content&task=view&id=47&Itemid=47](http://www.sangoco.org.za/site/index.php?option=com_content&task=view&id=47&Itemid=47)

<sup>110</sup> Lodge, *Black Politics*, p. 147.

<sup>111</sup> Lodge, *Black Politics*, p. 147.

<sup>112</sup> Iain Edwards, *Cato Manor. June 1959*, p. 115.

<sup>113</sup> Paul Maylam, 'Introduction' in Maylam and Edwards (eds.), *The People's City*, p. 23.

1959 women attacked the beer halls, and in that year demonstrations in the settlements stopped the evictions three times. There were moments when the resistance was clearly organised and articulated as a women's project.<sup>114</sup> In particular, women residents in Cato Manor issued a direct challenge to the state and the dominance of men in the settlement. The slogan '*Wa thint' abafazi wa thint' imbokodo!*' (You strike a woman, you strike a rock!) was widely used and some contemporary shack dwellers vigorously assert that it first emerged out of the women's struggle in Cato Manor and was only later taken up in more elite oppositional politics.<sup>115</sup>

In November 1959, a mass boycott of the municipal beer hall led to an escalating conflict which culminated in January 1960 when a number of lives, including those of policemen, were lost. However the mass evictions were continued and largely completed in August 1965.

Other shack settlements in the city were also razed in this period. For example, the mostly Indian Tin Town on the Springfield Flats was cleared by 1964. The Durban Corporation's Department of Bantu Administration and the University of Natal set up a co-operative research project to assess the capacity of relocated shack dwellers to pay for services in the new segregated townships, and came to the conclusion that "the policy of re-housing Africans in townships on the urban periphery involved them in a significant increase in living costs."<sup>116</sup> The same conclusion was reached with regard to Indians relocated from Tin Town. Moreover, various studies indicated that women workers relocated to the periphery of South African cities carried particular burdens, having to endure long and expensive commutes on top of household responsibilities. One study indicated that the result of these burdens was "severe stress and sleep deprivation."<sup>117</sup>

The Group Areas Act also created a situation of sustained uncertainty in those areas that were rendered vulnerable to forced removal, but which were able to avoid it for an indefinite period of time. For instance, an Indian community had been resident at Motala Farm in Pinetown since the First World War, when the area had been divided into plots for housing. In 1953 the community was first threatened with forced removal under the Group Areas Act and in 1966, as Pinetown became less agricultural and more industrial, the land increased in value and Motala Farm was zoned as a 'white area'. The lack of secure tenure meant that at the same time as the state stopped investing in the area, people stopped investing in their homes and conditions worsened seriously. In other words, tenure insecurity caused by the Group Areas Act created the very 'slums' the Act was

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<sup>114</sup> See Edwards, 'Cato Manor, June 1959'.

<sup>115</sup> Focus group, Arnett Drive, 4 August 2007.

<sup>116</sup> Maarsdorp & Humphreys, *From Shantytown to Township*, p. 40.

<sup>117</sup> See Alison Todes 'Housing, Integrated Urban Development and the Compact City Debate' in Phillip Harrison, Marie Huchzermeyer and Mzwanele Mayekiso (eds.), *Confronting Fragmentation: Housing and Urban Development in a Democratising Society* (UCT Press: Cape Town, 2003) pp. 112-113.

supposed to 'eliminate.' But in Motala Farm the forced evictions that occurred in many other areas of the City did not happen. In 1983, owing largely to the ongoing representations to the white elite in Pinetown by the wealthier residents of Motala Farm, it was deproclaimed as a white area, thus allowing the Indian residents to remain. However the mixed race residents were immediately moved out to Marianridge.<sup>118</sup>

These forced removals are remembered bitterly in popular and official memory as great crimes of apartheid. They occur as originary events in many accounts of political conscientisation. However, the memories of these settlements also capture an essential recurring ambiguity: on one hand, the shack settlements are remembered as sites of political and cultural freedom, due to their proximity to the city, their cosmopolitanism, and their autonomy from the state and authoritarian modes of enforcing 'tradition.' At the same time, the settlements are also remembered as sites of suffering as the absence of state support meant the absence of the services - sanitation, roads, health, water, refuse collection and so on – that were needed for a viable urban life. Speaking in 1960, the former head of the ICU, A.W.C. Champion (who, despite all his other failings, had supported militant mobilisation against conditions in *Umkhumbane*) still described the settlement as "the place in Durban where families could breathe the air of freedom".<sup>119</sup> Contemporary shack dwellers with roots in *Umkhumbane* recall it with similar ambiguity as being simultaneously a deprived and elevated place. The deprivation was material, the elevation inhered in the fact that it was economically, socially and politically freer than other places where African people could live.<sup>120</sup>

In this period, places like Cato Manor, District Six in Cape Town, and Sophiatown in Johannesburg gave rise to vibrant and cosmopolitan urban cultures in which local practices mixed with, appropriated, and reworked imported cultural idioms such as jazz.<sup>121</sup> In Johannesburg, urban 'slum life' produced the Drum writers, while the painter Gerard Sekoto spent important phases of his life in District Six and Sophiatown.<sup>122</sup> Well-known contemporary Durban musicians such as Madala Kunene and the late Spho Gumede have often spoken about their musical roots in Cato Manor.<sup>123</sup> Many people loved these places – they became themselves precisely because of the urban cosmopolitanism of these 'slums'. Bloke Modisane's novel *Blame Me On History* famously begins:

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<sup>118</sup> I am indebted to Shamita Naidoo, chairperson of the Abahlali baseMjondolo branch in Motala Heights, as Motala Farm is now known, for making available her considerable archive of documents on the history of the area.

<sup>119</sup> Paul Maylam, 'Introduction', p. 19.

<sup>120</sup> This emerged clearly in focus groups held in the Arnett Drive Settlement (4 August 2007) and in e Section, Umlazi (18 August 2007)

<sup>121</sup> See Freund, *The African City*, pp. 116 – 117.

<sup>122</sup> Ibid., pp. 117 – 118.

<sup>123</sup> Personal communication with Gumede and Kunene.

“Something in me died, a piece of me died, with the dying of Sophiatown...In the name of slum clearance they had brought the bulldozers and gored into her body.”<sup>124</sup> In places like Sophiatown and Umkumbane people did not have achieved the right to decent housing but they did achieve the right to the city, “the right to an urban life.”<sup>125</sup> This is what is missed by the long standing tendency to reduce the urban crisis to a housing crisis.

For Alexander Steward - the author of a notorious book in defence of apartheid and against Father Trevor Huddleston’s condemnation of the destruction of Sophiatown - all that needed to be said was that: “Sophiatown is a slum, Johannesburg is a modern perpendicular city.”<sup>126</sup> For Stewart, a slum was a place of “squalor and unhappiness and disease and crime.”<sup>127</sup> It was therefore obvious that slums should be demolished, and people moved to clean, modern township housing. Stewart listed the positive attributes of these modern townships built by the apartheid state: first on his list is sanitation. Free water was last.<sup>128</sup> Stewart dismissed the bitter opposition to ‘slum clearance’ by simply stating that the people opposing it were “slum-dwellers” and that their opposition to the forced evictions came only from “agitators and rent racketeers”.<sup>129</sup>

the professional agitators and the landlords who had this in common – that the elimination of the slum would close down their respective businesses. They had their pawns whom they pushed out into the limelight and into trouble...Well, despite the alliance of the racketeer and agitator the miracle has happened.<sup>130</sup>

The radical disjuncture between the views of the political and planning elite and the experiences of the people subject to their plans has usually been understood in terms of racist paternalism: white planners simply assumed that they knew what was best for African shack dwellers. But Diane Scott argues that it is also useful to examine this disjuncture through the lens of critical ideas about modernist planning:

One of the primary characteristics of organized modernism is its radical break with history and tradition. This follows from the assumption that all activities, values and patterns of human behaviour that are not based on scientific reasoning would need to be re-designed. Scientifically based economic and social plans that emerged in response to this assumption were considered to be superior. So too were those ‘experts’ - the

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<sup>124</sup> Bloke Modisane, *Blame Me on History* (Paper Books: Johannesburg, 1986) p. 5.

<sup>125</sup> Henri Lefebvre ‘The Right to the City’, *Writings on Cities*, (Oxford: Blackwell), 1996, p. 158.

<sup>126</sup> Alexander Steward, *You are Wrong Father Huddleston* (Culemborg Publishers: Cape Town, 1956) p.

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<sup>127</sup> Ibid., p. 34.

<sup>128</sup> Ibid., p. 35.

<sup>129</sup> Steward, *You are Wrong Father Huddleston*, p. 76.

<sup>130</sup> Ibid., 34

planners, engineers and architects - with the scientific knowledge to devise and implement such plans objectively for the good of the 'public'.<sup>131</sup>

It is important to note, as Freund does, that "Destruction was not all that happened. The second thrust by the state was the willingness to engage in large-scale construction of new residential housing. By contrast with previous, relatively lacklustre attempts to segregate the city, the apartheid authorities were willing to try and resolve the urban question in South Africa by building large and racially defined townships beyond the edge of the white city."<sup>132</sup> Godehart, writing in contemporary development jargon, reports that nationally

between 1950 and 1970 more than 400 000 housing units were delivered to the urban poor. This was a very remarkable achievement and South Africa was a leader in the field of mass housing but the results were disastrous from the point of view of social and urban development...the isolation of the townships at the peripheries of cities was the worst dimension of planning.<sup>133</sup>

These townships were built by municipalities with funding from the national government, often in the form of subsidized loans. The municipalities which were expected to repay these loans with rental income generated in the townships. In Durban, one of these townships, Phoenix, demarcated in 1964, was known to be particularly bleak. Bleaker still were the 'transit camps' to which people were sent when housing was not available.<sup>134</sup> But, as Iain Edwards stresses, in the view of the state "The destruction of Cato Manor and the creation of KwaMashu were cited as evidence of the beneficent nature of state intervention."<sup>135</sup> The Minister of Bantu Administration and Development, M. C. Botha, assured the country that "The Bantu people like being moved...The Bantu people like the places where they are being resettled."<sup>136</sup>

At the height of apartheid Africans were successfully barred from occupying any autonomous or potentially autonomous spaces in the city and could legally live only in workers' hostels or servants' quarters. After the Sharpeville massacre in 1960, the protests against pass laws that had been common in the 1950s were crushed and the state appeared impregnable.

In 1961 Frantz Fanon described the colonial city as a "world cut in two"<sup>137</sup>:

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<sup>131</sup> Scott, 'Creative Destruction', p. 239.

<sup>132</sup> Freund, *The African City*, p. 124.

<sup>133</sup> Godehart, *The Transformation of Townships in Southern Africa*, p.61.

<sup>134</sup> Desmond, *The Discarded People*, p.23, pp. 67-71.

<sup>135</sup> See Iain Edwards, 'Cato Manor, June 1959', p. 107.

<sup>136</sup> Desmond, *The Discarded People*, p. 23.

<sup>137</sup> Frantz Fanon, *The Wretched of the Earth* (London: Penguin), 1976, p.29

A world divided into compartments, a motionless, Manichean world. ..The native is a being hemmed in; apartheid is simply one form of the division into compartments of the colonial world. The first thing which the native learns is to stay in his place, and not to go beyond certain limits.<sup>138</sup>

He argued that the ordering of the colonial world, its geographic lay-out, must be examined in order to “reveal the lines of force it implies” which “will allow us to mark out the lines on which a decolonized society will be reorganized.”<sup>139</sup> For Fanon the event that will inaugurate the end of the world of compartments occurs when the violence used to police the dividing line is “taken over by the native at the moment when, deciding to embody history in his own person, he surges into the forbidden quarters.”<sup>140</sup> He concludes that

The shanty-town sanctions the native’s decision to invade, at whatever cost and if necessary by the most cryptic methods, the enemy fortress. The *lumpen-proletariat*, once it is constituted, brings all its forces to endanger the ‘security’ of the town, and is the sign of the irrevocable decay, the gangrene ever present at the heart of political domination.”<sup>141</sup>

In the late 1970s cracks began to emerge in the barriers around white space. In 1973 the Durban strikes<sup>142</sup> began a new era of urban militancy. Workers again become willing to reject the restrictions of hostel life. Then in 1976, the country-wide aftermath of the uprising in Soweto widened these cracks considerably. The new settlements were often referred to ‘liberated zones’.<sup>143</sup> There was an immediate response from both the state and big business. In this year the Crossroads settlement in Cape Town, previously considered an illegal squatter settlement, was re-designated as a ‘transit camp’<sup>144</sup> - thus marking the beginning of an official acceptance of an autonomous urban African presence.<sup>145</sup> Also in this year, big business set up the Urban Foundation, an organisation that undertook research, worked with the state to shape policy and, later, undertook its own housing interventions. Although the 1979 replacement of the Slums Act of 1934 gave the apartheid state the legal means to ‘clear’ the shack settlements, it lacked the capacity and political credibility to carry out mass forced evictions. Despite the military occupation of many townships by the mid 1980s the

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<sup>138</sup> Fanon, *The Wretched of the Earth*, p. 40

<sup>139</sup> Fanon, *The Wretched of the Earth*, p. 29

<sup>140</sup> Fanon, *The Wretched of the Earth*, p. 31

<sup>141</sup> Fanon, *The Wretched of the Earth*, p. 103

<sup>142</sup> See Institute for Industrial Education, ‘The Durban Strikes: South Africa 1973.’

<sup>143</sup> See, for instance Andrew Silk’s *A Shanty Town in South Africa: The story of Modderdam* (Johannesburg: Ravan), 1981. This term was used until 1994. See, for instance, *Life in the Liberated Zone*, Text by Rian Malan and photographs by David Lurie (Rivonia: William Waterman), 1994.

<sup>144</sup> Huchzermeyer, *Unlawful Occupation*, p. 101.

<sup>145</sup> However violent evictions continued to occur elsewhere in Cape Town. The homes of ten thousand people in the Modderdam Road settlement were destroyed in August 1977. See Andrew Silk’s *A Shanty Town in South Africa: The story of Modderdam* (Johannesburg: Ravan), 1981.

state had lost the capacity to completely regulate the movement of Africans. In 1986 the Act was amended again to further increase the powers of local authorities to implement forced removals in the name of 'clearing slums'. But although elite white suburbs were protected where possible, people were able to flood into the cities, seize land in defiance of the state, and establish communities beyond the control of the apartheid state.

A 1978 a study of Malukazi, a new shack settlement on 'tribal land' in Umbumbulu near Umlazi, was undertaken by academics at the University of Natal. Some of these researchers had formerly worked in support of government housing policy. They noted that they had begun their project with the understanding that squatting was "a social pathology, something which should be overcome, eradicated or punished" but that "only very slowly as we became familiar with the community" they came to the conclusion that "the settlement at Malukazi can be viewed not as a problem in itself but as a solution to wider structural problems."<sup>146</sup> They argued that:

Erection of complete houses with most of the usual services in a township context never copes with the rapid rate of urbanisation, causing people to develop their own alternatives – spontaneous settlements – whatever the stringency of control. The contradiction in this process is evident when the bulldozers move in to destroy the shelters of informal settlement: they destroy what constitutes a solution, even if imperfect, to the problem of shelter in an urbanizing context, and further, there is no evidence that the proponents of the "bulldozer philosophy" consider the consequences of their acts further than removal of people to some other jurisdiction."<sup>147</sup>

By the early 1980s the construction of formal township housing by the state had more or less stopped as the state battled to contain a growing urban rebellion and waged war in Angola. The growth of shack settlements was rapidly escalating. In 1984 there were an estimated one million shack dwellers around Durban.<sup>148</sup> In 1986, Influx Control was officially abandoned and by 1988 the figure had increased to 1.7 million.<sup>149</sup> Some studies reported that Durban had surpassed Mexico City as the fastest growing city in the world. These days it is often asserted that the growth in shack settlements in the 1980s was a consequence of the political violence between pro- and anti-apartheid forces that wracked the province in that period. But not all shack dwellers were political refugees and there were multiple causes for the rapid growth in the number of shacks in the city. For example, the new shacks could enable the reunification of families split apart by the migrant labour

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<sup>146</sup> P. Stopforth, 'Profile of the Black Population in a Spontaneous Urban Settlement Near Durban', *Centre for Applied Social Science* University of Natal, Fact Paper 3, (1978).

<sup>147</sup> Ibid. p. 78.

<sup>148</sup> Elaine Unterhalter, *Forced Removals* (International Defence and Aid Fund for Southern Africa: London, 1987) p. 87.

<sup>149</sup> Maylam, *The Struggle for Space in Twentieth Century Durban*, p.25.



system.<sup>150</sup> This included families where women domestic workers had been living in their employers' outbuildings.<sup>151</sup> Shacks also enabled people fleeing rural poverty to access the opportunities of the city. Some shack dwellers had been evicted from white farms, while others were in flight from abusive conditions on those farms. The settlements also provided an important safety net for people - especially women, teenagers and sometimes even children - fleeing abusive relationships. They created living space for newly formed urban households and as many as half the residents of new settlements were already urbanised.<sup>152</sup> Sometimes these were people who had grown up in township houses, and in many other instances they were people who had previously been living in backyard shacks in townships.<sup>153</sup>

While this movement into the city was celebrated by the ANC underground and in exile, it was greeted with tremendous racialised panic in many middle and working class areas, white and black. With regard to the white response, Ballard notes that: "Needless to say, the reaction from nearby formal residential neighbourhoods was characterised by outrage and horror rather than democratic optimism."<sup>154</sup> In Lamontville there was an attempt to mobilise residents to drive the shack dwellers out.<sup>155</sup>

In the 1980s, hundreds of settlements were founded in Durban. They were characterised by a wide range of very different origins, modes of governance, political affiliation and relationships with people in nearby township or suburban housing (which was not inevitably hostile). Their internal politics ranged from democratic street committees to outright warlordism. In Bantustan land adjacent to rural townships, shack settlements such as Inanda were often built on the land of 'shack farmers' who charged rent for access to land and ruled their areas with iron fists.<sup>156</sup> But in settlements built outside of Bantustan land - whether an urban African township like Lamontville or an Indian suburb like Clare Estate - settlements were not usually commercial projects, and were often run democratically.

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<sup>150</sup> Gerry Mare, *African Population Relocation in South Africa* (SA Institute of Race Relations: Johannesburg, 1980) p. 36.

<sup>151</sup> Pemary Ridge Settlement, focus group, 17 September 2007.

<sup>152</sup> SANGOCO Paper on Housing for the Poverty Hearing, 1998, p.17..

[http://www.sangoco.org.za/site/index.php?option=com\\_content&task=view&id=47&Itemid=47](http://www.sangoco.org.za/site/index.php?option=com_content&task=view&id=47&Itemid=47) Also see Gerry Mare *African Population Relocation*, p. 25.

<sup>153</sup> SANGOCO, Paper on Housing for the Poverty Hearings, p. 11.

<sup>154</sup> Richard Ballard 'Middle Class Neighbourhoods or 'African Kraals'? The Impact of Informal Settlements and Vagrants on Post-Apartheid White Identity', *Urban Forum*, Vol 15. No. 4. (2004) pp. 51-52.

<sup>155</sup> Xolani Tsalong, personal communication.

<sup>156</sup> See Mike Morris and Doug Hinson's 'Power Relations in Informal Settlements' in Doug Hinson and Jeff McCarthy, *Here to Stay: Informal Settlements in KwaZulu-Natal* (Indicator Press: Durban, 1994) for a particularly bleak account of authoritarianism in the settlements at this time. However the idea of Inanda as uniformly warlord/shacklord territory in the 1980s has become something of a stereotype and it is important to understand that it was not all like this. (David Ntseng, Interview 11 October 2007)

The precise history of how each settlement was founded is well remembered in each settlement to this day. Many accounts fit very well with Fanon's view of the shack settlement as an insurgent interruption into forbidden quarters. Others sound more like Asef Bayat's account of the quiet encroachment of the ordinary.<sup>157</sup> But it is striking that when the account of the original occupation is explicitly political the justification for the right to appropriate a place in the city so often reaches back much further than the sequence of urban struggles that began after 1973 and 1976.

There are people who have spent their whole lives being moved around the city in the name of slum clearance. For instance Clement Mtshali was born in eShowe in 1949 and his parents moved to Umkhumbane in 1956. He remembers the famous women's riot in which his father, dressed in women's clothes, participated along with his mother. In 1959 they were evicted. The shack owners were forcibly removed to E Section in KwaMashu but as renters his parents were left homeless. They moved their family to a shack settlement in Newlands where they lived from 1959 to 1971. Once again the shack owners were forcibly relocated to KwaMashu, this time to L Section, leaving his family, still renters, homeless. This time they moved to Reservoir Hills where, with some others who'd been left homeless, they occupied land and founded the Arnett Drive settlement. The settlement is now slated for relocation which he sees as forced removal. He said that:

We have the pride. Nobody put us here...When we came here this place was rocky. We made it our place. If they push us out we will find another place...It is so hard to be evicted because you are not used to the place where they take you. Here we can walk to work, children can walk to school. There are shops close by. In the new places there is no space for a family. It is very bad to be evicted...What is happening now is the same as what happened in Umkhumbane. It is still relocation. We still have no freedom to stay where we want. We are still being collected like animals and taken in trucks to places outside the city.<sup>158</sup>

All these settlements served as nodes of connection enabling a new mobility between city, township and village life. Many people were able to use the better livelihoods and education available in the city to dramatically improve their material circumstances and autonomy. For those who remained in acute poverty, an urban base could keep hope alive and nihilism at bay. Many shack dwellers invested tremendous hopes in the gathering popular resistances to apartheid during the 1980s. In his blurb for Omar Badsha's *Imijondolo*, a photographic essay on the Amouti settlement in Durban, Desmond Tutu wrote to recommend the book as a "harrowing chronicle of what does happen to God's children who are victims of a vicious policy...I hope this book will sear our consciences so that

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<sup>157</sup> Asef Bayat 'From Dangerous Classes to Quiet Rebels: Politics of the Urban Subaltern in the Global South' *International Sociology*, No. 15, pp. 533-557.

<sup>158</sup> Arnett Drive Focus Group, Saturday 4 August 2007

we will work to put an end to policies that can produce such human tragedy”.<sup>159</sup> It was widely believed that the end of apartheid would be the end of the shanty town – through development and not through a return to slum clearance and forced relocation to even more peripheral sites.

In Durban the new shacks had many names, but the most widely used was *imijondolo*. Two explanations are given for the origin of the word. The first is that this was an initially colloquial word derived from the name ‘John Deere’ – the first shacks built in the 1980s were constructed from the discarded and salvaged packing crates for John Deere tractors. The second explanation is that *umjondolo* derives from the word *umjendevu*, meaning spinster. This constructs the settlements as sites of gendered transgression: the settlements enabled women to become migrant workers, despite apartheid rules that largely reserved access to the city to male migrant workers, and they became an important space for single poor urban women who wished to live apart from their families. They enabled unmarried women to access city life outside the confines of domestic labour and the family. The general lesson of the international literature on cities – that proximity to the city has particular benefits for women – is borne out in local studies.<sup>160</sup>

The 1980s were profoundly marked by the violent conflict between the anti-apartheid United Democratic Front and the pro-apartheid Inkatha, with the latter receiving support from the South African Police and, after 1987, the KwaZulu Police. This conflict was often waged in shack settlements – and in consequence some came to be governed by warlords. By the late 1980s, however, the UDF-aligned civics had won over large portions of the squatter periphery.<sup>161</sup> Marie Huchzermeyer reports that - although there were certainly instances where UDF-aligned civics were authoritarian – generally, “the UDF and civic structures introduced free access to land. In informal settlements, this meant a shift from rental tenure towards a system that may be associated with ‘communal land holding in rural areas’ with entry through sponsorship and screening.”<sup>162</sup> She also reports that grassroots democracy and decommodification were central concepts in the civic movements. Catherine Cross argues that shacklords gave way to civic structures that “focused a powerful social movement against the practice of paying rent to access land.”<sup>163</sup> A number of people have argued that the tenure system created by the civics was not understood by city planners. For instance Cross argues that:

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<sup>159</sup> Omar Badasha, *Imijondolo* (Afrapix: Durban, 1985). Twenty years on, and more than ten years after the end of apartheid, the only thing that gives any indication that the photographs are not contemporary are the fashions worn by the models in the adverts in the newspapers with which many shacks are wallpapered.

<sup>160</sup> See for instance Alison Todes ‘Housing, Integrated Urban Development and the Compact City Debate’ in Harrison, et al, (eds.) *Confronting Fragmentation*, p. 112.

<sup>161</sup> Huchzermeyer, ‘Unlawful Occupation’, p. 117.

<sup>162</sup> *Ibid.*, p. 117.

<sup>163</sup> Catherine Cross ‘Shack Tenure in Durban’ in Doug Hindson and Jeff McCarthy, *Here to Stay*, p. 180.

The perception of appropriate land rights and housing for the informal population which is often held by planners and administrators tends to put forward the white suburban property system, and to interpret urban informal tenure as a botched non-tenure which can be dismissed. This outlook fails to take into account the distinct character of African tenure in South Africa, and its emphasis on the active role of residence rights in relating the individual and the household to the community. Urban informal tenure draws its philosophical basis from African social thought, and calls for appropriate consideration as a tenure system in its own right.<sup>164</sup>

Cross explains that this tenure system works in the following way: new community members must have a sponsor and undergo a period of probation before a gradual acceptance is extended; a land right is then granted with the expectation of the new member's ongoing active commitment to the community. This land right can be withdrawn and the person can be asked to leave the settlement if he or she indulges in habitual anti-social behaviour.

In 1985, riots broke out in the Crossroads settlement in Cape Town after the Minister of Co-operation, Development and Education, Gerrit Viljoen, said that "uncontrolled squatting would not be tolerated". In four days of conflict 18 people were killed and hundreds injured. In response the state declared a moratorium on forced removals. Although distinctions between 'legals' and 'illegals' allowed the state to continue to evict, mass protest had won a major concession – the exclusion of autonomous or self-planned African communities from the cities, successfully enforced since the mid 1960s, was no longer absolute.

In the late 1980s the Urban Foundation became a major player in reformulating state policy in response to the new situation.<sup>165</sup> The Foundation aimed to develop an individual, market-based solution to the housing crisis. It replaced the term 'squatter camp'<sup>166</sup> with the term 'informal settlement' - which, they felt, broke with the fears of invasion implicit in the earlier term, and which implied instead a temporary condition that could be alleviated by unleashing previously blocked entrepreneurial energies. The Foundation, influenced by new ideas in the World Bank and, no doubt, also cognisant of the grassroots rebellion confronting the state, resurrected the housing model of the early 1950s, when the state was weaker and shack dwellers were stronger than under high apartheid. It worked for the provision of basic services to shack settlements, and for shack dwellers to be allowed to develop their homes into more formal dwellings as their incomes improved. The prospect of tenure security and of access to services was widely used to persuade settlement

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<sup>164</sup> Ibid., p.178.

<sup>165</sup> See Marie Huchzermeyer's account of the Urban Foundation in her 'Unlawful Occupation', pp. 121-124 and 145-178.

<sup>166</sup> The term 'squatter camp' probably came to South Africa from California where it was used in the 1930s to describe the settlements erected by the dust bowl refugees. See *John Steinbeck Of Men and Their Making: The Selected Non-Fiction of John Steinbeck* (Penguin: London, 2002)

committees to force a halt to the building of new shacks.<sup>167</sup> Cross warned that the tightening of official controls though development could restrict access to land by the poor and lead to a re-emergence of the tenancy system.<sup>168</sup>

By July 1987 the Durban City Council had publicly accepted that, in principle, the new settlements would be permanent. Nevertheless, in the same year “squatters in Wentworth, Clare Estate and Reservoir Hills had their shacks demolished by the police and many were arrested for trespassing.”<sup>169</sup> Despite this, more shacks were erected in Clare Estate and within two years the city conceded the permanence of the settlements, in practice as well as in principle. In 1989, the Urban Foundation began the upgrade of the Besters’ Camp settlement in Inanda. In July 1991 the City resolved to develop the largest settlement in Clare Estate, Kennedy Road, in partnership with the Urban Foundation in two phases. Phase one was duly implemented. A community hall was built and electricity, toilet blocks and concrete paths provided. This shift in thinking was not an entirely local development. As Janice Perlman observes:

it was recognized in the early 1960s that the self-built shanty towns of the Third World were not the problem but the solution, and that giving land tenure to the squatters...yielded better results than the bulldozer. Yet it took almost a generation for these ideas to be adopted, first by the international agencies then by national governments (early 1980s) and now finally – and still only partially – by local governments.<sup>170</sup>

But there had not only been an international shift in how shack settlements were understood. There was also a shift in how shack dwellers *themselves* were understood. Perlman explains that:

Research institutes, consultants and academics are not the most fertile sources for answers. As Dennis Goulet puts it, ‘experts simply do not know best what is good for someone else’. Experience over the past 20 years shows that, since intelligence is not distributed along class or geographic lines, the most promising innovative approaches often come from local experience – from the people, community groups, street-level bureaucrats, and small scale enterprises closest to coping with problems on a daily news.<sup>171</sup>

While the functionality of shack settlements was acknowledged in Durban, the rationality of shack dwellers - especially as it related to urban planning - was not. A number of prominent local academics were explicitly arguing that the power of civic organisations would have to be broken and

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<sup>167</sup> Cross, p. 168.

<sup>168</sup> Cross, p. 187.

<sup>169</sup> Brij Maharaaj ‘Segregation, Desegregation and De-Racialisation’ in Padayachee & Freund (eds.) *(D)urban Vortex* (University of Natal Press: Pietermaritzburg, 2002) p. 179.

<sup>170</sup> Janice Perlman ‘A dual strategy for deliberate social change in cities’ *Cities* Vol. 7, No.1. (February 1990) p. 6.

<sup>171</sup> *Ibid.*, pp.6-7.

that collective forms of political expression would have to be replaced with individual access to government authority. In other words the recommendation was “to reduce the power and role of community based organisations.”<sup>172</sup>

In 1990, when the ANC opened their offices in Johannesburg after their unbanning, a huge banner in the foyer declared ‘Occupy the Cities!’<sup>173</sup> At this point in time, the ANC gave active encouragement to land occupations. For instance, in that same year, Ronnie Mamoepa, the publicity secretary of the Southern Transvaal United Democratic Front (UDF), announced that his organisation would be embarking on a nation-wide campaign to occupy vacant urban land. Ballard explains that “From the point of view of the UDF and ANC and similar bodies, land invasions also performed an important symbolic role whereby people were reclaiming land from which they had been excluded under apartheid.”<sup>174</sup>

Also in 1990, the Urban Foundation gained decisive influence over the National Party’s urban policy making and was asked to devise a socio-economic upliftment programme for the state.<sup>175</sup> It did so in the form of a consultant - rather than community - driven programme that allocated a capital subsidy through the specially set up and state-financed Independent Development Trust (IDT). The subsidy delivered ownership of a serviced site to qualifying household heads on whose behalf developers made applications.<sup>176</sup> Because it didn’t challenge the property market - a market based on spatial exclusivity - Urban Foundation serviced sites were generally provided on the periphery of the cities, as in the apartheid model.<sup>177</sup> The civics condemned this consultancy driven model and its result of toilets on peripheral sites (known disparagingly as the ‘toilets in the veld model’). The Foundation defended itself by pointing to the large numbers of serviced sites delivered. However it is important to note that evictions continued (for instance at the Canaan settlement) when settlements were declared unsuitable for upgrading.<sup>178</sup> In this instance no serious attention was given either to investing in land to make it suitable for development or to finding nearby land.

In 1992 the IDT announced the end of its site and service capital subsidy programme, and the National Housing Forum was set up to negotiate a vision for a new post-apartheid housing policy. The Housing Department records that it was a “multi-party non-governmental negotiating body

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<sup>172</sup> See Huchzermeyer’s discussion of this in ‘Unlawful Occupation’, p.153.

<sup>173</sup> Gill Hart, personal communication.

<sup>174</sup> Ballard, ‘Middle Class Neighbourhoods...’, pp. 51-52.

<sup>175</sup> Huchzermeyer, ‘Unlawful Occupation’, p.131.

<sup>176</sup> Ibid., p. 132.

<sup>177</sup> Ibid., p. 132.

<sup>178</sup> Ibid., p. 160.

comprising 19 members from business, the community, government, development organisations and political parties outside the government at the time. At these negotiations the foundation for the new government's Housing policy were developed and agreed to."<sup>179</sup> Sarah Charlton and Caroline Kihato follow Marie Huchzermeyer in arguing that two main groups were represented at this forum – one linked to the ANC, trade unions and the civic movement and the other linked to business. The group aligned to business interests promoted the Urban Foundation's model of a capital subsidy driven individual freehold site and service approach. The other main group, aligned to popular political forces, promoted a state-built rental model on the European social democratic approach. The final compromise saw a state-built 'starter house' added onto the Urban Foundation site and services model. It has been widely noted that, amongst other questions, "critical debates on the spatial impact of capital subsidies and urban restructuring were never resolved."<sup>180</sup>

The final compromise follows the system that provides a once-off capital subsidy to a private developer that the World Bank was promoting at the time which was based on the model first developed in 1978 by the Chicago Boys in Chile after the 1973 *coup d'état* against Allende. This model was then widely replicated in other Latin American countries,<sup>181</sup> and later became the standard World Bank model<sup>182</sup> replacing the model of loans developed by the Brazilian military dictatorship earlier in 70s. The World Bank argued for the Chilean model to be adopted as international best practice on the grounds that it brought an end to illegal land occupation, that it restricted expenditure (because the subsidy is set at a certain figure per household), that it created opportunities for private business, that it turned shack dwellers into property owners and that it successfully provided housing to the poorest segment of the population.

Although the use of the subsidy system, along with a relatively large dedication of total government expenditure to housing (6%), significantly reduced the housing backlog in Chile, various failures have been identified. A report by Warren Smit for the Development Action Group in Cape Town provides a useful overview. They include: the poor location of most new housing developments on the urban periphery, an increase in social problems (including isolation, crime and family violence) in

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<sup>179</sup> National Department of Housing, *History of the Department*  
<http://www.housing.gov.za/Content/The%20Department/History.htm>

<sup>180</sup> See, for instance, Sarah Charlton and Caroline Kihato, 'Reaching the Poor: An analysis of the evolution of South Africa's housing programme' in *Democracy and Delivery: Urban Policy in South Africa*, ed. U.Pillay (UCT Press: 2006) p.272.

<sup>181</sup> Warren Smit, *International Trends and Good Practices in Housing: Some Lessons for South African Housing Policy*. (Development Action Group, 2005)  
<http://70.86.182.34/%7Edag710e/docs/4.pdf>

<sup>182</sup> Warren Smit, *Review of International Trends and Best Practice in Housing*. (Development Action Group, 15 May 2003)  
<http://70.86.182.34/%7Edag710e/docs/19.pdf>

peripheral relocation settlements, a failure to integrate housing development with other forms of development, and the dominance of large construction companies in driving housing development. Smit refers to surveys of people relocated in Santiago in the 1980s to show that more than half of the people in the formal relocation settlements wanted to return to their former shack settlements.

In Durban, Operation Jumpstart was set up at the initiative of business interests.<sup>183</sup> This operation developed out of a report commissioned by the city's largest landowner, Tongaat Hulett.<sup>184</sup> It was conceptualised as a 'stakeholder body' in which old and new elites could meet outside of the normal administrative and political structures to begin planning a new urban vision.<sup>185</sup> But there were immediate critical responses. For instance, David Dewar argued that: "The urban problem is interpreted almost entirely as provision of shelter; as a consequence, kilometres of housing area are emerging but [with] few qualities or advantage of [a] 'city'. The emerging urban structure and form is exploitative."<sup>186</sup>

On 9 November 1993 the African National Congress issued a press statement in the lead up to the first democratic elections condemning the "housing crisis in South Africa" as "a matter which falls squarely at the door of the National Party regime and its surrogates". It went on to describe conditions in the 'informal settlements' as 'indecent' and announced that:

Nelson Mandela will be hosting a People's Forum on Saturday morning in Inanda to hear the views of residents in informal settlements...The ANC calls on all people living in informal settlements to make their voices heard! 'Your problems are My Problems. Your solution is My Solution', says President Mandela.<sup>187</sup>

The civics had been organised together as the South African National Civics Organisation (SANCO). SANCO had earlier resolved to stay independent of the ANC, but just before the election it decided instead to formally align with the party - which swept to power in the national parliament in 1994. Housing was a key part of its electoral platform.

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<sup>183</sup> Ann Bernstein and Jeff McCarthy, 'Durban's vision needs good leadership,' *Business Day*. (16 October 1996) [http://www.cde.org.za/article.php?a\\_id=209](http://www.cde.org.za/article.php?a_id=209)

<sup>184</sup> Charles Abugre 'NGOs, Institutions and Sustainable Development in South Africa' in Ken Cole, *Sustainable Development for a Democratic South Africa* (Earthscan: London, 1994) p. 121.

<sup>185</sup> Freund, *The African City*, p. 136. Also see Shannon Moffett and Bill Freud, 'Elite Formation and Elite Bonding: Social structure and development in Durban,' *Urban Forum*, Vol. 14. (2004) pp. 134-161.

<sup>186</sup> Cited in Freund, *The African City*, p.136.

<sup>187</sup> African National Congress, *Southern Natal Statement on the Housing Crisis*, Durban (1993)