



## **A Learning Approach to Increasing the Security of Tenure of Poor and Vulnerable People**

### **World Class Cities? World Class Slums?**

#### **No place for the poor in the Kwa Zulu Natal's Elimination and Prevention of Re-emergence of Slums Bill, 2006**

**Leap submission regarding the Slums Bill  
to Abahlali meeting at the Kennedy Road Hall, Durban, 13<sup>th</sup> July 2007  
Submitted on 12<sup>th</sup> July 2007**

#### **Introducing Leap**

Leap is a voluntary association of tenure practitioners. Leap stands for a **learning approach** to increasing the security of tenure of poor and vulnerable people, in order to enhance their livelihoods and access to services and local economic development. Leap has evolved from an earlier focus on legal entity evaluation, particularly assessment of Communal Property Institutions (CPIs) in KwaZulu-Natal, into a national association for the advancement of tenure security through action research, learning and policy development.

Leap is housed within the Legal Resources Centre. Leap consists of a team of tenure practitioners, who work part-time on the project, who team up with a range of NGO partners to further the objectives of both. Examples include the Centre for Applied Legal Studies at Wits, Afesis-corporplan in East London, Award in Bushbuckridge, Zimbambeleni in Muden and CAP in the KZN midlands.

#### **Leap's submission**

Leap is submitting this response to the Bill in reaction to an invitation by Abahlali baseMjondolo to everyone interested in building a coalition against the Slums Bill to attend a meeting at the Kennedy Road Hall, on Friday 13 July 2007. In the absence of attendance, written submissions have been requested.

Leap supports Abahlali's resistance to the Bill. We want to add our voice to the opposition by highlighting the following two issues, which are elaborated more in the following section:

- People driven shelter should be developed and upgraded, not eradicated or eliminated
- People driven land supply systems should be recognized and supported, not controlled or prevented from (re)emerging.

## **Leap's response to the Slums Bill**

*People driven shelter: develop and upgrade not eradicate or eliminate*

The Slums Bill is fundamentally un-developmental. Its emphasis is on the elimination of informal settlements, not their development via upgrading (either in situ or with relocation). It represents a strongly un-developmental response to people driven housing initiatives. We strongly oppose the Bill on these grounds.

Further, it is our view is that the “integration” and “co-operation” intentions of the national policy framework contained in Breaking New Ground (and highlighted by Marie Huchzermeyer in her comment dated 13<sup>th</sup> May 2007) are losing considerable ground to the “informal settlement eradication” intention, which is also present in BNG.

Of course, in BNG informal settlement eradication, and integration and co-operation are two parts of the same strategy. BNG introduces the informal settlement upgrading instrument to operationalise both.

However, in reality the message (informal settlement eradication via integration and co-operation using the informal settlement upgrading instrument) is open to ambiguity and informal settlement eradication assumes a life of its own. We submit that it is partly this alternative emphasis in BNG which highlights the eradication aspect relative to the integration one, which may have found its way into the proposed provincial legislation in KwaZulu Natal.

Flowing from this concern, we propose that the national policy framework should be unequivocal in its “integration” and “co-operation” directive, rather than ambiguous in its finely balanced emphasis on both informal settlement eradication, as well as integration and co-operation.

The Millenium Development Goals advocate “cities without slums” and BNG “eradication of informal settlements”. It is indeed a travesty that intentions to improve the living conditions of people living in informal settlements, contained in both the MDGs and BNG, have become misappropriated in quite the way they have in the KZN Slums Bill.

*Recognition of people driven supply systems, not control*

Both “eradicate” and “eliminate” are unfortunate terms, when applied by the state to peoples' own initiatives which are occurring in the absence of sufficient state and private sector supply in relation to a growing demand. As others have pointed out, “elimination” is particularly contentious.

In addition to its call for elimination, the Slums Bill also emphasizes controlling the re-emergence of slums. The practical difficulties of achieving this purpose imply a return to the draconian and repressive measures of the past. A fundamentally different approach is

needed, one which is line with constitutional obligations, as well as the reality of the diverse systems of land and shelter supply. Informal settlement formation and management processes are examples, along with the conventionally recognized RDP supply. Informal settlements should be “counted” as supply not identified as backlog and certainly not subjected to elimination (or eradication). These forms of supply (including the rental arrangements to which Housing MEC Mike Mabuyakulu makes reference to as “slumlords” and “shack farming”) are among the most important ways that the poor access shelter.

Instead of eliminating, eradicating and preventing informal settlements from emerging, shackdwellers should be provided with security of tenure. Once such recognition is conferred then the state’s role should be as facilitator and regulator in order to improve people’s living conditions and provide necessary protections.

The Slums Bill has another deep flaw then, as it fails to grasp the reality of land supply and demand dynamics. In addition to it being un-developmental, we oppose the Bill on the grounds of this failure.

In conclusion, Leap is in support of Abahlali’s initiative to build a coalition against the Slums Bill.