

Abahlali baseMjondolo

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# Statements and Memoranda

*Volume One*

2005–2009





Abahlali baseMjondolo

# Statements and Memoranda

*Volume One* 2005–2009

4 October 2005 – 4 October 2026 · Twenty-one years of struggle

This is one of eight volumes that together collect the statements, memoranda, speeches and writings of Abahlali baseMjondolo, from the struggles that led to its founding on 4 October 2005 to its twenty-first anniversary on 4 October 2026.

This volume collects the press statements and memoranda of Abahlali baseMjondolo, together with a small number of letters and other documents issued by the movement, compiled from the archive at [abahlali.org](http://abahlali.org). They are reproduced as they were issued, in the order of their dates.

Telephone numbers and email addresses given for contact have been omitted, as has material added when the documents were posted online, such as links, updates and picture captions.

Published on 4 October 2026.

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1 SEPTEMBER 2005

Press release · Abahlali baseMjondolo

## Thousands to March on Councillor Yacoob Baig on 14 September 2005

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*Giya! Giya! Bathengisa Ngathi*

WHEN: 8:00 a.m. (sharp), Wednesday, 14 September 2005

WHERE: Leaving from Kennedy Road Community Hall at 286 Kennedy Road, Clare Estate and ending at Baig's offices on the corner of Randles and Spark's Roads in Sydenham.

WHY: To demand land, housing, basic services, democratic development and respect and to give Baig two weeks notice. See the memorandum below for our full demands.

ORGANISERS: The Kennedy Road Development Committee in alliance with other democratic structures in informal settlements on the Clare Estate including Burnwood Road, Foreman Road, Jadhu Place, Lacey Road, Palmiet Road, Puntan's Hill as well as Sydenham Heights and the Jimmy Carter Housing project in Sherwood.

SUPPORTERS: This march is also supported by, and will include representatives from organisations outside of ward 25 including the Banana City Informal Settlement Area Committee; the Bayview Flats Residents' Association; the Combined Staff Association (UKZN); Groundwork; the Mandela Park Anti-eviction Campaign (Cape Town); the Right to Work Campaign; the Socialist Students' Movement (UKZN); eThekweni Eco-peace Party; the eThekweni Social Forum; the Wentworth Development Forum and the Westcliff Flat Residents' Association.

Mr. Jerome Bhengu  
Ms. Nonhlanhla Mzobe  
Ms. Zelda Norris  
Mr. Anton Zamisa  
Mr. S'bu Zikode

On 13 May this year 5 000 people marched on Councilor Yacoob Baig to demand his immediate resignation. Baig's only public response has been to slander our entirely legal and peaceful exercise of popular democracy as criminal in the May edition of Al Qalam newspaper and again on Radio Al Ansaar on the 5th July. We are told that Baig has issued an instruction that we be denied the promised and paid for installation of electricity as punishment. Even when his seniors in the party instruct Baig to attend meetings with the poor he still refuses. We note that people like Bheki Sibaya have failed to hold Baig to account. We are now wondering if peaceful marches of thousands will always be ignored and what it will take for our suffering to be taken seriously. The poor of Ward 25 have no confidence in Baig and we have no confidence that his superiors will hold him to account. So, now, we will give him two weeks to resign.

We expect at least double the number of people to march on Baig this time. In the two weeks leading up to this march many meetings will be held in each of the communities that have united against Baig. The march on Baig will be the culmination of two weeks of intensive, inclusive and democratic discussion, reflection and action. We are taking our lives and our future into our own hands. We can trust no one else.

Obani bengathinta amabhubhesi?

14 SEPTEMBER 2005

Statement · Abahlali baseMjondolo

## Protest against Councillor Baig

---

### *March on Baig*

Ward 25 Press Release: 14 September 2005

THOUSANDS MARCH ON COUNCILLOR YACOOB BAIG  
Giya! Giya!

### **Bathengisa Ngathi**

WHY: To demand land, housing, basic services, democratic development and respect and to give Baig two weeks notice. See the attached memorandum for our full demands.

ORGANISERS: The Kennedy Road Development Committee in alliance with other democratic structures in informal settlements on the Clare Estate including Burnwood Road, Foreman Road, Jadhu Place, Lacey Road, Palmiet Road, Puntan's Hill as well as Sydenham Heights and the Jimmy Carter Housing project in Sherwood.

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Mr. Jerome Bhengu  
Ms. Nonhlanhla Mzobe  
Ms. Zelda Norris  
Mr. Anton Zamisa  
Mr. S'bu Zikode

On 13 May this year 5 000 people marched on Councilor Yacoob Baig to demand land and housing and the immediate resignation of Baig. Baig's only public response has been to slander our entirely legal and peaceful exercise of popular democracy as criminal in the May edition of Al Qalam newspaper and again on Radio Al Ansaar on the 5th July. Now we have been threatened with forced removals to the rural periphery of the Municipality. The poor of Ward 25 have no confidence in Baig and we have no confidence that his superiors will hold him to account. So, now, we will give him two weeks to resign.

In the two weeks leading up to this march many meetings have been held across ward 25 and in other wards too. The march on Baig is the culmination of two weeks of intensive, inclusive and democratic discussion, reflection and action. We are taking our lives and our future into our own hands. We can trust no one else. We will not be moved out of the city. We demand land and housing in Clare Estate.



14 SEPTEMBER 2005

Press release · Quarry Road Informal Settlement, Ward 23

## Informal Settlements in Ward 23 Will Join the March on Councillor Baig on 14 September 2005 and Demand the Resignation of Councillor Bachu

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*Sifuna izindlu esamhlala la Clare Estate!*

Asivoti ngoba asiboni ntuthuko!

Phansi ngobachu ngoba akasisebenseli!

Siyahlukunyezwa ngabomthetho amaphoyisa!

ORGANISERS OF THIS MARCH: The Kennedy Road Development Committee in alliance with other democratic structures in informal settlements in wards 23 and 35 on the Clare Estate including Banana City Burnwood Road, Foreman Road, Jadhu Place, Lacey Road, Palmiet Road, Puntan's Hill and Quarry Road as well as Sydenham Heights and the Jimmy Carter Housing project in Sherwood.

SUPPORTERS OF THIS MARCH: This march is also supported by, and will include representatives from organisations outside of wards 23 and 25 including the Bayview Flats Residents' Association (Chatsworth); the Combined Staff Association (UKZN); Eastwood Community Forum ('Maritzburg); Groundwork; the Mandela Park Anti-eviction Campaign (Cape Town); the Marianridge Civic Organisation; the 'Maritzburg Social Forum; the Right to Work Campaign; the Socialist Students' Movement (UKZN); the Taflesig Anti-eviction Campaign (Cape Town); the eThekweni Eco-peace Party; the eThekweni Social Forum; the Wentworth Development Forum and the Westcliff Flat Residents' Association (Chatsworth).

COMMENT FROM QUARRY ROAD: William Bobore or Angelina Mosiea.

On 13 May this year 5 000 people from ward 25 marched on Yacoob Baig to demand his immediate resignation. Baig's only public response was to slander this entirely legal and peaceful exercise of popular democracy as criminal. The poor of Ward 25 have no confidence in Baig and have no confidence that his superiors will hold him to account. On 14 September they will march to give him two weeks to resign and to demand land and housing in Clare Estate.

We in Quarry Road West in Ward 23 also need houses to be built in Clare Estate. Some of us have lived here for 20 years. But the council is trying to force us out. Even our toilets are being taken away by Councillor Bachu and the municipality. We need them back very soon! We will not vote if our toilets do not come back. Down with Councillor Bachu down!

Sikhalela izindlu!

Phansi amaphoyisa shaya abantu!

14 SEPTEMBER 2005

Press release · Abahlali baseMjondolo

## Izinkulungwane Zizobhikisha Ziphikisana Nomphathi Wesigcawu uYacoob Baig ngo Mhlaka 14 September 2005

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*Giya! Giya!*

Bathengisa Ngathi

NINI: Ngehora lesishayagalombili ekuseni, ngolwesithathu, zingu 14 September 2005.

KUPHI: Ukubhikisha kwabantu kuzosuka ehholo lomphakathi kuKennedy Road ose 286 Kennedy Road, nase Clare Estate. Ukubhikisha kuyophelela emahhovisini akhe umnumzane Baig elisekhoneni lika Randles no Spark's Road eSydenham.

NGOBANI: Lezinkulungwane zifuna imihlaba, izindlu, izidingo zomphakathi ezibalulekile kanye nenhlonipho, baphinde bamnikeza amaviki amabili okushiya esikhundleni umnumzane Baig. (Ungafunda encwadini yezikhalazo engezansi ukubona izidingo zethu eziphelele).

ABAHLELI: Abahleli balombhikisho iKennedy Road Development Committee. Bazobe besebenzisana nezinye izinhlangano ezihambelana nentando yeningi, lezi hlangano zihlanganise amanye amalunga omphakathi owasezindaweni ezingekho emthethweni (informal settlements) eClaire Estate, Burnwood Road, Foreman Road, Jadhu Place, Lacey Road, Palmiet Road, Puntan's hill naseSydenham Heights neJimmy Carter Housing project eseSherwood.

ABALANDELI: Lombhikisho uzobe uhlanganise nabantu abaphuma kwezinye izinhlangano ezingaphandle kweWard 25. Abanye abazobe bekhona, iBayview Flat Residents' Association; Combined Staff Association (UKZN); Eastwood Community Forum; Groundwork; Mandela Park Anti-eviction Campaign (Cape Town); Maritzburg Social Forum; Right to Work Campaign; Socialist Students' Movement (UKZN); Wentworth Development Forum; kanye ne Westcliff Flat Residents' Association.

UMA UTINGA ULWAZI NOMA UTINGA UKUBEKA UMBONO UN-GATHINTANA NALABA: Mnu. Jerome Bhengu ku; Nkkzn. Nonhlanhla Mzobe ku; Nkkzn. Zelda Norris ku; Mnu. Anton Zamisa ku noma Mnu. S'bu Zikode ku.

Ngomhlaka 13 May 2005, abantu abangu 5 000 babebhikisha futhi bephikisana nomphathi wesigcawu uYacoob Baig, befuna ukuthi ashiye isikhundla ngaleso sikhathi. Umbono ka Baig uwukuthi uzimisele ngokusinciphisela ukuthula emizameni yethu yekuqhubeza ukukhululeka kwabantu bonkhe, yena ukwenza kubonakale sengathi kuwubugebengu, loku kutholakale ephelandabeni iA1 Qalam lango May nakumsasazo iA1 Ansaar ngomhlaka 5 July. Sesatshelwa ukuthi umnumzane Baig unikeze umuyalezo wokuthi siqatshelwe esasithenjiswa kona, kanye nokuthi kufanele sikhokhele ukufakwa kukagesi njengenhlawulo. Kwala ngisho noma abaphathi benhlangano kamnumzane Baig bemutshela ukuthi ahlangebezane nezidingo zalabo abampofu emphakathini, kodwa wenqaba. Siyazi ukuthi abantu abanje ngo mnumzane Bheki Sibaya sebezame behluleka ukumthola enecala umnumzane Baig. Manje asazi noma ukubhikisha kwezinkulungwane kuyowenza yini umehluko noma kuyoshaywa indiva nje kuphela. Kanti kufanele kuze kube njani ukuze izikhalazo, nokuhlupheka kwethu kunakwe. Abampofu base Ward 25 abazithembi ngomnumzane Baig, futhi nathi asethembi ukuthi abaphathi bakhe bazomuthola enecala. Kepha, manje, nathi simunikeza amaviki amabili ukuthi ashiye esikhundleni.

Silindele isibalo zabantu abaphindwe kabili kulaba ababhikisha ngokwendule, ekuphikisaneni nomnumzane Baig. Kulamaviki amabili ngaphambi kokubhikisha kuzobanjwa imihlangano kulemiphakathi ebumbene ngokuphikisa umnumzane Baig. Sizithathela, izimpilo zethu kanye nekusasa lethu ezandleni zethu. Asikwazi ukuthi singathembela komunye umuntu.

Obani bengathinta amabhubhesi?

14 SEPTEMBER 2005

Memorandum · Abahlali baseMjondolo

## A Memorandum of Demands

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We the people of Ward 25, democrats and loyal citizens of the Republic of South Africa, note that this country is rich because of the theft of our land and because of our work in the farms, mines, factories, kitchens and laundries of the rich. We can not and will not continue to suffer the way that we do and so we unite behind the following demands:

For too long our communities have survived in substandard and informal housing, and for too long we have been promised land, only to be betrayed.

Therefore, we demand adequate land and housing to live in safety, health and dignity.

Our communities are ravaged by poverty, and we demand that the government create the jobs that we so desperately need. Therefore, we demand the creation of well-paying and dignified jobs.

Those of us in municipal flats find that in addition to providing substandard housing, the council charges rents way in excess of our community's ability to pay. Therefore, we demand the writing-off of all rental arrears.

The government treats us with contempt, believing that because we are not rich, we have not earned their respect. Therefore, we demand participation in genuinely democratic processes of consultation and citizenship.

Our communities are affected by crime, police racism and serious environmental hazards. Therefore, we demand safe and secure environments in which we can work, play and live.

Many in our communities suffer from illness, and the scourge of HIV/AIDS affects us all. Therefore, we demand well-resourced and staffed health facilities.

Our young people are the future of our community, yet they have very few choices. Therefore, we demand attention to the needs of our communities' youth. The exclusion of the poor from school and other opportunities for educational must stop.

Those of us in municipal flats find that the council charges unaffordable rates. Therefore, we demand lower rates in municipal flat buildings.

Amongst those of us who are connected to water and electricity many can not afford the costs of these services and face disconnection. Therefore, we demand that these services be made free for the poor.

We are entitled to decent social services in our communities. Therefore we demand these services, including proper sanitation, refuse collection, community gardens for our poor, and support for orphans especially those in child headed households. Furthermore, just as people from around the city and the country are uniting in support of our struggle we express our support for our comrades elsewhere. We have stood with, and will continue to stand with our comrades in Chatsworth, Crossmoor, Marianridge, Merebank, Shallcross and Wentworth in their fight against the EtheKwini Municipality's attempts to evict them from their municipal flats. We will also continue to stand with the people of South Durban in their struggle against environmental racism; with poor students facing exclusion from technikons and universities and with comrades all over the country fighting for land, housing, work, education, healthcare, safety and democratic development. At this time we note with particular concern the threats directed Fred Wagner of the Eastwood Community Forum in Maritzburg and declare our full support for Fred and for everyone who is persecuted for standing up for the rights of the poor. We also express our full support for the Western Cape Anti-eviction Campaign before their mass rally in Khayelitsha on 17 September. We affirm that their struggle to resist eviction from their homes and to win basic services is just. We stand with them against the repression of their legitimate struggle.

Finally, for his failure to work with his constituents to meet our basic needs, for putting local business interests ahead of those of the poor and for treating the poor and popular democracy with contempt, we therefore demand that Councillor Yacoob Baig, a career-politician with a history of working for apartheid, announce his resignation within two weeks. We further demand that if Baig does not resign we, ourselves, will declare that Ward 25 does not have a councillor.

Handed over by: \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_

Signature: \_\_\_\_\_

Received by: \_\_\_\_\_

Signature: \_\_\_\_\_

Mr. Jerome Bhengu  
 Ms. Nonhlanhla Mzobe  
 Ms. Zelda Norris  
 Mr. Anton Zamisa  
 Mr. S'bu Zikode

14 SEPTEMBER 2005

Memorandum · Abahlali baseMjondolo

## Incwadi Yezikhalazo Zethu

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Thina abahlali base Ward 25, nabasekeli abahambelana nentando yeningi, nabahlali abahloniphekileyo base Ningizimu Afrika, siyazi ukuthi lelizwe licebe ngoku thathwa kwemhlaba yethu nokusebenza kwethu amaplazini, emafekri, emakhishini nase malondolo ezicebi. Angeke zikwazi ukuqhubeka nokuhlupheka ngaloluhlobo, kepha sizo bumbana kulezikhalazo zethu ezilandelayo:

Sesiside lesikhathi imiphakathi yethu iphila emizini engekho emithetweni ne ngaphansi kwezinga. Futhi sesiside isikhathi sathembiswa imihlaba, kepha izithembiso zethu zingagcinwa. Ngakho, ke sifuna imihlaba esilungele, nokuhlala emizini ephephile, enemphilo nesizotha.

Imiphakathi yethu isidlavazekile ukuhlupheka, ngakho ke sifuna uhulumeni asinikeze amathuba emisebenzi esiwudingayo kakhulu. Kani futhi okhokhela ngokwanele futhi onesizotha.

Kulaba abethu abahlala emafulethini kamasipala nakwimizi engaphansi kwesinga, sithola ukuthi umasipala ukhokhisa umphakathi imali engaphezulu kwamandla awo. Ngakho ke sifuna ukuthi izikweletu zethu zokurenta zisulwe.

Uhulumeni wethu usibukela phansi futhi ukholelwa ekutheni ngoba singesizona izicebi azikaze ukuyithola inhlonipho yakhe, nje ngohulumeni. Ngako ke, thina sifuna ukuthi kubekhona indlela ehambisana nama lungelo entando yeningi nobuzwe.

Umphakathi wethu uhlukumezekile kabi ngezinto ezifana nobugebengu, amaphoyisa anobandlululo ngokwebala kanye nezingozi ezibalulekile ezithinta imvelo. Ngakho ke sifuna indawo ephephile enokuthokomala esingasebenza kuyo, sidlale, siphinde sihlale kuyo.

Abantu abaningi emphakathini wethu banempilo engeyinhle kanti futhi sonke siyathintakala uma kukhuluywa ngegiwane lesifo sengculazi (HIV/AIDS). Ngakho ke, sifuna abasebenzi bezempilo abafundile ngokwanele.

Intsha yethu iyikusasa lomphakathi wethu kepha ayinalusho olutheni ngekusasa layo. Ngakho ke sifuna izidingo zentsha yomphakathi wethu zinakekelwe, sifune nokuthi laba abangenayo imali yokukhokha ezikolweni bangabandlululwa.

Nalababethu abahlala emafulethini kamasipala sithola ukuthi usikhokhisa intele ebiza kakhulu. Ngakho ke sithi kufanele ehlise intele yalabahlali.

Kukhona abanye bethu abanogesi namanzi kodwa abahlulekayo ukuzikhokhela lezi zidingo. Kungakho sifuna lezidingo zibe mahhala kulabo abampofu.

Kuyilungelo lethu ukuba sithole izidingo zethu ezibalulekile emphakathini. Ngakhoke siyazifuna lezizidingo, sifuna izindlu zokuzikhulula ezilungile, nokuthi kulandwe imigqomo kadoti, nama paki amahle omphakathi nokuthi uhulumeni anakekele izintandane ezigcinwe emakhaya ezingane nalezo zingane eziphethe imizi yasemakubo.

Njengoba abantu ndawo zonke bebumbene benathi kulobunzima bethu esinabo, nathi futhi sinabo njengama-combrade ethu. Sifuna ukuwazisa lama-combrade ukuthi silokhe simi nawo njalo ekuphikisaneni nomasiphala waseThekwini, okhipha abahlali basemafulethini ezindlini zabo. Lama combrade akulezindawo; Chatsworth, Crossmoor, Marianridge, Merebank, Shallcross ne Wentworth. Sizozhubeka nokubambana kwethu njengabahlali baseNingizimu neTheku ukulwa, nokucwaswa kwemvelo; nokuphikisana nokuthi abafundi abampofu babandlululwe ezigabeni zase maTechnicons namaNyuvesi. Ngosizo namandla eWestern Cape Anti-eviction Campaign ezokulwa nokukhishwa kwabahlali emizini yabo kanye nokuthi bathole izidingo zabo ezibalulekile zomphakathi. Futhi siyazi ukuthi kukhona ama-combrade alwa nokutholakala kwemihlaba, imizi, imisebenzi, imfundo, ezempilo, ukuphepha namalungelo entando yeningi. Sifisa ukuphakamisa loludaba lukaMnu. Fred Wagner wakwi Eastwood Community Forum yaseMgungundlovu, ukuthi seziyazi ngekusongelwa kwakhe nokuzama ukumcekelaphansi lomnumzane. Khepha thina sifuna kumazisa ukuthi silokhe sinaye, nanoma ubani omunye ozithola esenecala ngokumela amalungelo alaba abahluphekile.

Ngokwehluleka kwakhe uMnu Baig, ngokusebenzisana kwakhe nabasondelene naye, no kwehluleka kwakhe kokusinikeza izidingo zethu ezibalulekile. Kanye nokuma kwakhe emuva kwalaba abanamashishini ngaphekwehu esihluphekile. Nokuphinde abukele abampofu namalungelo abo entando yeningi phansi. Ngakhoke thina sifuna ukuthi umphathi wesigcawu uMnu. Yacoob Baig, onomulando omude impela kwezepolitiki futhi nowa sebenzela uhulumeni wobandlululo, afake isicelo sakhe sokushiya esikhundleni emavikini amabili azayo. Uma uMnu. Baig ehluleka ukushiya phansi isikhundla sakhe, sicela ukuba i-Ward 25 ingabi nawo umphathi wesigcawu.



4 OCTOBER 2005

Statement · Abahlali baseMjondolo

## Peaceful March on Councillor Jayraj Bachu on 4 October 2005

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*HAWU! HAWU!*

BATHENGISA NGATHI!

WHEN: 7:00 a.m. (sharp), Tuesday, 4th October 2005

WHERE: Leaving from Asoka Park at Reservoir Hills and ending at Jayraj Bachu's office in Clare Estate no. 574.

WHY: Thousands of people demand land, housing, basic services, democratic development and respect. We will give Jayraj Bachu two weeks notice. Our full demands are in our memorandum.

ORGANISERS: The Quarry Road Development Committee in connection with other democratic structures in informal settlements on the Clare Estate including Juba Place, Emsahweni, Mpolweni, Arnett Drive, Ethuleni, Palmiet Road Zone 1, Palmiet Road Zone 2, Rainbow Ridge, Pridie Park, Homely Road, Shukula, Umgudlu Freeway, L Section and uMgudulu.

SUPPORTERS: This march is also supported by, and will include representatives from democratic organisations outside of wards 23 including Kennedy Road, Banana City, Burnwood Road, Foreman Road, Jadhu Place, Lacey Road, Palmiet Road, Puntan's Hill and Quarry Road and Sydenham Heights.

COMMENT: William Bobore or Angelina Mosiea.

A MEMORANDUM OF DEMANDS: TUESDAY, 4 OCTOBER 2005

We the people of Ward 23, democrats and loyal citizens of the Republic of South Africa, note that this country is rich because of the theft of our land and because of our work for which we get very little pay from those who are rich. We are not recognized by our government for whom we voted. For too long our communities have survived in conditions that are intolerable. We have been promised many things and these promised have never been fulfilled. We now see that all

they want is for us to vote for them. We cannot and will not continue to suffer the way that we do and so we have united behind the following demands:

- Our toilets have been taken away and we demand that they are returned within 5 days.
- We demand that houses are built for us and that they are built here in Clare Estate and not elsewhere. We will resist forced removals. We will not be evicted from the city and dumped in rural areas.
- We demand that Jayraj Bachu resign as councilor of Ward 23 within two weeks. We demand that he hand over the keys of his office to us as the sign of his resignation. We would like to make it clear that if Bachu does not resign then we, ourselves, will declare that Ward 23 does not have a councilor.

26 OCTOBER 2005

Statement · Abahlali baseMjondolo

## Memorial Service for Mhlengi Khumalo – Kennedy Road, 6:00 p.m. Friday 28 October 2005

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*Hamba Kahle Mhlengi Khumalo*

Ugesi, umhlaba, nezindlu ngabe kuyiphephile impilo yakhe.

Last Friday 16 shacks burnt down in the Kennedy Road informal settlement in Durban. A one year old boy, Mhlengi Khumalo, was very badly burnt and died in King Edward Hospital on Saturday night. This was the third fire this month. The fire started when a candle was knocked over. Until 2001 pre-paid electricity meters were being installed in shacks. To get electricity you needed to pay R350 and to be able to represent your case in a certain way. According to S’bu Zikode from the Kennedy Road Development Committee “It all depended on who applied. If you seemed ignorant because you can’t speak English you were just told to wait outside.” The eThekweni Metro has since informed Kennedy Road residents that there is a ‘new policy not to install electricity in informal settlements’. Their electrification policy openly states the following:

### 5. Informal Settlements

In the past (1990s) electrification was rolled out to all and sundry. Because of the lack of funding and the huge costs required to relocate services when these settlements are upgraded or developed, electrification of the informal settlements has been discontinued.

Kennedy Road is one of the settlements that has, in the words of Deputy City Manager Derek Naidoo, been ‘ringfenced’ for ‘relocation’ to the rural ‘periphery of the Metro’. But people won’t move. There is no work or decent education or health care in the rural periphery of the Metro. People are insisting that they have a right to live in the city and to live decent lives in the city. It is quite clear that the Metro is withdrawing basic services from informal settlements in an attempt to force people out. In Kennedy Road the Metro simply stopped cleaning the 147 pit latrines and left 6 000 people with 6 portable toilets. In

Quarry Road even the portable toilets were removed leaving people with no safe sanitation of any sort.

On 13 March and 14 September many thousands of people from Kennedy Road marched on their councilor, Yacoob Baig, to protest against the dangerous conditions in which they were being forced to live. On 4 October more than a thousand people march on their councilor, Jayraj Bachu. But ordinary life remains a crisis in Durban's informal settlements.

Right now there are more than 70 people in Kennedy Road with receipts for payments for electricity installation who have neither a refund nor electricity. If the installation of electricity to the settlement had not been halted some of these fires, and possibly Mhlengi's death, could have been avoided. Pre-paid meters won't stop fires altogether though since many people can't afford to buy electricity on credit. The fires will stop when decent housing with free basic services are a right for all.

Mhlengi Khumalo's funeral will be held on Saturday at the home of the Khumalo grandparents. A memorial service will be held at 6:00 p.m. on Friday in the Kennedy Road community hall, 286 Kennedy Road, Clare Estate. All of the 12 settlements that have joined together in the Abahlali baseMjondolo movement to fight against forced removals and for land, housing and basic services in the city will send representatives. A number of other poor communities around the city will also send representatives.

Media are most welcome to attend the Friday memorial service.

S'bu Zikode  
Nonhlanhla Mzobe

**27 OCTOBER 2005**

Statement · Abahlali baseMjondolo

## Councilor Bachu's office currently occupied

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Councillor Jayraj Bachu's office, 574 Clare Road, Clare Estate is currently under occupation by residents of Quarry Road informal settlement. The office was occupied early this morning and the Quarry Road Development Committee are committed to maintaining the occupation until Councillor Bachu hands over the keys to his office.

Over a thousand people marched on Bachu on 4 October this year. Their memorandum was as follows:

### A MEMORANDUM OF DEMANDS: TUESDAY, 4 OCTOBER 2005

We the people of Ward 23, democrats and loyal citizens of the Republic of South Africa, note that this country is rich because of the theft of our land and because of our work for which we get very little pay from those who are rich. We are not recognized by our government for whom we voted. For too long our communities have survived in conditions that are intolerable. We have been promised many things and these promised have never been fulfilled. We now see that all they want is for us to vote for them. We cannot and will not continue to suffer the way that we do and so we have united behind the following demands:

- Our toilets have been taken away and we demand that they are returned within 5 days.
- We demand that houses are built for us and that they are built here in Clare Estate and not elsewhere. We will resist forced removals. We will not be evicted from the city and dumped in rural areas.
- We demand that Jayraj Bachu resign as councilor of Ward 23 within two weeks. We demand that he hand over the keys of his office to us as the sign of his resignation. We would like to make it clear that if Bachu does not resign then we, ourselves, will declare that Ward 23 does not have a councilor.

For further information or comment on the occupation

William Bobore

Angelina Mosiea

Supporters are welcome to join the occupation.

Residents from Quarry Road, as well as 11 other settlements in Reservoir Hills and Clare Estate, will also be attending the memorial service for Mhlengi Khumalo at the Kennedy Road settlement at 6:00 pm.m this Friday. Mhlengi, a one year old child, died last Saturday after being very badly burnt in a fire at Kennedy Road. This was the third fire in Kennedy Road this month and Mhlengi is the 6th person to have died in shack fires since the eThekweni Metro took a policy decision to stop the electrification of informal settlements in 2001. It is quite clear that the Metro is withholding essential life sustaining services from informal settlements in a cruel and deadly attempt to force shack dwellers to accept 'relocation' the rural periphery of the Metro. Residents of Quarry Road have even had their portable toilets removed.

HAWU! HAWU!

BATHENGISA NGATHI!

13 NOVEMBER 2005

Statement · Abahlali baseMjondolo

## Thousands to Meet in Defiance of Durban March Ban

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On Monday morning, 14 November, thousands of shack dwellers from across Durban will gather at the Foreman Road settlement, Foreman Road, Clare Estate, Durban, in defiance of the eThekweni Municipality's illegal ban of their scheduled march on Mayor Obed Mlaba.

Representations will be made to the Municipality to lift their illegal, immoral and profoundly anti-democratic ban. If the ban is not lifted the assembly will make a collective decision on how to respond. This may take the form of a mass act of peaceful civil disobedience.

The March on Mlaba was organised by the Foreman Road Development Committee to demand land and housing in the city and to protest against forced removals and the ongoing removal of basic services from shack settlements. It was decided to march under the slogan of No Land, No House, No Vote. On Wednesday, 9 November more than 5 000 people attended a mass rally in support of the march in the Foreman Road settlement. The march has the full support of Abahlali baseMjondolo, the shack dwellers movement, to which 16 settlements including Foreman Road have affiliated. Abahlali baseMjondolo has mobilised more than 20 000 people in different ways since March this year and has successfully staged three mass marches on local councillors. Each of these marches has been entirely peaceful. The movement has attracted national and international attention, support and admiration. It has no paid staff and no outside funding. Most of its meetings take place by candlelight in shacks or in the open air. Recently the sound and lights of circling police helicopters has provided a backdrop to some meetings.

Numerous respected commentators have described the Municipality's ban of the March on Mlaba as a significant and deeply disturbing attack on popular democracy. There is a clear consensus that no City official complicit with this outrage is fit to hold office in a democratic state.

While thousands are gathering at the Foreman Road settlement 21 former residents of the Lusaka settlement will be herded into the dock in the Magistrates court to face charges of trespassing. The Lusaka settlement was demolished at gun point by the eThekweni Metro in the first week of November. Some families were forcibly removed to the notorious rural ghetto of Parkgate but, in blatant defiance of South African law, 19 families were left homeless. They had been occupying the front lawn of Councillor Jayraj Bachu's offices in Clare Road, Clare Estate, for a week in a classic act of peaceful civil disobedience. But on Friday night they were arrested, their goods were confiscated and they spent the weekend in the holding cells of the Sydenham police station. Before the last election Bachu's ward was plastered with posters declaring that Gandhi would have voted ANC\*.

Mnikelo Ndabankulu, Foreman Road Development Committee  
 Lungisani Jama, Foreman Road Development Committee  
 Rasta Walter, The Lusaka 21  
 Mavis Ntombifuthi, The Lusaka 21  
 Nonhlanhla Mzobe, Kennedy Road Development Committee  
 Angelina Mosiea, Quarry Road Development Committee  
 S'bu Zikode, Chair, Abahlali baseMjondolo  
 Andile Mngxitama, Foundation for Human Rights  
 Simon Delany, Freedom of Expression Institute  
 Shereen Essof, African Gender Institute, UCT  
 Salim Vally, Education Rights Project, WITS  
 Nkosinathi Ngcobo, HEARD, UKZN  
 Raj Patel, Centre for Civil Society, UKZN  
 Fazel Khan, Social Policy Programme, UKZN



14 NOVEMBER 2005

Statement · Abahlali baseMjondolo

## March on Mayor Obed Mlaba / Imashi Eya-Kumeya U-Obed Mlaba

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### *MARCH ON MAYOR OBED MLABA*

#### ABAHLALA BASE MJONDOLO BAFUNA IZINDLU!

WHEN: Monday 14 November. We will gather at the Foreman Road settlement at 7:00 a.m., regather at Botha Park at 9:00 a.m. and present our demands to Obed Mlaba between 12:00 and 1:00. We will finish by 1:30.

WHERE: We will gather at Foreman Road, travel to Botha Park and march down West Street to the City Hall.

WHY: To demand land & housing; basic services like water, electricity & toilets and a community hall. We will also oppose forced removals to the rural periphery of the Metro. We will also tell Mlaba that if there are no land and houses in the city then there will be no vote.

ORGANISERS: The Foreman Road Development Committee. For more information contact Mr Mnikelo Ndabankulu or Mr Lungisani Jama.

SUPPORTERS: This march is also supported by, and will include people from all of the 16 settlements that are now supporting the Abahlali baseMjondolo movement including Arnett Drive, Banana City, Burnwood Road, Jadhu Place, Juba Place, Kennedy Road, Lacey Road, New Castle, Palmiet Road, Pe-mary Ridge, Pridley Park, Quarry Road, Puntan's Hill, Shannon Drive, Sirpath Road and Umgudulu. It is also supported by the Clare Estate Taxi Association and the Reservoir Hills Public Transport Association.

## The Shack Dwellers' Struggle

Many promises to people living in shack have been broken. Across South Africa shack dwellers have been blocking roads and saying 'Enough!' There have been more than 850 illegal protests this year. In Durban, in Wards 23 and 25, thousands of people have marched on councillors Yacoob Baig and Jayraj Bachu to demand that promises to provide land, housing and basic services like water, electricity and toilets be kept. People have also been marching against plans to move shack dwellers out of the city to rural places like Verulum. The media have understood that people are suffering and have supported the marches very strongly. Other struggling communities have also offered strong support.

In Foreman Road many of us have been staying here since 1989. Before the last local government elections Mlaba came to us and promised that if the ANC won then the land between us and the Loon Road graveyard will be given to us for housing. But now the Metro want to break this promise and dump us in Park Gate far away from work, schools, clinics and police stations.

We cannot continue to suffer like this. The time has come to say "Enough!" and to demand that the promises made to us be kept. The time has now come to march on the Mayor. We must tell Obed Mlaba that if we don't get land, houses and basic services then we will not vote in the coming elections.

NO LAND, NO HOUSE, NO VOTE!

IMASHI EYA-KUMEYA U-OBED MLABA

NGOMHLAKA 14 NOVEMBA 2005

ABAHLELA BASE MJONDOLO BAFUNA IZINDLU!

NINI: Ngehora lesikhombisa ekuseni ngosumbuluka zingu 14 November 2005 (7:00 a.m.)

KUPHI: Siyobuthana ku-Foreman Road bese siqhubekela e- Botha Park kuy-ilaphoke siyomasha emgwaqeni u West Street siphikelele e City Hall. Simashe.

ISIZATHU: Ukulwela umhlaba nezindlu, izidingonqangi njengamanzi ahlazekile, ugesi, izindlu zangasese kanye nehholo lomphakathi. Sizophinde siphikisane nesenzo sokukhishwa kwezakhamizi ngendluzula ziyiswa ezabelweni umkhandlu wedolobha. Sizophinda simtshele u Mlaba ukuthi uma ungekho umhlaba edolobheni ngeke nathi sivote.

ABAGQUQUZELI: I komidi elibizwa ngokuthi, iForeman Road Development Committee. Ulwazi oluningi lungatholakala ngokuxhumana no uMnu Mnikelo Ndabankulu kumbe Mnu. Lungisani Jama.

ABAXHASI: Lemashi izobungazwa ozakwethu azakhiweni ezingu 16 abazinikele ekusixhaseni ezikhalweni zabahlali basezakhiweni, lapha sibala abahlali baku Arnett Drive, Banana City, Burnwood Road, Jadhu Place, Juba Place, Kennedy Road, Lacey Road, New Castle, Palmiet Road, Pemary Ridge, Pridley Park, Quarry Road, Puntan's Hill, Shannon Drive, Sirpath Road and Umgudulu. Lemashi iphinde ixhaswe inhlango yamatekisi ebizwa ngokuthi i Clare Estate Taxi Association ne Reservoir Hills Public Trans. Assoc.

### **UMzabalazo wabahlali 'basemijondolo**

Ziningi izithembiso ezenziwe ngaphambili ezingafeziwe. Ezweni lonke lalapha e South Africa abahlali basemijondolo besemzabalwazweni bavimba imigwaqo bathi 'Sekwanele!' Sekube nemibhikisho engaphezu kuka 850 engekho emthethweni kulonyaka nje vo. Ethekwini namaphethelo ku Ward 23 no 25, izinkulungwane zabantu zimamashe zayothula izikhalo zazo ku Yacoob Baig no Jayraj Bachu zikhalazela ukuthi izidingo ngqangi zazo izibalula umhlaba, izindlu, kanye namanzi, ugesi kanye nezindlu zangasese zingashaywa indiva. Abahlali bebemashela izinhlelo zokubakhipha kulezizindawo ngendluzula ziyiswe ngaphandle kwetheku ziyiswe izindaweni ezisemakhaya njengaseVerulum. Abantu bezindaba bayakholelwa ekutheni laba bantu bayahlupheka ingakho besiwuxhasa umzabalazo wabahlali ngokuphelele. Eminye imiphakathi esenkingeni ikhombisa ukuzwelana nalemiphakathi.

Iningi lethu Ku-Foreman Road laqala ukuhlala lapha kusukela ngo- 1989. Ngaphambi kokhetho lohulumeni basekhaya olwedlule uMlaba wasithembisa ukuthi uma i ANC iphumelela ukhetho umhlaba ophakathi kwethu namathuna aku Loon Road graveyard uyonoikezwa thina. Kepha manje umkhandlu weTheku usuyasiphula lesithembiso basilahlela e Park Gate kude nemisebenzi yethu, izikole, imitholampilo kanye neziteshi zamaphoyisa.

Ngeke siqhubeke nokuhlupheka kanje. Isikhathi sesifikile sokuthi "Kwanele!" siyafuna ukuthi izikhalo zethu zifezwe. Isikhathi sesifikile sokuthi simashele emahhovisini emeya. Kumele simtshele uMlaba ukuthi uma engasitholeli umhlaba, izindlu, kanye nezinye izidingonqangi ngeke sivote kulolukhetho lohulumeni base khaya eluzayo.

**NGAPHANDLE KOMHLABA, NEZINDLU NGEKE SIVOTE!**

27 NOVEMBER 2005

Letter · Abahlali baseMjondolo

## The W Questions

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*TO: HIS WORSHIP THE MAYOR THE HONORABLE OBED MLABA*

FROM: ABAHLALI BASEMJONDOLO

RE: QUESTIONS FOR THE MAYOR'S VISIT TO PEMARY RIDGE SETTLEMENT

Number of pages including this one: 3

Dear Mr. Mlaba

We are very much looking forward to your visit with us at the Pemary Ridge settlement and are very hopeful that this visit will mark a positive way forward for both shack dwellers and the Municipality. We have been asked to prepare some questions for you in advance. We have had extensive discussions with our constituency around the questions that we would like to put to you.

Before we list our key questions we would like to place on record the central principles to which our constituency mandates us to adhere:

1. Central principles of the Abahlali baseMjondolo.

1.1 There is often more than one family living in one shack and so we need one house per nuclear family and not one house per shack. Houses must be appropriate to family size.

1.2 For many people relocation would create serious problems so there have to be as many upgrades as possible in the areas where people currently live. Upgrades where people live are our first priority, developments on nearby lands are our second priority and relocation is our third and lowest priority.

1.3 In all instances priority must be given to local labour. Local people should receive training and skills development in order to be able to take advantage of opportunities emerging from new developments.

Opportunities for local businesses should also be channelled through local organisations.

1.4 In all instances there must be formal arrangements set up for ongoing People's Housing Participation in the planning of developments. Appropriate

stakeholder forums should include Abahlali baseMjondolo, the Municipality, consultants, developers and contractors.

1.5 We need clear time frames and details for all agreements entered into, and questions asked of the municipality.

1.6 The demographic data currently being used is outdated and must be updated. We would like new research to be undertaken with extensive public participation.

1.7 While the need for adequate housing and services is urgent, so is the need for employment – it would be futile for all concerned if new housing were to result in cut-offs and evictions for families on grounds of inability to pay. Therefore developments need to be accompanied by job creation, and guarantees of protection for the poor against cut-offs and evictions.

1.8 We subscribe to the full spectrum of social and economic rights as enshrined in the Constitution of the Republic of South Africa which includes, but is not limited to, the right to water, housing, employment, freedom of expression & association, and dignity.

2. Specific questions about the Municipality's planned housing developments

2.1 How many houses does the Municipality plan to build?

2.2 Where does the Municipality plan to build houses?

2.3 When does the Municipality plan to build the houses?

2.4. How does the Municipality plan to make sure that all developments are undertaken in a manner that results in formal and ongoing opportunities for people's housing participation?

2.5 What plans does the Municipality have to ensure that local labour will be used on these projects and that people will be paid properly and be employed under decent conditions?

2.6 What plans does the Municipality have to train shack dwellers with the skills necessary to get work on these projects?

2.7 What arrangements will be made with regard to the provision of, and payment for, water, electricity, sanitation, refuse removal and rates in the new developments?

2.8 Will there be schools, parks, community halls, youth centres, libraries, clinics, gardens, market places and spaces set aside for sports fields and places of worship in the new developments?

2.9 What plans does the Municipality have to ensure that shack dwellers have access to sanitation, refuse removal, water and electricity while they wait for new developments?

2.10 What processes will be put in place to identify land in ward 23 and 25, and nearby areas, and for the Municipality to purchase or expropriate this land?

### 3. The Moreland Development

3.1 When will we receive full written details of the deal between Moreland and the Municipality?

3.2 How many houses will be built for shack dwellers, and what type of house?

3.3 Who will qualify for houses? (What will be the exact requirements for people to get a house?)

3.4 How will priority for housing be worked out?

3.5 What will happen to people who don't qualify?

3.3 What will be the size of the houses?

3.5 What will be the size of the plots? Will they be sufficient to grow food on, and will the development support with community gardens, inputs, training and access to markets, the growing of food on these plots?

3.6 What arrangements will be made with regard to electricity, water, sanitation and refuse removal?

3.7 Will there be schools, parks, community halls, youth centres, libraries, clinics, gardens, market places and spaces set aside for sports fields and places of worship?

3.8 What arrangements will be made for public participation in the planning and implementation of this development?

3.10 What arrangements will be made to ensure that shack dwellers get work on this development and to provide training for shack dwellers to be able to get work on this development?

3.11 What arrangements will be made to subsidise transport from this development to the City? (Trains, buses and taxis)

3.12 While we are very excited about the proposal that the new development will not segregate rich and poor we would like to know what plans will be made to ensure that the poor are not treated badly by the rich in the new development. What plans are there to ensure democratic governance of the new development?

3.13. Is it not possible to rather use some or all of the money allocated for this project to buy and develop land where people are currently living?

We look forward to welcoming you to the Pemary Ridge settlement later this week.

Yours sincerely

S'Bu Zikode

On behalf of Abahlali baseMjondolo

7 DECEMBER 2005

Statement · Abahlali baseMjondolo

## Mlaba lies to the poor

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Durban, KZN: Today, Mayor Obed Mlaba was scheduled to have met representatives of the Abahlali baseMjondolo at the Pemary Ridge settlement in Reservoir Hills. Mayor Mlaba had, as had been agreed, been faxed a list of questions to be answered at this meeting (see the annexe below). People across all the 14 settlements affiliated to Abahlali baseMjondolo were eagerly anticipating this meeting. But Mlaba's office has now cancelled the meeting without explanation.

This is not the first time that the municipal authorities have raised the expectations of Durban's poorest residents, only to betray them. Indeed, meetings have been cancelled nine times over the past two months. And there has been ten years of broken promises and empty rhetoric before that. Every settlement that is a member of the Abahlali baseMjondolo has been promised land for nearly a decade, with no end in sight to the promising.

"We're ready to negotiate, but Mlaba is ready to lie," said S'bu Zikode, the chairman of the Abahlali baseMjondolo. Referring to a recent march illegally banned by City Manager, Dr Mike Sutcliffe, Zikode continues, "Our march was banned, and now the negotiations are banned. Must we jump into the ocean?"

Zikode suggests that the upcoming municipal elections have much to do with Mlaba's behaviour. "Their aim is to keep the ball rolling until March 1, and then they will take the ball away."

Mlaba's representations in the press have suggested that an end is in sight to the plight of Durban's shack dwellers, with the announcement of a major deal with the Durban colonial landlords, Moreland. "He goes to the press, and talks about billions of rand. But when they send officials to us we discover that there's no such thing. Mlaba wants to look good in public, but he fails to keep his own words."

"We've met a number of times with the deputy city manager, and we had questions about the Moreland deal, our own settlements, and other land we might move to. We were all looking forward to it. We were expecting every



one of our questions about housing to be answered – when, how, how many, what assurance do we have that you’re telling the truth?”

The Abahlali baseMjondolo is frustrated at the municipality. “What must we do for Mlaba to honour the Abahlali and honour his own words? We are ready to listen, we are ready to act. We don’t mind getting into the street again. We’re being encouraged to do this. The next time Mbeki wants to know about the outsiders who are making us march, he must ask Mlaba. No one else but him is making us do this. He must know we’re busy rolling up our sleeves to go back into the street. Because that’s the only language he understands,”

says Zikode. “We are calling upon the government at the provincial and national level to intervene to help the municipality to get these questions answered to Abahlali.”

Adds Zikode, “Everyone’s looking towards Christmas, when everyone is enjoying life. Now Mlaba has turned our Christmas very sour, it is clear, as a punishment. I think it’s human to be respected, we shouldn’t have to beg.”

“Where are the human rights organisations, the commissions and NGOs, when Mlaba is using the resources of the state to oppress us? When are they going to respond when the rich men are fooling around with the poor? How many Mhlengi Khumalo’s must die in the shack fires? It is out of order that we must rot in the shacks like this. We must stand up.”

Mnikelo Ndabankulu, Foreman Road Development Committee

Lungisani Jama, Foreman Road Development Committee

Philani Dlamini, Foreman Road Development Committee

Fikile Nkosi, Pemary Ridge Development Committee

Moses Mncwango, Jadhu Place Development Committee

S’bu Zikode, Chair, Abahlali baseMjondolo

12 DECEMBER 2005

Statement · Abahlali baseMjondolo

## Umlaba uqamba amanga kwabanhlempu

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EThekwini, KZN: Namhlanje uSobaba uObed Mlaba ubefanelwe to ukuhlalanga nebamele Abahlali baseMjondolo esakhiweni sasePemary Ridge eReservoir Hills. Umlaba wathunyelwa ngesikahlamezi imibuzo ebekufanele ayiphendule kulomhlango (bona kuAnnex 1). Abantu bakuzozonke izakhiwo eziyishumi nane ezingabalingani base Abahlali baseMjondolo bebewulindlele kabi lomhlango. Kodwa ihovisi likaMlaba liwukhanselile lomhlango (bona uAnnexe 2).

Akukona okokuqala ukuthi abaphathi bakaMasipala batshele abantu abanhlwempu baseThekwini ukuthi bayeza kodwa bababambise ophathe. Ngempela, imihlango isikhanselwe izikhathi eziyisishagalolunye kulezizinyanga ezimbili ezedlule. Sekuphele iminyaka eyishumi yezithembiso eziphuliwe nenkulumo engathi shu ngaphambi kwalokho. Zonke izakhiwo ezingamalunga base Abahlali baseMjondolo zathenjiswa umhlaba cishe kufike eminyakeni eyishumi, kodwa akukho okubonakalayo kwezithembiso.

“Sesizilungele izingxoxo, kodwa uMlaba ulungele ukuqamba amanga”, kushe uS’bu Zikode, usihlalo wase-Abahlali baseMjondolo. Ebhekise luke-mashi eyanqatshelwa ngokungemthetho uMphathi weTheku, uDr Mike Sutcliffe, uZikode uqhubeke wathi, Imashi yethu yanqatshelwa, manje nezingxoxo zethu zinqatshelwe. Kufanele siziphonse olwandle?”

UZikode ubona ukuthi lolukhetho oluzayo lukaMasipala ilona elenze uMlaba eziphathe ngalendlela. “Inhloso yabo ukuqhubeka kanje kuze kushaye mhlazizinye kuMashi.”

Ukukhuluma kukaMlaba nabezindaba bekukhombisa ukuthi ukuphela kwezinkinga zalabo abahlali emjondolo sekuseduze, ngokumemezela ngesivumelwano (sabo) nabanikazi bomhlaba weTheku, uMoreland. “Uyakwabezindaba, akhulume ngezigidgidi zamarandi. Kodwa masebethumela izikhulu kithina sithola ukuthi ayikho into enjalo. Umlaba ufuna ukubukeka kahle emphakathini, kodwa uyehluleka ukumela amazwi akhe.”

“Sesihlanangane izikhathi ezimbalwa nemsizi womphathi weTheku, fuhti sasinemibuzo ngesivumelwano neMoreland, ngezakhiwo zethu, nangeminye imihlaba esasingahamba siyohlala kuyo. Sasilindele ukuthi yonke imibuzo yethu ukuthi iphendulwe – nini, kanjani, ezingaki, isiphi isithembiso esingabanaso ukuthi bakhuluma iqiniso?”

Abahlali baseMjondolo baxaxekile nguMasipala. “Singenzenjani ngoMlaba ukuhlonipha Abahlali nokuhlonipha amagama aचे? Sesikulungele ukulalela, sesikuluingele ukwenza. Asindaba nokubuyela emgwaqeni futhi. Sesiya khuthazeleka ukwenza lokho. Ngesikhathi esilandelayo lapho uMbeki efune ukwazi ngabantu abangaphandle abasenza simashe, kofanele abuze uMlaba. Akekho omunye ngaphandle kwakhe owenza sense lokho ngaphandle kwakhe. Kufanele azi ukuthi sifigqa imikhono yethu ukuphindela emgwaqeni. Ngoba yilona kuphela ulimi aluzwayo,” kusho uZikode. “Sibiza uhulumeni wesifundazwe nowezwelonke ukungenelela ukusisiza kuMasipala ukuthi lemibuzo yabahlali iphendulwe.”

Eqhubeka uZikode, “Wonke umuntu ubhekelele uKhisimuzi, lapho wonke umuntu usuke ebusa. Manje uMlaba wenze owethu uKhisimusi wabamuncu, kusobala, njengesijejiso. Ngicabanga ukuhti kungubantu ukuhlonishwa, akufenele size sikucenge.”

“Ziphi izinhlangano ezilwela amalungelo esintu, amakhonishani nezinhlangano ezingaphandle kukahulumeni ezizimele, ngenkathi uMlaba esebenzisa izimali zikahulumeni ukusicindezela? Bazosabela nini uma izigwili zibukisa ngabahlwempu? Bangaki oMhlengi Khumalo okufanele bafe ngemililo yasemjondolo? Akulona iqiniso ukuthi kufanele sibolele emjondolo kanje. Kufanele sisukume.”

Mnikelo Ndabankulu, Foreman Road Development Committee  
Lungisani Jama, Foreman Road Development Committee  
Philani Dlamini, Foreman Road Development Committee  
Fikile Nkosi, Pemary Ridge Development Committee  
Moses Mncwango, Jadhu Place Development Committee  
S’bu Zikode, Chair, Abahlali baseMjondolo

12 DECEMBER 2005

Media advisory · Abahlali baseMjondolo

## An Invitation to Meet the Third Force

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Durban. The Abahlali baseMjondolo (Shackdwellers') movement, one of the most vibrant and important social movements in the new South Africa, has been repeatedly and unjustly accused of being masterminded by 'outside agitators'. This allegation has been repeatedly levelled by the Mayor of the eThekweni Municipality, Obed Mlaba.

The Mayor was recently asked to provide details about the Municipality's proposed housing policy for its poorest residents, and to respond to a series of concerns raised by the Abahlali baseMjondolo. A meeting was scheduled for Wednesday December 7th. On Tuesday 6th December, without reason or warning, the Mayor cancelled a meeting with the Abahlali baseMjondolo, even after the movement had followed every instruction, and obeyed every protocol.

Tonight the movement will meet at the Pemary Ridge settlement to discuss their options, and to develop concrete plans to make the Mayor listen. The media are invited to see for themselves the truth of Mlaba's allegations, and to attend this, and any future meetings of the Abahlali baseMjondolo. The movement stands firm in its rejection of the racist and patronising assumptions that it cannot think, strategise and act for itself.

The Abahlali baseMjondolo receives no outside funding and is entirely driven by the mandates produced at its scrupulously democratic meetings. Each settlement has at least one meeting per week and the movement has at least one meeting per week.

Despite its record of peaceful protest and internal democracy, Abahlali baseMjondolo has faced illegal repression from the eThekweni Municipality. On Thursday 10 November 2005 the Municipality sent a fax illegally banning a proposed march on the Mayor organised by the Foreman Road Development Committee, the elected representatives of one of the poorest shack settlements in Durban. The respected Freedom of Expression Institute issued a statement condemning the ban as "a flagrant violation of the Constitution and the Regulation of Gatherings Act". The statement went on to explain that the reasons

given by the Municipality for banning the march were “absurd” and without any legal basis.

On the day of the scheduled march, three thousand people met in the Foreman Road settlement, and decided to march, peacefully, in protest against this attack on their basic democratic rights. It has been widely reported that the police responded with extreme force and that at least two police officers fired live ammunition. A number of protestors sustained serious injuries. Journalists and academics have stated that police officers threatened them with violence if they reported what they had seen and that cameras were confiscated by the police.

The Municipality responded to the demonstration with a high profile announcement of a new housing development on Moreland land in North Durban. All requests for information concerning this development have been refused, and Moreland has distanced itself from the Municipality’s announcement.

For directions to the Pemary Ridge settlement, and further information Mnikelo Ndabankulu, Foreman Road Development Committee

Lungisani Jama, Foreman Road Development Committee

Philani Dlamini, Foreman Road Development Committee

Fikile Nkosi, Pemary Ridge Development Committee

Moses Mncwango, Jadhu Place Development Committee

S’bu Zikode, Chair, Abahlali baseMjondolo

13 DECEMBER 2005

Statement · Abahlali baseMjondolo

## Launch of the Campaign for the Human Dignity of Shack Dwellers

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*Press Conference, Kennedy Road Shack Settlement, Wednesday, 6:00 p.m., 14 December 2005*

Abahlali baseMjondolo, the Durban shack dwellers' movement, will host a press conference to announce a Campaign for the Human Dignity of Shack Dwellers. The announcement will include details of a campaign of non-violent direct action to begin immediately as well as details of the movements' position on the local government elections.

14 settlements are formally affiliated to Abahlali baseMjondolo and the movement has organised a number of mass marches during this year which have made regular national and international news. The first marches were on local councillors Yacoob Baig and Jayraj Bachu. A march was then organised on Mayor Obed Mlaba. The Municipality illegally banned this march. The Freedom of Expression Institute issued a statement condemning the ban as "a flagrant violation of the Constitution and the Regulation of Gatherings Act". The statement went on to explain that the reasons given by the Municipality for banning the march were "absurd" and without any legal basis.

On the day of the scheduled march, three thousand people met in the Foreman Road settlement, and decided to stage an act of passive resistance against this attack on their basic democratic rights in the form of a peaceful demonstration. It has been widely reported that the police responded with extreme force and that at least two police officers fired live ammunition. A number of protesters sustained serious injuries. Journalists and academics have stated that police officers threatened them with violence if they reported what they had seen and that cameras were confiscated by the police. The Freedom of Expression Institute issued a statement declaring that the Institute "condemns the eThekweni Municipality's blatant disregard for the rights of marginalized communities to exercise their freedom of expression." The statement described the

police action as illegal on two grounds. The first was that no warning was given to disperse before the police attacked and the second was that there was no justification for the degree of force used in the police attack. The Mercury newspaper lodged a formal complaint against the intimidation of one of its journalists by the police.

No apology has been issued to Abahlali baseMjondolo and there has been no guarantee that the Municipality will, in the future, abide by the constitution and the law and allow Durban's poorest residents the right to peaceful protest. However the Municipality responded to the demonstration with a high profile and widely reported announcement of a new low cost housing development on Moreland land in North Durban. All requests by Abahlali baseMjondolo for information concerning this development have been refused, and Moreland has distanced itself from the Municipality's announcement. The Mayor promised to come to the Pmary Ridge settlement to meet Abahlali baseMjondolo to explain what was happening but has cancelled this meeting without explanation.

Peaceful public protest appears to have been illegally banned. The Municipality's public announcements about a confirmed major new housing development appear to be untrue. Negotiations with the Municipality appear to have been unilaterally suspended. Last night Abahlali baseMjondolo met in the Pmary Ridge settlement to plan a way forward. It was been decided to launch a Campaign for the Human Dignity of Shack Dwellers. Tomorrow night details of this campaign will be announced to the media.

To get to the press conference drive down Kennedy Road (off Clare Road in Clare Estate) and take the first turn to the right (a dirt road) just after the Municipal Dump. Drive into the settlement and you'll see a table set up for the press conference. If you see the Simunye store when you are coming down Kennedy Road you have gone too far.

Mnikelo Ndabankulu, Foreman Road Development Committee

Lungisani Jama, Foreman Road Development Committee

Philani Dlamini, Foreman Road Development Committee

Fikile Nkosi, Pmary Ridge Development Committee

Moses Mncwango, Jadhu Place Development Committee

S'bu Zikode, Chair, Abahlali baseMjondolo

For print quality photographs

Raj Patel

4 JANUARY 2006

Urgent press release · Abahlali baseMjondolo

## UKZN Vice-Chancellor Prof. M.W.Makgoba seeks to evict four families

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During the Christmas Holidays a Notice of Motion was lodged in the High Court by Prof. Makgoba to ask the court to allow the eviction of 4 families from the Banana City Informal Settlement on the Westville Campus of UKZN. The court date is set for 6 January 2006. Makgoba obviously hoped to be able to get away with this while legal NGOs etc are shut down for Christmas. But top class legal support has been secured and Makgoba's motion will be contested in the High Court, at 9:30 on Friday 6 January 2006.

In his 22 page affidavit Makgoba argues that the 4 families can be legally evicted because their shacks are new. However the people living there are long time residents of Banana City. Their shacks are only new because their previous shacks burnt down. They burnt down because the eThekweni Municipality no longer installs electricity to shacks. It is deeply unjust to evict people because their old shacks have burnt down.

Makgoba's affidavit is full of the sick language of racism. He describes the shack dwellers as unhygienic, criminal, dirty and so on. This is deeply unfair. Banana City has been part of the University community for more than 15 years. Many poorer students have sought accommodation and meals in the settlement and some university workers have lived their too. But Makgoba doesn't only use the language of racism in his attack on the most vulnerable people at UKZN. He also uses a law firm \* Garlicke & Bousfield \* with an appalling colonial history.

Right now it is only 4 families confronting the possibility of disaster. But it seems as if the whole settlement may be at risk. In a recent newspaper article a top UKZN manager is quoted as saying that the shack dwellers will be 're-located'. Makgoba says the same thing in the court papers. For some years the eThekweni Municipality has promised Banana City residents formal housing on the Westville campus of UKZN. But now it seems that the UKZN management wants to undo this promise. 'Relocation' means that people will be evicted at



gun point and taken to the human dumping grounds on the rural periphery of the metro \* places like the notorious Park Gate. There is no work and there are no schools etc there \* these are places of living death.

But Banana City is not alone. The mighty shackdwellers' movement \* Abahlali baseMjondolo has promised to make a stand with Banana City. And progressive students and workers at UKZN are also standing firm with Banana City.

UKZN has been in the news a lot lately. There has been the 55 million rand cuts that are coming in 2006 (via fee increases and cuts in expenditure), Makgoba's intimidation of critical academics and Makgoba's banning of Ashwin Desai. There is growing and very serious international concern at the direction in which UKZN is being taken. The Committee for Academic Freedom in Africa has written to Makgoba to express their deep concern as have world famous academics like Issa Shivji from Tanzania and Noam Chomsky from America. The world is watching UKZN now. The Banana City families facing eviction will not escape the global critical attention that is being directed at UKZN. Progressive students at UKZN feel strongly that this university is being turned into a university for the rich \* a university that has no place for shack dwellers, poor students, workers seeking a living wage or critical academics.

Banana City Residents' Development Committee: David Nene, Bongani Zondo

Combined Staff Association of UKZN: Prof. Evan Manzaris

Students & Workers Shack Dwellers' Support Committee: Liv Shange, Sibusiso Xaba, Fazel Khan

Abahlali baseMjondolo: Mnikelo Ndabankulu, S'bu Zikode

20 FEBRUARY 2006

Letter · Abahlali baseMjondolo

## A letter from Abahlali to Mike Sutcliffe

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*Dear Dr Sutcliffe*

RE: YOUR ONGOING DENIAL OF OUR CONSTITUTIONALLY GUARANTEED RIGHT TO PUBLIC PROTEST

I write on behalf of Abahlali baseMjondolo to register our organisation's protest, in the strongest terms, against the way you and other Metro authorities are dealing with our exercise of our Constitutional rights.

While you may not agree with content or urgency of the demands we press, and we would not expect you to ensconced as you are in a huge beachfront apartment, you must realise that they are legitimately posed demands seeking nothing more than what is guaranteed in the Constitution; access to housing. As we have very little money, no institutional power and limited access to the mass media, we have only our collective protest action to rely upon with which to persuade you to divert greater resources to the scandal of the housing situation in eThekweni. Where directors of Moreland, for instance, can pick up a phone to you to address their interests or the rich of Clare Estate can get your attention at a cocktail party, we are not that fortunate. Our recent experiences have convinced us that we can only attempt to influence policy formation and delivery by protesting.

It is thus extremely frustrating when you use all form of procedural ruses to deny us the opportunity to lawfully protest – and, of course, thereby deny us a basic constitutional right. When we apply for permission to march well in advance and as prescribed by law, you decline to tell us yes or no, until such time as it is impossible to organise a proper and orderly protest march. Does Moreland wait 10 days for you to phone them back?

When we tried to arrange a legal march from the Foreman Road settlement on 4 November 2005 your office sent us a fax stating that the march was 'prohibited'. A top legal expert at the Freedom of Expression of Institute, Mr. Simon Delaney, described your banning of that march as "illegal and unconstitutional."

As leaders we advised our people that the march had been illegally banned and that we should simply have a meeting in the Foreman Road settlement instead. However our people were not prepared to accept this illegal attack by your office on their basic constitutional rights and staged an entirely peaceful protest. Video evidence, some of which was flighted as the lead story on E-TV that night, clearly shows that a peacefully gathering was attacked without warning by police and that excessive violence was used by the police resulting in numerous serious injuries. Moreover both journalists and academics present made formal complaints about serious police intimidation including the confiscation of cameras and threats of violence should they report what they had seen. However no action was taken against the police for their illegal behaviour and no apology was ever issued from your office. These events have been discussed in leading publications around the world, including the New York Times, and have brought great shame on our democracy.

Now you have, once again, denied us our right to march. It will not escape the attention of our 20 000 members and of the media, local, national and international, that your second banning of an Abahlali baseMjondolo march took place just days after the SAPS were used to prevent our movement from participating in the SABC current affairs talk show, Asikhulume, on 12 February 2006. This was a programme to which we had been invited in writing but although we arrived at the Cato Crest hall where the programme was being filmed in good time the police simply prevented our members from entering the hall while people in ANC t-shirts, including late arrivals, where waved through. I myself was assaulted by Officer Hlophe when I showed him my invitation to be a panellist on the programme and demanded to be let into the hall. This politically thuggery was covered in The Mercury and the Financial Mail. Experts have told us that if your office consistently bans our movement from marching and the police are used to prevent us from taking up invitations to appear on the media then there is no way that the coming elections will be able to be declared free and fair in the eThekweni Municipality. If this happens a large part of the blame will fall at your door.

To be specific with regard to the latest banning of an Abahlali baseMjondolo march: On 3 February 2006 we applied for permission to march on 20 February 2006. Our completed application form was taken by hand by Lungisani Jama and Mnikelo Ndabankulu to the office of the Chief Director of Metro Police. He

indicated that he could not give us permission to march until you had considered our request. He declined to accept our form, which we had completed in full, and asked us to answer some questions about the march. We do so. He said we should wait for a decision by you to obtain the go-ahead.

On 9 February Mnikelo Ndabankulu was called to discuss the application at the Metro Police offices. Inspector Stevenson said that you had said that there could be no march and that a rally should be held instead. Reasons were not given on request and he refused to put his response in writing. On the same date, 9 February, I sent you a fax requesting an urgent written response to our application for permission to hold a legal march. I also phoned your offices on 10, 13 and 14 February asking for an urgent written response to the fax. On 15 February the Freedom of Expression Institute sent a you a fax asking you to respond to us in writing with urgency.

Then, late on the afternoon of 16 February we finally received a fax indicating that the application to march was 'denied' on the basis that we had not supplied all the required information. To our shock, this is all information we had filled in on the original form Inspector Stevenson refused to accept at a time when the march could well still have been properly organised. Moreover you only responded to us 4 days before the march was scheduled and 13 days after the original application. These kinds of delays are clearly not in the spirit of the Gatherings Act and function, in practice, to deny us our basic constitutional rights.

We are lead to the inescapable conclusion that you and other authorities have adopted a deliberate strategy to prevent us from lawfully exercising our rights to protest action by obfuscation. We call on you to desist from such a course of action.

We call on you to explain exactly what you consider you role to be in facilitating the go ahead of a march in this city. What is your authority and have you delegated it to any other person? We place you on terms that any further omissions on your part will be regarded as acts by us, and we reserve all our rights in law to compel you timeously and properly to exercise whatever powers you may have to allow or vary the conditions of marches to proceed in our city. A failure to timeously respond is in practical terms as bad as a refusal.

We wish to remind you that your frustration of our rights is creating a dangerous situation in the communities hungry for land and housing. There are

many who are saying that for too long we have been trying nicely to make you realise how serious we are only to act contempt and illegal repression in return. While we ourselves strive only to act lawfully, we wish to warn you that it will be on your hands when the patience of the masses of poor people spills over because you have illegally closed channels for popular protest guaranteed to us by the constitution.

Legal experts have advised us that in fact the Gatherings Act does not require us to ask for permission to march. The right to march is in fact guaranteed to us. The act merely requires us to inform the authorities so that they can proper arrangements for traffic control and so on. Given that your prohibition of our march, scheduled for today, is neither in accordance with the letter or the spirit of the Act we have every legal and constitutional right to go ahead with our march and we will go ahead with our march. However in order to give you the time to prepare properly, a courtesy who have failed to accord to us, we will give you some time to plan. You are hereby informed that we will be marching from Botha Park to the City Hall on 27 February from 10:00 a.m. to 12:00 noon. This is not a new application but rather a change of the date proposed in the original application – a change necessitated by the unacceptable delays from your office in getting back to us. Delays that have served, in practice, to deny us a basic constitutional right. Should you require any further information about our march please contact us and we will give it to you promptly.

Yours sincerely

S'bu Zikode

Chairperson – Abahlali baseMjondolo

27 FEBRUARY 2006

Statement · Abahlali baseMjondolo

## Ayikho indlu! Awukho umhlaba! Alikho ivote!

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### *UMBHIKISHO WABAHLALI BASE MJONDOLO*

Hawu! Hawu!

NINI: Ngehora lesishayagalombili ekuseni, ngoMsombuluko, zingu 27 Febhuwari 2006.

KUPHI: Ukubhikisha kwabantu kuzosuka kuBhota eThekwini. Kuyiwa ehholo elikhulu eThekwini kuMike Mabuyakhulu.

NGOBANI: Lezizinkulungane zibhikisha? Sifuna izimpendulo ukuthi sakhelwa nini kuphi kanjani kungani sekumele sikholwe manje emva kwe-sikhathi eside sithenjiswa amanga.

ABAHLELI: Abahlali baseMjondolo mhlaba wonke abantu abahlu phekile. Siyabamema bonke Abahlali baseMjondolo emhlabeni jikelele. Ukuthi bazosho ukuthi sekwanele indoda emva izindlu phambili.

Abalandeli: Lombhikisho uzobe uhlanganise nabantu abaphuma kwezinye izinhlangano ezingaphandle kweWard 25. Abanye abazobe bekhona, Banana City, iBayview Flat Residents' Association; Cato Crest, Claremont, Combined Staff Association (UKZN); Eastwood Community Forum (Maritzburg), Groundwork; Joe Slovo, Kenville, KwaMashu, eMandeni, Mandela Park Anti-eviction Campaign (Cape Town); Umlazi, Right to Work Campaign; Socialist Students' Movement (UKZN); eThekwini Eco-peace Party; Sydenham Heights Resident's Association, eThekwini Social Forum; Wentworth Development Forum; Westcliff Flat Residents' Association

UMA UDINGA ULWAZI NOMA UDINGA UKUBEKA UMBONO UN-GATHINTANA NALABA: Mnu. S'bu Zikode ku, Mnu. Philani Zungu; Nkzn Fikile Nkosi; Mnu Mnikelo Ndabankulu; Nkzn Thandi Khambule; Mnu Moses Mncwango, Mnu Chazumuzi Ngcobo, Mnu M'du Hlongwa, Mnu Lungisani Jama

**UMzabalazo wabahlali 'basemijondolo**

Ziningi izithembiso ezenziwe ngaphambili ezingafeziwe. Ezweni lonke lalapha e South Africa abahlali basemijondolo besemzabalwazweni bavimba imigwaqo bathi 'Sekwanele!' Sekube nemibhikisho engaphezu kuka 6 000 ngonyaka odlule. Ethekwini namaphethelo ku Ward 23 no 25, izinkulungwane zabantu zimamashe zayothula izikhalo zazo ku Yacoob Baig no Jayraj Bachu zikhalazela ukuthi izidingo ngqangi zazo izibalula umhlaba, izindlu, kanye namanzi, ugesi kanye nezindlu zangasese zingashaywa indiva.

Abahlali bebemashela izinhlelo zokubakhipha kulezizindawo ngendluzula ziyiswe ngaphandle kwetheku ziyiswe izindaweni ezisemakhaya njengaseVerulam kude nemisebenzi yethu, izikole, imitholampilo kanye neziteshi zamaphoyisa. Abantu bezindaba bayakholelwa ekutheni laba bantu bayahlupheka ingakho besiwuxhasa umzabalazo wabahlali ngokuphelele. Eminye imiphakathi esenkingeni ikhombisa ukuzwelana nalemiphakathi.

Ngeke siqhubeke nokuhlupheka kanje. Isikhathi sesifikile sokuthi "Kwanele!" siyafuna ukuthi izikhalo zethu zifezwe. Isikhathi sesifikile sokuthi simashele emahhosisini kamaMabuyakhulu. Kumele simtshele uMabuyakhulu ukuthi umasingazitholi izimpendulo siyathembisa angeke siye okhethweni lohulumeni basekhaya.

**BATHENGISA NGATH!**

**SEKWANELE! SEKWANELE!**

**Ayikho indlu! Awukho umhlaba! Alikho ivote!**

27 FEBRUARY 2006

Statement · Abahlali baseMjondolo

## No Land No House No Vote! Press release

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### *SHACK DWELLERS' MARCH*

Houses First, the Man Later

No House! No Land! No Vote!

WHEN: 8:00a.m. Monday 27 February 2006

WHERE: The march will start at Botha Park and will proceed to the city hall where our demands will be presented to Mike Mabuyakhulu.

WHY: Why are people marching in their thousands? We need answers to our questions about housing – when, how, where and how many houses do they plan to build? How can we be sure that we can get houses after all these lies for all these years? The government must give us proof because they have been telling us lies for a long time.

ORGANISERS: The shack dwellers of this country. We invite all other poor people everywhere to join us and say “enough is enough!”

SUPPORTERS: This march is organized by Abahlali baseMjondolo and is also supported by, and will include representatives from community organisations including the Banana City Informal Settlement Area Committee; the Bayview Flats Residents' Association; the Combined Staff Association (UKZN); Eastwood Community Forum ('Maritzburg), Groundwork; the Mandela Park Anti-eviction Campaign (Cape Town); the Right to Work Campaign; the Socialist Students' Movement (UKZN); the Sydenham Heights Flats Resident's Association; eThekweni Eco-peace Party; the eThekweni Social Forum; the Wentworth Development Forum and the Westcliff Flat Residents' Association as well as people from Cato Crest, KwaMashu, eMandeni, Umlazi, Palmiet, Clermont, Puntan's Hill, the Reservoir Hills Taxi Association, the Clare Estate Taxi Association and Durban Informal Traders.



FOR COMMENT AND FURTHER INFORMATION CONTACT: Mr. Philani Zungu  
Miss Fikile Nkosi  
Mr. Mnikelo Ndabankulu  
Miss Thandi Khambule  
Mr. Moses Mncwango, Mr. Chazumuzi Ngcobo, Mr. M'du Hlongwa, Mr. Lungisani Jama  
The Shack Dwellers' Struggle

Many promises to people living in shacks have been broken. Across South Africa shack dwellers have been blocking roads and saying 'Enough!' There were more than 6000 protests last year. In Durban, in Wards 23 and 25, thousands of people marched on councillors Yacoob Baig and Jayraj Bachu to demand that promises to provide land, housing and basic services like water, electricity and toilets be kept. People have also been marching against plans to move shack dwellers out of the city to rural places like Verulum far away from work, schools, clinics and police stations. The media have understood that people are suffering and have supported the marches very strongly. Other struggling communities have also offered strong support.

Mabuyakhulu must know that our councillors are rogues.

We cannot continue to suffer like this. The time has come to say "Enough!" and to demand that the promises made to us be kept. The time has now come to march on Mike Mabuyakhulu. We must tell Mabuyakhulu that if we don't get satisfactory answers to the questions that we have asked about land, houses and basic services then we will not vote in the elections.

THEY ARE SELLING US!

ENOUGH IS ENOUGH!

NO LAND, NO HOUSE, NO VOTE!

27 FEBRUARY 2006

Memorandum · Abahlali baseMjondolo

## A Memorandum of Demands

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We the shackdwellers of Durban, democrats and loyal citizens of the Republic of South Africa, note that this country is rich because of the theft of our land and because of our work in the farms, mines, factories, kitchens and laundries of the rich. We can not and will not continue to suffer the way that we do. Our voices cannot be stifled. Today, like every day, we braved heat, hunger, thirst, exhaustion and police repression. Today, we had our day in court. Today, we won a recognition of our right to speak. Today we march on the city because today we stand up for our right not only to speak, but to live, to breathe, to eat, to sleep and to work in dignity and safety.

Today, we demand adequate land and housing to live in safety, health and dignity.

Today, we demand the creation of well-paying and dignified jobs.

Today, we demand the writing-off of all rental arrears.

Today, we demand participation in genuinely democratic processes of consultation and citizenship.

Today, we demand safe and secure environments in which we can work, play and live.

Today, we fight HIV/AIDS and today we demand well-resourced and staffed health facilities.

Today our children are in danger, and today we demand attention to the needs of our communities' youth.

Today we cannot afford electricity, and today demand that these services be made free for the poor.

Today we suffer without toilets or water, and today we demand our rights.

Today, people from around the city and the country are uniting in support of our struggle we express our support for our comrades elsewhere. We have stood with, and will continue to stand with our comrades in Chatsworth, Crossmoor, Marianridge, Merebank, Shallcross, eMandeni, Clairwood, and Wentworth in their fight against the eThekweni Municipality's attempts to evict them

from their municipal flats. We will also continue to stand with the people of South Durban in their struggle against environmental racism; with poor students facing exclusion from technikons and universities and with comrades all over the country fighting for land, housing, work, education, healthcare, safety and democratic development. We affirm that their struggle to resist eviction from their homes and to win basic services is just. We stand with them against the repression of their legitimate struggle.

Today, we demand answers. We have approached the municipality on many occasions, and have been promised the earth. Yet still we have no land. The municipality says it will house us. We demand to know when. We demand to know where. We demand to know how many houses. We demand to know who will be resettled. We demand all this today.

Today, we have fought and won. Today we beat Mike Sutcliffe. Today Obed Mlaba tried to silence us and we would not go quietly. Today the police tied us up, and we broke free. Today, and every day, until the government acts, we will raise our voices for the poor, and we will fight for justice.

Handed over by: \_\_\_\_\_ on \_\_\_\_\_ at

28 FEBRUARY 2006

Press release · Abahlali baseMjondolo

## Free speech or toilets? We have rights to both and the city gives us neither.

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(Durban) After winning a high court interdict against the eThekwin Municipality and the South African Police Service, the Abahlali baseMjondolo, the Shackdwellers' Movement feels the need to set the facts straight about yesterday's march. The judgement proves that march was, and always had been, legal. The police and municipality were in violation of the law in preventing the march, and from obstructing its participants. The injunction vindicated Durban's shackdwellers, and indicted the local authorities. The authorities, in particular the municipal manager Dr Mike Sutcliffe, rather than learning their lesson, have lashed out in the media against Durban's poorest people.

"Having lost his case in court, it seems as if eThekwin Municipal manager Dr Sutcliffe feels he can claw back some dignity in the press, though a campaign of defamation, misrepresentation and lies," said S'bu Zikode, Chairperson of the Abahlali. "The fact remains that Dr Sutcliffe has consistently broken the law, and that the South African Police Service have enforced his orders, jailing and beating the city's poorest residents for exercising their constitutional rights to free speech."

Explaining the Regulation of Gatherings Act (Act No. 205 of 1993), Na'eem Jeenah of the Freedom of Expression Institute's Anti-Censorship programme said this: "the convenors of a march need to notify the local authorities of their intention to march not more than seven days before the proposed event. If the responsible police officer decides that negotiations are necessary, s/he may arrange a meeting between the convenors of the event and representatives of various public bodies, including local authorities."

"The most important thing is this: if the convenors have not been called to a meeting within 24 hours of their having given notification, then the gathering may take place. In other words, once the appropriate authorities have been notified, there's no automatic need for a permit or anything else. It's up for the

authorities to decide whether to hold a meeting, and if so, to let the appropriate people know,” Jeenah emphasised. “The only conditions under which a gathering may be prohibited is either if notice is given less than 48 hours before the gathering is due to take place or “credible information on oath is brought to the attention of a responsible officer that there is a threat” to security. In the second instance, the officer must then consult with the convenors and only if conditions cannot be put into place to prevent such threat, may the march be prohibited. Such prohibition must be conveyed to the convenors in writing.”

“But what they’ve been doing is not contacting us at all, and then banning the march at the last minute. It is clearly outside the terms of the law.” said S’bu Zikode. “In the past, we have marched many times, successfully, and legally. There have been no cases of violence or intimidation by the Abahlali. Unlike the police, our people are disciplined.”

Attempts to get clarity around the status of marches have been frustrated by the municipality’s offices. Repeated attempts by Abahlali to contact the City for confirmation met with no reply. The City called only one meeting, to claim incorrectly that the Abahlali were not permitted a march, only a rally. The Freedom of Expression Institute have documented this litany of obstructionism by the City (appendix A & B).

Dr. Richard Ballard, a research fellow at the Centre for Civil Society was an observer at the Foreman Road informal settlement yesterday, where Supt Glen Nayager and members of the Sydenham Police Station were charging into the informal settlements and beating protesters.

“At the time when people were being arrested, I phoned Mike Sutcliffe’s secretary at least three times to find out the legal status of the march – I was told that he was at a breakfast. I was given two other department numbers to try, which all led to voicemail. Messages urgently to return my calls were ignored,” said Dr Ballard.

With the assurance from the City manager that their actions are legal, the South African Police Service have assaulted and beaten shackdwellers, targeting the leadership and arresting them in their homes. The police have also intimidated and suppressed the media. The Mercury’s Carvin Goldstone has an outstanding complaint against Spt. Glen Nayager for intimidation, and Nayager also illegally confiscated the camera of Raj Patel of the Centre for Civil Society, which has been brought to the attention of the office of the Public Protector.

The government's behaviour towards the shackdwellers, towards South Africa's poorest people, is an indication of their growing contempt for all citizens. When poor people bring their concerns to the city, the municipality remains mute. No "yes", no "no". They keep people in limbo. It keeps people hoping, it prevents people from taking further action against the city. And, in the case of these marches, when the "No" comes minutes before the start of the march, the high court has shown this to be illegal.

"I very much hope the punitive costs against the city, which will be discussed on 13th March, will encourage Sutcliffe to stop wasting everyone's time and money," said Zikode. "The City manager complains that freedom of speech is expensive for the city. But this is wrong for three reasons. First, Abahlali marches take place during office hours, while Zuma protests and the A1 grand prix are much more expensive. Second, we don't know the costs to the SAPS, because Sutcliffe won't tell us the figures. Third, even though they were marching legally, our members are being made to appear in court to answer charges that will be dismissed, wasting their and court time. And finally, it's vicious and cruel to say to us 'you can either have free speech or toilets' when, in fact, we have rights to both and the city gives us neither."

Although yesterday marked the first time the Abahlali baseMjondolo had taken their grievances to the high court, it wasn't the first time that the City had behaved unconstitutionally towards them. Last year, the world's top constitution scholars were in Durban in November 2005, when Dr Sutcliffe illegally banned an Abahlali march. The scholars denounced his behaviour in a petition (appendix C).

This track record of criminality and illegal behaviour towards the poorest people in Durban must stop. Dr Sutcliffe is responsible, and as such must be regarded as a criminal, an autocrat, and unfit to be the Manager of our city. He must resign.

Na'eem Jeenah (FXI Anti-censorship programme).

S'bu Zikode (Abahlali baseMjondolo).

Richard Ballard (Centre for Civil Society).

16 JUNE 2006

Document · Abahlali baseMjondolo

# Abahlali baseMjondolo Constitution (Draft 16 June 2006)

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## *CONSTITUTION OF THE ABAHLALI BASEMJONDOLO MOVEMENT*

### 1. ORGANISATION'S NAME

1.1 The organisation hereby constituted will be called the Abahlali base-Mjondolo Movement South Africa.

1.2 Its abbreviated name will be AbM. It will also be referred to as 'The Movement' in this document.

1.3 The movement shall

- Exist in its own right separate from its members
- Continue to exist even when its membership changes and there are different office bearers
- Be able to own property and other possessions
- Be able to sue and to be sued
- Automatically cease to exist if the Movement Secretariat does not call an Annual General Meeting (AGM) once every calendar year and, at the AGM, open up all positions in the Movement Secretariat for election for one year terms.

### 2. OBJECTIVES

The movement is a non-profit civil society organisation which is independent of all party and electoral politics which is established for the following reasons:

2.1 To improve the lives and living conditions of shack dwellers with a special focus on asserting the human dignity of shack dwellers. Although shack dwellers will be the primary focus AbM will work with poor people not living in shacks where this is appropriate. This work will take the following forms:

- working to fully democratise the internal governance of all settlements
- working to develop and sustain co-operative projects aimed at generating income for shack dwellers

- working to establish and sustain various social projects within settlements such as, but not limited to, crèches, community media, vegetable gardens, cleaning projects, reading, writing, discussion, theatre, sport and music groups, workshops on important social issues, the formation of youth, women's and old people's groups and the establishment of meeting halls and social centres.

- working to ensure that shack dwellers are able to express their views loudly, clearly and directly in all areas and levels of society

- working to ensure that shack dwellers are aware of all their rights under South African law and are able to access and defend these rights

- working to ensure that shack dwellers receive the support from the state due to them by law such as, but not limited to, free access to school education, state grants, health care, disaster relief etc

- working for genuinely democratic participation in the making of policies that affect, directly or indirectly, the lives of shack dwellers

- working to offer maximum support to shack dwellers living with and affected by HIV/AIDS

- working to actively oppose all forms of prejudice within settlements including sexism, racism, xenophobia, ageism and HIV/AIDS stigma

- working to challenge undemocratic leadership within settlements

- working to advance the status and rights of women and children within the settlements

- working to defend the interests of shack dwellers working in the so called 'formal' and 'informal' economies

- working to ensure that shack dwellers are aware of all state, corporate, university, international organisation and NGO policies, projects and programmes that may affect their communities

- working to challenge the policies and actions of the state, corporations, universities, international organisations and NGOs when they are not in the interests of shack dwellers

- working to provide care, support and solidarity to all those who feel forgotten and who feel hopeless because of broken promises around service delivery, genuinely democratic participation in policy making and implementation as well as the general subordination of shack dwellers in society



– working to ensure that where ever possible the skills and equipment required to undertake the work of AbM be developed and acquired by the movement to ensure that shack dwellers have maximum control over their own movement.

### 3. INCOME AND PROPERTY

3.1 The movement will keep a record of everything it owns and this will be available to any member on request.

3.2 The movement will keep a detailed record of all income and expenditure and this will be available, in full or in part, to any member on request.

3.3 The movement may not give of its money or property to its members or office bearers unless this is in the form of disaster relief, in which case at least 5 members of an appropriate committee must agree, or in compensation for expenses incurred in which case a full meeting of the appropriate committee meeting must agree.

3.4 Neither ordinary members nor office bearers have individual rights over the movements' money and property – i.e. all money and property is to be held in common.

3.5 No individual ABM member, branch, settlement committee or sub-committee may raise or accept money or property in the name of the movement or any of its branches, settlement committees or sub-committees without this being discussed and approved at an appropriate meeting.

3.6 While income generating projects are encouraged all such projects must be run co-operatively, must be approved through a meeting of the secretariat and must report all new opportunities, as well as any problems that arise that could lead to conflict or to the undermining of the good name of the movement, to the secretariat. This includes T-shirt making.

### 4. MEMBERSHIP

4.1 All shack dwellers living in South Africa, as well as all people working in the 'informal economy', are automatically eligible for membership. An application for membership constitutes an agreement to abide by the AbM constitution. People who are neither shack dwellers nor working in the informal economy can only become members by the special invitation of the Movement Secretariat.

4.2 An annual membership fee, set an amount determined by the Secretariat, will be payable and cards will be issued to all members.

4.3 There will ordinarily be three types of membership

- Individual Members: In the settlements where there is not democratic governance (i.e. where leaders are not subject to annual free and fair election) or where there is no general desire to affiliate to AbM people may join as individual members. Individual members are welcome to stand for election to positions in the Secretariat and to be elected or nominated to take up ad hoc movement work.
- Branch Members: Individual members may form a branch when fifty or more individual members decide to do so.
- Settlement Members: Whole settlements may collectively decide to join AbM when that settlement is represented by an elected committee which will subject itself to re-election once a year and where a decision to choose collective affiliation has been made and ratified by a clear majority at an open mass meeting in the settlement.

#### 4.3 All members will have equal rights and status within AbM

4.4 If a member accepts a managerial position within a Municipal, Provincial, State or NGO dealing with shack dwellers he/she must disclose this to the secretariat and should there, in the view of the Secretariat, be a conflict of interest that member will be asked to either resign the position or his/her membership of the movement.

4.4 Members may be expelled from the movement if a sub-committee of no less than 5 people, nominated at a Movement Secretariat meeting, reports that that Member has misused the Movement's resources or good name for personal gain, engaged in clear acts of racism, sexism, HIV/AIDS stigma or xenophobia and advises that the behaviour is likely to reoccur or that a Branch or Settlement Committee has not held regular meetings and subjected itself to election at an AGM.

### 5. COMMITTEES

5.1. All branches must form a Branch Committee which must meet on a set day once a week, hold a meeting for all Branch Members at least once a month from January to November and must hold an Annual General Meeting at which all offices for the coming 12 months are open to election. Branch Committees must consist of at least 5 people and must have 5 people present to be quorate except in times of disaster when immediate action is required. Then 3 people shall constitute a quorum. The Branch Committee must include a chair, deputy chair, treasurer, secretary and deputy secretary.

5.2 Every affiliated settlement must form a Settlement Committee that must meet on a set day once a week, hold an open mass meeting at least once a month from January to November and must hold an Annual General Meeting at which all offices for the coming 12 months are open to election. Settlement Committees must consist of at least 5 people and must have 5 people present to be quorate except in times of disaster when immediate action is required. Then 3 people shall constitute a quorum. Every Settlement Committee must include a chair, deputy chair, treasurer, secretary and deputy secretary.

5.3 The Movement Secretariat will take overall responsibility for the movement. All AbM members and all Branch and Settlement Committees, as well as all sub committees must abide by the decisions of the Secretariat. The Secretariat will act as the disciplinary body for the movement. It must include a President, Deputy Present, treasurer, secretary, deputy secretary and PRO. The Movement Secretariat can create other positions as it sees fit. Each Branch Committee with more than 100 card holding members will be entitled to elect one representative to a dedicated position on the Secretariat and all Settlement Committees will be entitled to elect at one representative to a dedicated position on the Secretariat. There will also be a minimum of ten open positions which can be filled by people from any Branch Committee or Settlement Commitment as well as any Individual Members. The Movement Secretariat must meet at least once a month from January to November and must call an AGM at least once a year. Office Bearers will serve for one year but are welcome to stand for re-election.

4.4 All Branches and Settlements Committees, as well as the Movement Secretariat, have the right to form sub-committees to perform ad hoc tasks. Where ever possible the members of these sub-committees should be elected.

In some instances standing committees will be required but where ever possible committees should be elected afresh for each task to ensure that as many people participate in decision making and representation as is possible.

4.5 If the usual chair is absent from a meeting a temporary chair should be elected. Committees have the right to decide to have a revolving chair rather than a permanent chair.

4.6 The chair of any committee has a right to call special meetings. All members of that committee must be informed of the special meeting in good time and of the purpose of the meeting.

4.7 No decisions can be made by committees that do not have quorum.

4.8 In all committees every attempt will be made to make decisions via consensus. If this is not possible a vote will be taken. If the votes are equal then the matter will be decided by the chair.

4.9 Minutes will be taken at every Branch, Settlement or Secretariat meeting and presented to members before the next meeting for approval.

4.10 If a member of any Branch or Settlement Committee or the Secretariat does not attend three meetings in a row without having applied for and obtained a leave of absence then the Committee will be required to elect or appoint a new member to take that person's place.

4.9 Every effort must be made to ensure that there is a good representation of women in all committees. In general this should be at a minimum of 50%.

## 5. ANNUAL GENERAL MEETING (AGM)

5.1 The Movement Secretariat shall call an AGM once every calendar year. At least 30 days notice shall be given.

5.2 Each branch and settlement committee will be entitled to elect one voting representative for every 50 card holding members in that branch or settlement.

5.3 All AbM members will be invited to attend the AGM and all members can raise issues from the floor. However only the representatives elected to represent each branch and settlement at the meeting can vote at the meeting.

5.4 At the AGM there shall be reports from all office bearers

5.5 The AGM or special movement wide meeting are the only forums where changes to the constitution can be made. This shall be done via the proposal of a resolution. A resolution must secure the support of two thirds of elected representatives at the meeting to pass.

5.6 Election of office bearers shall be by simple majority.

## 6. SUBSCRIPTIONS AND FINANCES

6.1 All members, whether individual, branch or settlement, will be expected to obtain membership cards. Membership cards will be sold at a rate determined by the Movement Secretariat and approved at the Annual General Meeting.

6.2 The treasure shall keep day to day records of all income and expenditure. This shall be reported on at every meeting.

6.3 All bank accounts must have three signatories, one of whom must be the Chair of the Movement. The chair and one of the other signatories must sign all transactions.

## 7. PARTNERSHIPS

7.1 The movement will not enter in to any partnerships with any political party.

7.2 The movement will enter into ad hoc alliances and partnerships with non-party political poor people's movements as it sees fit as long as these are arranged and conducted in an open and democratic basis and are agreed to at meetings of the Movement Secretariat.

7.3 The movement will insist that the following procedure be followed before any partnerships are entered into with funded organisations and individuals paid a salary to do the proposed work with the movement (e.g NGOs, Film Makers, Research Organisations, Academics wanting to under take research projects etc):

- a representative of the individual or organisation proposing the partnership will approach the relevant committee to request an opportunity to discuss the matter with the committee. This approach must include the full disclosure of the origin and amount of all funding and the nature of the project

- he or she will agree to live in a settlement for at least one week before the meeting at which their proposal is discussed

- if, in the view of the relevant committee, a partnership seems like a good idea a deal will be negotiated whereby the proposer agrees to share all knowledge and other resources gained with AbM (including anything produced during the work – e.g. research, photographs, films etc), the proposer makes a clear plan for skills transfer of some sort or, if this is not possible, to make some sort of agreed on contribution to the movement's work.

- all people engaged in partnerships must make themselves available to attend any meetings as required by the movement

## 8. DISSOLUTION

7.4 The movement may be dissolved if two thirds of the people present at an AGM or special movement wide meeting are in favour of closing down.

7.5 If the movement closes down it will pay off its debts and donate any remaining resources to another poor people's movement chosen by popular vote.

## 9. ADOPTION OF THIS CONSTITUTION

This constitution was approved and accepted at a special meeting of Abahlali base-Mjondolo held at \_\_\_\_\_ on \_\_\_\_\_

: \_\_\_\_\_

Secretary : \_\_\_\_\_

20 JUNE 2006

Press release · Motala Heights Branch

## Motala Heights Press Release 1

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### *CRISIS LOOMS AS HUNDREDS THREATENED WITH FORCED EVICTION AT MOTALA HEIGHTS (PINETOWN)*

On Saturday 17 June ward Councillor Derek Dimba arrived at the Motala Heights settlement with municipal officials and 5 car loads of municipal security guards to mark out shacks that would then be destroyed by the highly militarised police Land Invasions Unit. They had probably chosen the Youth Day weekend thinking that many people would be away at their rural homes. They were wrong. The community was able to mobilise quickly and see off this first threat in what a number of people have described as a coming civil war.

The Motala Heights Development Commitment spent Sunday gathering detailed information from residents and preparing affidavits and were at the Legal Resources Centre first thing on Monday morning. They then moved on the Municipal offices in New Germany where they were able to win an unscheduled emergency meetings with Mr. Geoff Nightingale. Nightingale confirmed that the Municipality planned to move 63 families to Nazareth Island and evict the other residents. He also confirmed that Cllr Dimba had asked the Municipality to immediately destroy new structures that had been erected. The eThekweni Municipality does not allow the construction of new shacks or the expansion or development of existing shacks. The Development Committee pointed out that all the new shacks and developments (all well made wooden cabins) had been built by long standing residents who needed more space for growing children, had got married, wanted to move out of over crowded shacks after finding work and so on. Nightingale said that this was a matter for Ximba and the Committee to resolve and he promised to try and schedule an emergency meeting for today.

The Motala Heights settlement lies amongst the gum tress on the hill behind Motala Heights suburb which is, in turn, just behind the many factories in Pinetown's industrial area. It was founded in 1994 and the residents mostly come from Zululand, the Eastern Cape and Ixopo although some are from as

far away as the Free State. Almost everyone came here to work or to reunite families divided by migrant labour. Most of the men in the settlement work in the factories and most of the women work in the houses in the adjacent suburb. There are almost 300 shacks in the settlement. The land is owned by local tycoon Ricky Govender and he is aiming to extend the suburb up the hill in a large private development after the shack dwellers have been evicted.

The 63 families scheduled to move to Nazareth Island would rather stay in Motala Heights where they are close to work and the other benefits of being near to Pinetown. The more than 200 families who now face eviction and the destruction of their community, their houses and their access to urban opportunity are determined to resist eviction by all means. They will explore all legal options but will also use mass mobilisation and will draw on the support of shack dwellers elsewhere to defend their homes, their community and their right to live near the city. The resistance will be organised by the new democratically elected and mandated Motala Heights Development Committee which is affiliated to the Abahlali baseMjondolo movement.

For comment on the particular situation confronted by Motala Heights please contact the following members of the Motala Heights Development Committee

Mr Bhekuyise Ngcobo, Chair  
Mrs Louisa Motha, Deputy Chair  
Mr Alson Mkhize

For comment on the general situation confronted by shack dwellers in the eThekweni Municipality as they face the onslaught of the Municipality's looming mass evictions and forced removals under its 'slum clearance' programme please contact the following members of the Abahlali baseMjondolo secretariat.

Mr S'bu Zikode, Chair  
Mr Mnikelo Ndabankulu, Media Liason  
Miss Fikile Nkosi

30 JUNE 2006

Press release · Motala Heights Branch

## Motala Heights Eviction Crisis Continues

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### *MOTALA HEIGHTS (PINETOWN) EVICTION CRISIS CONTINUES*

Two hundred families in the Motala Height Settlement are facing eviction at the hands of the eThekweni Municipality. Legal experts have declared that the planned evictions are both unconstitutional and illegal. The Motala Heights community has declared that it will resist all attempts at eviction in the courts and by mass mobilisation.

After Ward Councillor Derek Dimba arrived at the settlement on 17 June 2006 with police and private security to mark out the homes slated for destruction the community quickly mobilised and won a promise that the process will stopped until a meeting with Dimba.

But yesterday Officer Pillay of the SAPS returned to the settlement with police and private security back up and tried to continue the process of identifying homes for demolition. The community stopped the process. Pillay promised to return and break down the shacks. The Motala Heights Development Committee told him that “This is the land where we belong. This is not the land where you belong. Don’t come back without our permission.”

The Motala Heights settlement lies amongst the gum tress on the hill behind Motala Heights suburb which is, in turn, just behind the many factories in Pinetown’s industrial area. It was founded in 1994 and the residents mostly come from Zululand, the Eastern Cape and Ixopo although some are from as far away as the Free State. Almost everyone came here to work or to reunite families divided by migrant labour. Most of the men in the settlement work in the factories and most of the women work in the houses in the adjacent suburb. There are almost 300 shacks in the settlement. The land is owned by local tycoon Ricky Govender and he is aiming to extend the suburb up the hill in a large private development after the shack dwellers have been evicted.



For comment on the particular situation confronted by Motala Heights please contact the following members of the Motala Heights Development Committee

Mr Bhekuyise Ngcobo, Chair

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For comment on the general situation confronted by shack dwellers in the eThekweni Municipality as they face the onslaught of the Municipality's looming mass evictions and forced removals under its 'slum clearance' programme please contact the following members of the Abahlali baseMjondolo secretariat.

Mr S'bu Zikode, Chair

Mr Mnikelo Ndabankulu, Media Liason

13 AUGUST 2006

Press release · Abahlali baseMjondolo

## Baba Dhlomo's Funeral 17 August 2006

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### *ANOTHER PERSON DIES IN ANOTHER DURBAN SHACK FIRE*

At around 8:30 p.m. on Friday 11 August a candle fell over in the front room of a shack in the Kennedy Road settlement. Four people lived in the large shack. They were all able to get out except for Mr. Zithulele Dhlomo whose room was at the back of the shack. He was an old man, around 70 years old, and the way out was blocked by fire burning hot from the plastic sheeting in the roof. He was burnt to death.

Last week there was a major conflagration in the Jadhvi Place settlement. Before that it was Quarry Road and before that it was Lacey Road. The fires happen more or less every week. These fires are not acts of god. They are a direct consequence of the eThekweni Municipality's infamous and unconstitutional 2001 decision to suspend the provision of electricity to shack settlement. The policy states that 'In past (1990s) electrification was rolled out to all and sundry...electrification of the informal settlements has now been discontinued'.

People in the Kennedy Road settlement were pleased that the fire brigade only took 45 minutes to come this time. But they were horrified that when the police came to take Mr. Dhlomo's body they couldn't, despite pleas, be bothered to find and remove the remains of the leg and lower arms that were burnt right off the charred body. By Sunday afternoon the Municipality's disaster management service had still not arrived to offer their meagre support of a blanket and two tins of canned food for each person rendered homeless by fire.

Mr. Dhlomo was one the most longstanding residents of the Kennedy Road settlement. He came to the settlement from Maphumulo more than 20 years ago and made his living pushing a cart round the city looking for scrap metal to recycle. On 21 October last year a one year old boy, Mhlengi Khumalo, died in Kennedy Road after 8 shacks were consumed in a blaze. An all night memorial service was held in the Kennedy Road hall on 29 October and the T-shirts made for the occasion read, in translation from Zulu, 'Go well Mhlengi Khumalo – Electricity, land and housing would have saved his life'. This is the truth.

The eThekweni Municipality's unconscionable policy that deliberately denies shack dwellers access to electricity maims and kills people as well as destroying people's homes and important possessions like ID books and school uniforms.

Standing over the ruins of Mr Dhlomo's home while people searched for the missing body parts Philani Dlamini, the Abahlali baseMjondolo deputy president who is from the Pemary Ridge settlement said that "The fact is that our government should consider this very, very seriously. Our lives are threatened by fire on a daily basis. This is like HIV. Our demand for land and housing in the city is a very serious and very urgent issue. We are dying while we wait."

Mnikelo Ndabankulu, the Abahlali baseMjondolo PRO who is from the Foreman Road settlement, said "I am very angry. We have just had women's day. This is the month for women's struggles. But it is the women who suffer the most from the lack of electricity and the few taps in the settlements. We call on all the organisations fighting for women's rights to stop just fighting on TV and to come and fight live. How will Mr. Dhlomo's wife live now? How will she look after the grandchildren? Even the children's new school books are lost.

S'bu Zikode, President of Abahlali baseMjondolo, said "They tell us that they will clear the slums by 2010 but they won't tell us what their plan is – where they want to put us and when they want to move us. They will not or cannot show us any programme. While we wait for a promise with no details we are being killed. We seriously condemn this incident. We are saying that the government is responsible for this death. Everyday we are making noise about fire, about the urgent need for water, electricity and toilets, about the need for land and housing in the city. It is not like we are keeping quiet. Everybody knows what is needed but the government just ignores us. Enough is enough! So many of us are sick. Some of us are too sick to escape the fires.

After discussions with Mr. Dhlomo's family in Maphumalo it has been agreed that Abahlali baseMjondolo will host a memorial service on Thursday 17 August. After the memorial service Abahlali baseMjondolo will organise a mass protest across all Abahlali affiliated settlements across Durban and in Pinetown demanding the immediate electrification of all settlements.

S'bu Zikode  
Mnikelo Ndabankulu  
M'du Hlongwa

16 AUGUST 2006

Press release · Abahlali baseMjondolo

## Shack Fires Are No Accident

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*Bishop Reuben Phillip, Professor Dennis Brutus & Others to Speak at a Memorial Service for Victims of Shack Fires at 6:00 p.m. on Thursday 19 August, Kennedy Road Hall, Kennedy Road, Clare Estate*

– All Media Welcome

On Friday 11 August Mr. Zithulele Dhlomo, 70, died in a shack fire in the Kennedy Road Shack Settlement. Mr. Dhlomo is the second person in the settlement to be lost to fire within a year. Mhlengi Khumalo, 1, died on 21 October 2005.

Last week there was a major conflagration in the Jadhu Place settlement. Before that it was Quarry Road and before that it was Lacey Road. The fires happen more or less every week. Hundreds of people have been left homeless. Many have been burnt. These fires are not acts of God. They are a direct consequence of the eThekwin Municipality's infamous and unconstitutional 2001 decision to suspend the provision of electricity to shack settlement. The policy states that 'In past (1990s) electrification was rolled out to all and sundry...electrification of the informal settlements has now been discontinued'.

A memorial service for victims of shack fires will be held at the Kennedy Road settlement at 6:00 p.m. on Thursday 17 August. After the memorial service Abahlali baseMjondolo will organise a mass protest across all Abahlali affiliated settlements across Durban and in Pinetown demanding the immediate electrification of all settlements.

Like all Abahlali baseMjondolo events the memorial is open to all, including the media. Speakers will include Bishop Reuben Phillip, Bishop Babuhlala, Father Merlin, Pastor Mthokozisi, Professor Mereelo and Professor Dennis Brutus.

S'bu Zikode  
Mnikelo Ndabankulu  
M'du Hlongwa

21 AUGUST 2006

Press release · Motala Heights Branch

## Corruption and Armed Intimidation as Motala Heights Eviction Crisis Deepens

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On Saturday 17 June 2006 Ward Councillor Derek Dimba arrived at the Motala Heights settlement in Pinetown with municipal officials and 5 car loads of municipal security guards to mark out shacks that would then be destroyed by the militarised police Land Invasions Unit. They had probably chosen the Youth Day weekend thinking that many people would be away at their rural homes. They were wrong. The community was able to mobilise quickly and see off this first threat.

The Motala Heights Development Commitment spent the next day gathering detailed information from residents and preparing affidavits and were at the Legal Resources Centre first thing on Monday morning. They then moved on the Municipal offices in New Germany where they were able to win an unscheduled emergency meeting with Mr. Geoff Nightingale. Nightingale confirmed that the Municipality planned to move 63 families with ‘numbers’ to a new housing development at Nazareth Island and to evict the other residents. The Council’s ‘one shack = one house’ policy means that many families who are sharing shacks face eviction with no prospect of relocation. Nightingale also confirmed that Cllr Dimba had asked the Municipality to immediately destroy all new structures that had been erected. The eThekweni Municipality does not allow the construction of new shacks or the expansion or development of existing shacks. The Development Committee pointed out that all the new shacks and developments (all well made wooden cabins) had been built by long standing residents who needed more space for growing children, had got married, wanted to move out of over crowded shared shacks after finding work and so on. The Motala Heights Committee also made it very clear to Nightingale that they remained, as they always had been, determined to secure housing on the land on which they had already been living. Nightingale said that this was impossible as local tycoon Ricky Govender owned the land and wanted to develop it himself.

On Women's Day, 9 August 2006, Cllr Dimba returned with pistol holstered to each hip and flanked by his usual cohort of armed men. He summoned the community to a meeting where he began by gesturing to his weapons and promised to 'chase away' named individuals on the democratically elected committee. He then said, in a chilling echo of high apartheid language, that people in shacks without numbers would have to 'hamba khaya' and 'go back where they came from'. He said that after those people with numbers were relocated to Nazareth Island on 27 August 2006 the houses of the others would be demolished.

The Motala Heights settlement lies amongst the gum tress on the hill behind Motala Heights suburb which is, in turn, just behind the many factories in Pinetown's industrial area. It was founded in 1992 by Mr. Richard Nzuza and the residents mostly come from Zululand, the Eastern Cape and Ixopo although some are from as far away as the Free State. Almost everyone came here to work or to reunite families divided by migrant labour. Most of the men work in the nearby factories and most of the women work in the houses in the adjacent suburb. There is a school, clinic, library and shops within walking distance which means that living in Motala Heights has the tremendous benefit of radically cutting down the time and money that poor people usually have to spend on transport.

There are almost 300 shacks in the settlement. The land is owned by local tycoon Ricky Govender who has developed cottages for rent on adjacent land and also owns the local bottle store and supermarket as well as a trucking company amongst other businesses. It is rumoured that he has many government contracts too. People in the Motala Heights settlement have excellent relationships with most of the residents in formal houses. They often work in their homes and share the same taxis. The local taxi boss, just known as Leon, is widely respected in the settlement. But the conflict with the Govender family goes back to 1997 when Ricky's father, Harry, used industrial earth moving equipment to dig up the road leading into the settlement. The shack dwellers responded by building their own road with their own tools and labour. It is now widely believed that Govender is aiming to extend his private development, including housing and a petrol station, up the hill in a large private development after the shack dwellers have been evicted. Cllr Dimba appears to report directly to Govender usually visiting him before and after his armed visits to the Motala Heights Settlement. The Housing Department have told the Motala Heights Committee that they

cannot buy the land from Govender as he is demanding a completely unreasonable price. The Community is demanding the expropriation of the small section of Govender's large land holding where they have built their community in order that there can be an upgrade where people are already living.

The 63 families scheduled to move to Nazareth Island would rather stay in Motala Heights where they are close to work, schools, the local clinic, shops and the other benefits of being near to Pinetown and where they are part of an established community. Many amongst them refused to register for the tiny badly built houses in Nazareth Island for these reasons and many also refused to register in solidarity with others who don't have 'a number' and face eviction without relocation. Numerous people in the community allege that the 'numbers' of the people that didn't register have been sold off to people from elsewhere, especially KwaMashu. The Committee is currently making the arrangements to pursue vigorous legal action against this alleged corruption. The more than 200 families who now face eviction and the destruction of their community, their houses and their access to urban opportunity are determined to resist eviction by all means. They will explore all legal options but will also use mass mobilisation and will draw on the support of shack dwellers elsewhere to defend their homes, their community and their right to live near the city. The resistance is being organised by the democratically elected and mandated Motala Heights Development Committee which is affiliated to the Abahlali baseMjondolo movement.

For comment on the particular situation confronted by Motala Heights please contact the following members of the Motala Heights Development Committee

Mr Bhekuyise Ngcobo, Chair  
Mrs Louisa Motha, Deputy Chair  
Mr Alson Mkhize  
Mr Sizwe Nkwanyana

For comment on the general situation confronted by shack dwellers in the eThekweni Municipality as they face the onslaught of the Municipality's looming mass evictions and forced removals under its World Bank/UN designed 'slum clearance' programme that aims to 'clear the slums by 2010' please contact the following members of the Abahlali baseMjondolo secretariat.

Mr S'bu Zikode, Chair  
Mr Mnikelo Ndabankulu, Media Liason  
Ms Fikile Nkosi

31 AUGUST 2006

Press release · Abahlali baseMjondolo

## Shack Dwellers to Demand Full Disclosure of the eThekweni Municipality's Plans for Them from Sutcliffe

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Abahlali baseMjondolo Press Conference, Kennedy Road Community Hall, Kennedy Road, Clare Estate, Durban, Monday 4 September, 9:00 a.m.

Abahlali baseMjondolo have completed a detailed application for information from Mike Sutcliffe in terms of the Promotion of Access to Information Act. We have excellent pro bono lawyers waiting to take Sutcliffe to court if he refuses to comply with our request for information. We are constantly told that the 'slums will be cleared' by 2010 yet in most settlements our people have absolutely no idea of what plans have been made for their future. In many instances we fear that the plan is to relocate us to apartheid style rural ghettos far from work, schools, clinics, libraries, shops and so on. We also fear that many people who are not on 'the list' for housing face the (illegal) demolition of their homes without alternative housing being provided.

We are requesting full information on all aspects of the eThekweni Municipality's plans with regard to the Moreland development announced by Obed Mlaba last year, the full details for the upgrade or relocation plans for each of the more than 30 settlements in which Abahlali have a strong presence, and general information about the city's budgeting and policy making with regard to housing.

We have been trying to get the information on the city's plans for us for a long time. Obed Mlaba announced the Moreland project, which he said would begin by August this year, after we tried to march on him on 14 November 2005. That march was illegally banned by Sutcliffe and our people were illegally assaulted by the police. When Mlaba announced the Moreland project he said that he would give us full details and agreed to meet with us at the Pema Ridge settlement. We faxed him a detailed list of questions in preparation for that meeting on 27 November 2005. He cancelled the scheduled meeting and



ignored our questions and we have never heard from him again. But we did see press reports indicating that Moreland distanced themselves from Mlaba's announcement and it is clear that the Moreland development has not, as promised, begun by August. Because we could not get answers from the Municipality we decided to approach the provincial government. On 7 January 2006 we faxed our questions to the MEC for Housing, Mike Mabuyakhulu. We received no answer. On 20 February 2006 we attempted to march on the Mabuyakhulu to demand answers to our questions. That march was, again, illegally banned. We tried again on 27 February 2006. Once again our march was illegally banned. But this time we had, due to the support of the Foundation for Human Rights, a top legal team ready to act. We went to the High Court and won an interdict against Sutcliffe and the police forcing them to refrain from illegally interfering with our fundamental right to protest. On that day thousands of us marched on to the City Hall where we delivered our questions to Mabuyakhulu's representative, Lennox Mabaso. Our questions were ignored. For months we phoned and faxed regular reminders. Eventually a meeting was scheduled for 20 July 2006. At that meeting we were told that the provincial government could not help us and that we should go to the Municipality. The Municipality has consistently acted illegally to refuse us our basic constitutional rights and has simply refused to speak to us so we now have now choice but to use the Promotion of Access to Information Act, backed up with legal force, to compel them to disclose their plans for our communities.

The press conference will start at 9:00 a.m. at the Kennedy Road Hall. There will be a very short input from Abahlali and short statements of support from some of our supporters. There will then be an opportunity for questions. At ten a small delegation will leave in a taxi for the city hall. At 10:30 we will personally deliver our request for access to information to Sutcliffe's office.

The following individuals, and representatives from the following organisations, will be at our press conference to offer their support:

- The Open Democracy Advice Centre
- The Freedom of Expression Institute
- The Landless People's Movement
- The Treatment Action Campaign
- Durban & Pinetown Informal Traders
- Wentworth Development Forum

Westcliff Flat Residents' Association  
The Church Land Programme  
The Diakonia Council of Churches  
The KwaZulu-Natal Christian Council  
Bishop Dladla (Zion)  
Bishop Reuben Philip (Anglican)\*  
Professor Dennis Brutus

For further information on the Access to Information Legislation, the right to information and processes for realising that right

Mukelani Dimba, Open Democracy Advice Centre  
Na'eem Jeenah, Freedom of Expression Institute

For further information or comment on the growing solidarity with Abahlali from various church organisations

David Ntseng, Church Land Programme  
Lucas Ngoetjona, KwaZulu-Natal Christian Council  
For further information or comment from Abahlali baseMjondolo

S'bu Zikode, President  
Philani Zungu, Deputy President  
M'du Hlongwa, General Secretary  
Mnikelo Ndabankulu, PRO  
Lindela Figlan, Foreman Road Settlement  
Zodwa Nsibande, Kennedy Road Settlement  
Louisa Mota, Motala Heights Settlement

- Bishop Reuben will in Cape Town on Monday but he will send a representative with a written statement of support.

6 SEPTEMBER 2006

Press release · Abahlali baseMjondolo

## MEC's Office Instructs Shack Dwellers to Stop All Communication with the Media

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On Thursday last week Abahlali baseMjondolo announced that we would use the Promotion of Access to Information Act to compel the eThekweni Municipality to disclose its plans for shack dwellers to shack dwellers. The next day we received a sudden invitation to attend a meeting with the office of the provincial MEC for housing at 3:00 pm.

We took time away from our work and made ourselves available for this meeting. We hoped that we would finally get answers to our basic questions about what future the government is planning for us when we are told that the slums will be cleared by 2010. We would like to register our profound disappointment and disgust at the way in which this meeting was conducted by Mxolisi Nkosi, the HOD in the Dept. He behaved like an Inkosi berating his subjects in front of his councillors. There was no democracy in the meeting. We were not allowed to speak and when we insisted that this was our right we were threatened. Mr. Jaguja, a respected member of the Juba Place community, of Abahlali and the Methodist church was insulted by Lennox Mabaso and told to 'shut his mouth' when he tried to speak. The purpose of this meeting was for us to be told to know our place. Nkosi said that he had been getting phone calls from the media and instructed us to stop speaking to the media. We will not be intimidated. We will keep speaking to the media.

Nkosi then instructed us, making much use of complicated English words that we don't understand, that from now on the province would not be dealing with our matters. He insisted that Abahlali must go back to the Municipality and that the councillors are the route to communicate with the Municipality. We have tried this for years. The councillor system failed us and then the Mayor failed us. Recently Mike Sutcliffe told a researcher from England that his 'slum

clearance' programme would not meet its 2010 target because of a lack of funding from the provincial government. Now the provincial government tells us to go back to the city!

Nkosi is trying to make the councillors as Gods above the people. We will not accept this. As citizens of a democracy we have a right to stand together, make our selves strong and demand answers directly from government. We will not be sent back to the control of lying and corrupt councillors who take their orders from above and not from below. In some of our settlements our councillors have even tried to intimidate us with armed threats. We have no choice. We will now go back to the streets in our thousands. And we want to make it very clear that it is Nkosi and not some third force that will be making us march.

On Monday and Tuesday we will be protesting because we have been denied access to the housing summit that is happening at the IEC in Durban. We are the ones who need houses but we are denied access to the conference. The rich will be there in numbers to speak the language of house prices and to demand that the poor are relocated to keep prices high. No one will be there to speak for the poor and for putting people before the profits of the rich.

The government talks about Breaking New Ground and says that upgrades are better than relocation because they keep the people near the city where there is work, schools, healthcare and so on. The government's own policy states that relocations make the poor much poorer. But the city and the province want to push the poor out of the city. They are in the pockets of the rich. This is not the democracy that we and our ancestors fought for. There is no justice in this.

We will keep struggling and we will keep talking to the media. Our ancestors were not silenced by Shepstone and McKenzie. Our parents were not silenced by Botha and Buthelezi. We were not silenced by De Klerk. We were not silenced by Sutcliffe when he tried to ban our marches. We will not be silenced by Nkosi. On the question of our right to speak to the media the struggles against apartheid have already won us a victory that we will defend. In this case the law is on our side. We will defend our right to speak.

Democracy is not about us being loyal to Nkosi. Democracy is about Nkosi being loyal to the citizens of this province.

S'bu Zikode, President  
Philani Zungu, Deputy President  
M'du Hlongwa, General Secretary  
Mnikelo Ndabankulu, PRO  
Nonhlanhla Mzobe, Kennedy Road Settlement  
Colbert Jaguja, Juba Place Settlement  
Lindela Figlan, Foreman Road Settlement  
Zodwa Nsibande, Kennedy Road Settlement  
Louisa Motha, Motala Heights Settlement

12 SEPTEMBER 2006

Statement · Abahlali baseMjondolo

## Sydenham Police Launch Savage Attack on Democracy, Press Release 12 September 2006

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### *DEMOCRACY IN TATTERS IN DURBAN*

On Monday 4 September the shack dwellers movement Abahlali baseMjondolo used the Promotion of Access to Information Act to demand that City Manager Sutcliffe tell them, in concrete detail, what the city's plans are for them. The next day Mxolisi Nkosi, the HOD in the Dept of Housing, called Abahlali in to berate them and demand that they cease speaking to the media. Abahlali asserted their refusal to be silenced all over the media spectacular out arguing Departmental Spokesperson Lennox Mabaso in two major radio debates. The next day S'bu Zikode, president of Abahlali, got a visit from the NIA. Nonhlanhla Mzobe, a key Abahlali activist, found that her boss at Durban Solid Waste had received a letter from the local councillor, Yacoob Baig and the head of the BEC of the ANC, Nicodemus, demanding that Nonhlanhla be fired for supporting the 'red shirts'. Yesterday Abahlali, together with community organisations from the Municipal flats in Wentworth and Chatsworth, protested outside the ICC wearing t-shirts demanding that the state "Talk to Us, Not For Us." Again this put them all over the newspapers and radio.

Tonight Abahlali were invited to be on P4 radio from 18:00 to 19:00. They had recently raised some money via a 16 team football tournament to help with the transport between the Abahlali settlements and branches across Durban, Pinetown and now 'Maritzburg. Some of this money was used to hire a small car, a Tazz, to help with all the getting round for radio interviews, meetings and so on in the hours after taxis have stopped running. At around 17:40 S'bu Zikode (President), Philani Zungu (Deputy President) and Mnikelo Ndabankulu (PRO) got into the car to leave for the radio interview. While the car was still stationary, officers from the Sydenham police station, notorious for its corruption, brutality and anti-African racism, pounced. They thrust guns into the faces of the Bahlali and accused them, in a highly racialised manner, of driving a stolen

vehicle. The cops ordered the three men out of the car. When they saw that Mnikelo was wearing a red Abahlali T-shirt they pulled it off him, insulted him, pushed him around, threw the shirt into the mud, made a great show of standing and spitting on it and announced that 'there will be no more red shirts in Sydenham'.

S'bu Zikode politely but firmly told them that they had no right to act like this and suggested that this was racist political intolerance. He was assaulted. Philani was also assaulted as the two were bundled into the van. The police picked up Mnikelo's red shirt and said they were taking it to use as a mop. By the time Philani arrived at the police station he was bleeding from a head wound.

Mnikelo, S'bu's wife Sindi, Philani's mother Ma Zungu and a handful of others soon got to the nearby police station. They were denied entrance, sworn at and racially abused in English and Fanakalo. Numerous policemen stated that S'bu Zikode and the red shirts would be driven out of Sydenham. Someone sent an SMS to P4 radio explaining that their guests were under arrest. This was announced on air. Bahlali started arriving from all over Durban and Pinetown. There was soon a crowd of around 40. People waited on the side of the road. There was no toyi-toying and no threatening behaviour of any sort. Niren Tolsi from the Mail & Guardian arrived on the scene.

Access to the prisoners and medical attention for Philani was asked for, but denied. The police refused to say what the charge was.

In Kennedy Road there was a mass meeting on the hall. More than 500 people squeezed in and more waited outside. An SMS was sent to people at the police station to see if bail was possible. The police said that there would be no bail. When this was conveyed to the meeting a group of women in the front decided to march to the police station.

Within minutes of people getting onto the road the police arrived. They gave no warnings to disperse and began shooting with rubber bullets and live ammunition. They even used live ammunition in the hall. Anyone on the road or even moving between the shacks was shot at. At least one person, a woman in her 50s known as Zinovia was shot in both legs. She managed to make it to the Kennedy Road office under the hall where she got some care. Niren Tolsi moved down to the settlement where he witnessed what happened next.

Back at the police station there was a glimpse of S'bu and Philani lying face down on the floor handcuffed and bound at the feet. Mnikelo's red shirt was

lying on the floor next to them. A few people started gaining access to the charge office. A whiteboard with the heading of 'Suspicious Behaviour' listed '3 Black Men Driving a Tazz' at the top. It was announced that S'bu and Philani were to be charged with assaulting a police officer. This is a ludicrous charge. Numerous people had witnessed the unprovoked and highly racialised police assault in the Kennedy Road settlement.

Word was received that the police were continuing to shoot at the settlement and that there had been some attempt at a fight back with stones and bricks. Zikode got access to his cell phone and sent out two messages "Please look after Sindi!" (Sindi is his wife) and "Nayager has satisfied himself with us. Too tough with Philani." (Nayager is the notorious station commander with a record of racist violence towards Abahlali.) Zikode was assured that Sindi was ok and asked if he wanted people to protest outside the police station, as they were determined to do, or to make a tactical retreat in the hope of calming the police down. He replied "Up to them! I am fighting for them. Not for myself."

Suddenly a group of white men in camouflage print uniforms with camouflage webbing hanging down from their shoulders arrived all pumped up with adrenalin and a will to violence. They began threatening the people outside the police station with their guns. They jabbed people with the guns and threatened to shoot. They declared that the collection of about 40 people was an illegal gathering and began herding people off with their guns. There were machine guns and shotguns everywhere. But it was negotiated that S'bu's wife, Sindi, and Philani's mother, Ma Zungu could stay. The others were moved off with guns being used like cattle prods. One of the policemen shouted, in Fanakalo, 'Hamba inja! Hamba!' Rafiq, the notoriously racist and violent local police reservist told anyone who'd listen that 'The Red shirts must be driven out. These people must go back where they came from'.

Eventually medical attention was secured for Philani. Sindy and Ma Zungu were able to briefly enter the cells. They were then forced to leave the station. While they were in the charge office Station Commander Glen Nayager was on the telephone to journalists telling them the S'bu and Philani had assaulted a police officer and that people in Kennedy Road had opened fire on the police. These were blatant lies. Last time the Sydenham Police attacked Abahlali after Sutcliffe illegally banned a march from the Foreman Road settlement on 14 November 2005 they claimed that Abahlali had started the attack by stoning



a car. But the events are recorded on film and the car in question, which belongs to academic Richard Ballard, never had a scratch. It is an incontrovertible fact that the police attacked without warning on that day and then lied about it. Anyone who doubts this can see the film or speak to Dr. Ballard. It seems that they are going to do the same now.

Sindi and Ma Zungu were forced out of the charge office but promised that S'bu and Philani would not be moved. Kennedy Road was still occupied by the police. But around Sydenham small groups of Bahlali were meeting in settlements or in safe places like BP Quickshop in Clare Road where Des D'sa (from Wentworth) and Orlean and Pinky Naidoo (from Chatsworth) arrived to offer solidarity to Mnikelo, still shirtless, and Bahlali looking for a late taxi to get back to Pinetown. A march of the full force of Abahlali, 30 000 people from 34 settlements, on the Sydenham Police Station was suggested. Word came in that S'bu and Philani had in fact been moved – perhaps to CR Swart, perhaps to Cato Manor – the new man at the desk couldn't really say but they were gone.

S'bu and Philani will appear in the Durban magistrate's Court tomorrow where they will be welcomed as heroes as they walk up the stairs and into the dock. Abahlali will be there, Wentworth will be there, Chatsworth will be there, important church leaders will be there. The case number is 116/09/2006/

Durban claims to be a world class city are only true if George Bush is world class. This savage assault on democracy has left the city's reputation in tatters. No stadium or airport can undo what was done tonight. The story of tonight will be told in shacks around the country and in newsrooms from Kampala to New York. There can be no more illusions about the nature of the future that is being built. The poor are expected to shut up as they are moved out of the city and away from any hope for their future. If they try to speak they will come under fire from the police. This is the truth.

Mnikelo Ndabankulu, – Witness to the initial arrest  
Cindy Zikode, S'bu's wife  
M'du Hlongwa, Abahlali General Secretary  
Nonhlanhla Mzobe, Witness to the Kennedy Road police attack  
Zodwa Nsibande, Witness to the Kennedy Road police attack  
Louisa Mota, Motala Heights Settlement  
Fikile Nkosi, Pemary Ridge Settlement

Please note that this is not an official Abahlali press release. Abahlali press releases are prepared after carefully discussion by elected committees. This has been written in haste by one person.

3 OCTOBER 2006

Press release · eMmaus Branch

## eMmaus Cracks: Press Release

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### *EMMAUS CRACKS*

(Newly Affiliated to Abahlali baseMjondolo) eMmaus is in Ward 15 in Pinetown between the N2 and the factories behind the Marianhill Monastery. We were moved here, to New eMmaus from Old eMmaus 16 years ago. Before that we had been living in self built houses on Monastery land for generations. Although we had to fetch water from the river we were happy there. The houses that we had built didn't leak. The first attempt to move us was in 1979 when a white man came in a landrover and said that we must go to KwaNdengezi. Some went but most of us said no. Then they tried to move us to KwaNdebeka. We fought against that too. We fought to get a place here. Then we were moved to New eMmaus, close to Old eMmaus, in 1991. The land where we had been living was sold to industrialists and used for factories. The new land was not prepared for a housing development. The church built 97 houses. We had to pay for these houses. We had to pay R1800 for the two room fibreglass houses and R3800 for the 4 room brick houses. The houses were just dumped on the side of the hill. There was no drainage put in and from the beginning the water has just poured into the houses. Because of this, everything rots in the houses, even when we put the furniture up on planks on bricks. Most of us have very bad chest problems. The houses were very badly built. It was a quick job, a cheap job and a shit job. They wanted to get us out of the area where we had been living peacefully as quickly as possible so that they could make their money. On 17 February 1998 we were given the title deeds for the houses. In the same year the church handed the area over to the Municipality.

Both the fibreglass and brick houses have now cracked up. Some of the fibreglass houses, which are really just boxes with doors in them, have split right apart at the corners. The brick houses are breaking up inside and outside. Because we can't fit our children and grandchildren into the houses they have had to build jondolos. There are now 3 or 4 jondolos for each house. The Municipality tries to stop us building the jondolos for our children. Sometimes they

come and knock them down. Are they saying that we must all live in one house? Grandparents, children and grandchildren altogether? There has been no development at all since the end of apartheid. None. In the whole community there are 3 standpipes. Some of the houses have prepaid electricity meters. The septic tanks were never cleaned out and so many of us have had to put concrete in the toilets to stop the smell. There is no school, no shops, no police station, no clinic, no drainage and no tarred road but we must pay rates. The houses are so badly cracked that we have to sleep under plastic when it is raining.

The chipboard ceilings rotted away a long time ago. The asbestos roofs on the brick houses are breaking up and we worry about our children breathing in the fibres. We also worry about Campus Waste which is burning waste right where we live. It smells like it is poisonous. Few of us have jobs in the factories. When we do find work we are sometimes exploited very badly. Polymar Contact pays 50c for every lamp polished and a person working there from 7 in the morning until 4:30 in the afternoon will only make around R200 a week.

We need our area to be developed. We need houses to be built for our children. It is not right to have 17 people living in one house or to have our children raise their families in jondolos. But our councillor, Dimba, the same Dimba who has threatened people in the Motala Heights Settlements with his guns, has told us that 'this area is already developed'. How can it be that an area is developed because some people have title deeds to these cracked up houses which are full of water every time it rains and in which everything is always rotting? How can it be that this area is already developed when our children must live in jondolos? The Indians here are also suffering. So many of them still live in the tin houses.

The Municipality just want to stay in their offices. They don't want to come to us and know our problems. We want them to come to the people. We want them to talk to us. All over the people are finished with the councillors. All over people are sick and tired of the councillors and deciding to represent themselves. The councillors only come to us when they want votes. They are the new chiefs. They spy on us and control us. They do not speak for us. Anyone who asks difficult questions or who says what the people are thinking is immediately marginalised from the B.E.C. Some are even threatened for saying what the people want to say. When the Development Committee calls the councillor for meetings he just doesn't come. The way forward is for the Development Committee to be independent and to represent the people directly. We need to break with the councillors who don't represent the people. The Councillors just

try and use the Development Committees to tell the people what to do. There is too much lying. We want the Development Committees to tell the Municipality what we need it to do. When Enviroserve wanted to set up another incinerator in our area Dimba said nothing and did nothing. But we negotiated directly with them and they stopped it. This works much better than going to the councillor and asking him to represent the people. Councillors just want to represent the powerful people above them. We have seen how communities that have joined Abahlali baseMjondolo are representing themselves. This is the way forward. This is real democracy.

The people in eMmaus understand Abahlali baseMjondolo. Everywhere people have problems with the councillors and are deciding to represent themselves. Everywhere people are joining Abahlali because Abahlali is giving the power back to the people. If anything is happening to Abahlali we will all stand up and go. Our eyes are open now.

Today we announce to the world that we are finished with the councillor. Today we announce that we will represent ourselves.

Today we announce that we are with Abahlali.

On Saturday Dimba was told that photographs of our cracked houses were loaded onto IndyMedia. We were immediately threatened and told that he would no longer sign the forms confirming the addresses of people living in eMmaus. We will not be intimidated.

Last night we had a mass meeting in the eMmaus Hall to launch our independence from the councillor and our affiliation to Abahlali baseMjondolo. We couldn't fit everyone in the hall and lots of people had to stand outside. Speaker after speaker from the floor said that they don't want to go via the councillor any more. From now on eMmaus will confront the municipality directly.

Sifuna izindlu! Sifuna esikoleni! Sifuna eclinic! Sifuna isitolo! Sifuna umsebenzi! Sifuna itransport! Qina umhlali! Sekwanele!

For print quality pictures of the cracks in the houses in eMmaus please visit IndyMedia South Africa. (These are the pictures that so enraged Dimba that he is now refusing to sign important forms for eMmaus residents. Clearly he thinks that we must keep our cracked houses as a secret to ourselves. We will not be intimidated.)

Mr Pewa

16 OCTOBER 2006

Press release · Abahlali baseMjondolo

## Abahlali Members Targeted at Work

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Rafael “Mazisi” Mhnana, a resident of the Jadhu Place settlement, Nonhlanhla Mzobe, a resident of the Kennedy Road settlement and Fazel Khan, a University of KwaZulu-Natal (UKZN) academic, have more in common than the red shirts they wear to demonstrate their abiding dedication to Abahlali baseMjondolo, the Durban-based shack dwellers movement struggling for democratic decision making and land and housing in the city. All three individuals have suffered at work as a direct consequence of their involvement with Abahlali.

Rafael “Mazisi” Mhnana, an Abahlali member, until recently worked at the King George hospital on a building project. He was told by the former head of the local Branch Executive Committee (BEC) of the ANC, generally known as Nicodemus, that he must choose between wearing the “red shirt,” which has come to be associated with Abahlali, and working on the building project at the hospital. As pressure and harassment mounted from co-workers associated with the BEC, Mr. Mhnana was forced to leave the project. Mr. Mhnana’s employers promised that they would contact him for work on additional projects but because of his association with Abahlali, he has still not been called back to work. In this country we all have the right to freedom of expression and association. By trying to make access to employment dependent on obedience to local elites Nicodemus and the BEC are actively trying to undermine the democracy won by generations of struggles.

Nonhlanhla Mzobe, an Umhlali from Kennedy Road, continues to hold her job as project manager at Durban Solid Waste (DSW), but it hangs in the balance. Coordinators are facing pressure from within the project and from Nicodemus and the local councilor Yacoob Baig, who together sent a letter to her boss calling for her dismissal from work because she was ‘not working hand in hand with the councilor’. The letter states that “We gave her a chance to change her ways, unfortunately she became worse than before by forming a march against Councilor (sic).” An attached article headed “He Will Not Rest Until His Mission is Accomplished to Destroy the Warde 25” (sic) says that S’bu

Zikode, the elected president of Abahlali baseMjondolo, is “an evil spirit flying around to terminate the good”.....This is propaganda of the most base kind. Community members have been told that Ms. Mzobe should be dismissed because ‘she’s working with the red shirts’ (Abahlali). Residents of Kennedy Road had previously been promised opportunities for employment and training by DSW but this has not materialized. Ms. Mzobe believes that it is unacceptable for people’s personal political choices to be misused to regulate access to employment. An Abahlali member commented that “Our comrades are being victimized because of associating themselves with Abahlali. If they were BEC members, they would not be criticized.”

Fazel Khan, a University of KwaZulu-Natal (UKZN) sociologist, became the focus of recent national media attention when the university made charges against him after he spoke to the media concerning an article which appeared in the UKZNdaba. Khan was airbrushed from a photograph and omitted from the article, “Local Film” detailing the movie Breyani and the Councillor, a film about the Abahlali movement co-directed by Mr. Khan. Many, including Mr. Khan’s union the Combined Staff Association (COMSA), have suggested that the well known managerial opposition to Mr. Khan’s political activism was the root cause of the editorial decision to omit Mr. Khan from the newsletter. Mr. Khan took an active role in the strike by university workers and academics employees this February and has also offered public support to the Abahlali struggles with the city council over evictions and housing. This has included support for shack dwellers’ living on the campus of UKZN. In December last year The Mercury reported that the University vice-chancellor had told Khan that mayor Obed Mlaba had instructed him to act against academics working with Abahlali and that he planned to charge Mr. Khan with ‘incitement’. More recently City Manager Mike Sutcliffe has boasted that ‘problematic academics’ at UKZN will ‘be dealt with’. Mr. Khan is being charged with three counts of speaking to the media. The Freedom of Expression Institute’s Na’eem Jeenah has sent a letter of concern to the vice-chancellor of the university, writing “We believe that free expression and academic freedom are in severe decline at your university.” The Committee for Academic Freedom in Africa is also preparing a statement.

S’bu Zikode made the following comment:

“We cannot afford to train as academics or to send out children to train as academics. Therefore we rely on others to bring back the fruits of this knowledge to the poor. For Khan, one of very, very few academics who puts his learning with the people, to be treated like this is unacceptable. The social work that Khan is doing is what we expect of any academic regardless of his position. What Khan is doing is what we expect from all academics – including Makgoba. The universities must work to build more Khans. If they try to destroy the Khans then the university will just be about individuals getting good jobs for themselves – it will not be about the society anymore. Therefore if we do not stand strong against this action by the university the university as a social project will come to non-existence, and the fruits of academic learning will be lost to the poor. It is of no point in sending a student to university if they will be banned from coming back to the communities and humbly working with the poor as Khan has done.”

Along with the threats made to Bahlali at work there has also, of course, been the recent severe police harassment of Abahlali President and Vice President, S’bu Zikode and Philani Zungu which has caused a national scandal. After being instructed to cease speaking to the media by an official in the office of the MEC for Housing Mr. Zikode and Mr. Zungu were stopped by the police on the way to a radio interview, subjected to a torrent of racialised abuse and then severely assaulted. They now find themselves, bizarrely, facing charges of ‘assaulting a police officer’. Moreover various Bahlali, as well as the movement as a whole, are increasingly being defamed in the media by Municipal and Provincial officials. These defamatory attacks are rapidly taking on an ever more hysterical and ludicrous tone.

However the Abahlali struggle for land and housing continues unabated. The movement continues to grow and now includes 34 settlements. Abahlali is currently waiting for a response from the Municipality concerning their request for concrete detail of the city’s plans for shackdwellers, a request made in accordance to the Promotion of Access to Information Act.

Abahlali stands in solidarity with all Bahlali unfairly and illegally targeted for their association with Abahlali baseMjondolo. Discussions about how to best support Abahlali members and supporters discriminated against in the workplace are ongoing and the movement will use legal and mass action where ever



appropriate. On Saturday 14 October we held a camp, an all night meeting, attended by members from across Durban, Pinetown and also from 'Maritzburg at which these issues were central to our discussions.

Fazel Khan's disciplinary hearing has been set for 18 October. This is the same date as the next court appearance for S'bu Zikode and Philani Zungu. Abahlali will be at the court to support Zikode and Zungu and will also be at the University to support Khan.

An injury to one is an injury to all.

We stand together and we stand firm.

We will defend our right to disagree with the powerful.

S'bu Zikode (Abahlali baseMjondolo President)

Vice President Philani Zungu (Abahlali baseMjondolo Vice President)

M'du Hlongwa, (Abahlali baseMjondolo General Secretary)

Rafael "Mazisi" Mhnana

Nonhlanhla Mzobe

29 OCTOBER 2006

Statement · Motala Heights Branch

## Shacks Demolished at Motala Heights, Pinetown

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One could be forgiven for thinking that a tornado had ripped through Motala Heights shack settlement on Saturday (28 October 2006). About 20 shacks have been reduced to mangled piles of timber which their former residents pick through in order to salvage their belongings.

Yet this was no tornado, but rather the actions of the eThekweni municipality. Residents reported that at about 8:00 am on Saturday morning, about 25-30 metro security arrived driving vehicles with NDM number plates. They brought with them a further 12-15 unskilled labourers with large hammers.

Without any warning, they set about demolishing shacks in various parts of the settlements. Although they appeared to be randomly scattered, they reportedly belonged to people renting shacks, unlike others which were owner-occupied.

Shack dwellers reported that the demolition team was lead by Bhekani Ntuli and Kumbuzile Mkhize of the Housing department, while the security team was led by Mr Mthembu.

The demolition teams cleared as many shacks as they could in a day's work, and facilitated the relocation of some families to Nazareth housing development. Some families did not qualify for a house in Nazareth because their shack did not have a number painted on it. They were simply left homeless. Others chose not to move.

About 19 people slept either in other shacks or in the open on Saturday night. On Sunday, the settlement was filled with echoes of hammers as shacks were hastily reconstructed. The municipality visited in order to check which shacks were being rebuilt.

During the clearance it was announced that the entire settlement was to be cleared. The settlement began 30 years ago and now consists of 227 shacks. There was no indication as to when this would happen. There were also threats that the ablution block and water supply would be destroyed in order to drive

away those who did not want to move. This ablution block was built by the government in 2004 and is the only sanitation other than self built pit latrines.

Many say that they are reluctant to move because Nazareth is near Marianhill in ward 16 while they are in ward 15 near Westmead. They depend on living close to their places of employment, normally as domestic workers, gardeners and in factories of Westmead. They have not been shown the place of proposed relocation and have no idea what education and other facilities there will be. There is also little clarity on who would qualify for a house there, and nothing has been provided in writing on this. Some believe that housing allocation has been corrupt.

The land on which the shack settlement is built is owned by the municipality. Many report that a neighbouring land owner, Mr Govender, is putting pressure on the councillor, Mr Dimba, to clear the shacks. All land adjacent to the settlement is currently undeveloped. Mr Dimba told the shack dwellers recently that they must go back to the farm where they came from. They do not recall ever having been visited by their councillor.

Motala Heights settlement has recently affiliated itself with Abahlali base-Mjondolo, the movement of the shackdwellers, which began in March 2005 and now has more than 30 shack settlements associated with it. It was feared that the timing of the clearance was deliberately intended to stifle attempts to get court interdicts against the demolitions. This would be recognition by the government that their actions are illegal and would not pass the legal test in a court. Legal resources have now been mobilised through the Legal Resources Centre who intend to interdict further demolitions on Monday 30 October.

The provincial housing department has recently stated its intention to eradicating all slums by 2010. A few months ago the provincial MEC for housing Mike Mabuyakhulu tabled the Prevention of Re-emergence of Slums Act.

'Its aim is to eradicate shack settlements by 2010 ... Mabuyakhulu said he wanted the law to be passed before the end of the current financial year. He wants municipalities to employ special units similar to the so-called Red Ants – the shack settlement-clearing security guards in Gauteng which are used to demolish illegal settlements. "Our diplomatic approach is not working. We are now taking a stronger approach," he said.' (Mbanjwa 2006).

(see Mbanjwa, Xolani (2006) 'KZN push for an end to slums' Sunday Tribune. 23 April 2006)

Alson Mkhize  
Mnikelo Ndabankulu

This press release was drafted by Richard Ballard, a senior research fellow at the School of Development Studies, University of KwaZulu-Natal who visited the site on Sunday 29 October along with members of Abahlali baseMjondolo and held discussions with affected residents.

5 NOVEMBER 2006

Press release · Abahlali baseMjondolo

## Municipality Violently and Illegally Evicts Shackdwellers in Motala Heights

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*Major Crisis as eThekweni Municipality Violently and Illegally Evicts Shackdwellers in the Motala Heights Settlement (Pinetown)*

On 1 November 2006, in Motala Heights, armed municipal security watched as municipal workers loaded building materials from shacks they had demolished a few days earlier and children played in the sites where their homes once stood. This was the fourth time the municipality had visited the area since Saturday 28 October and each visit had been devastating. They had fired guns, used spray guns on people, hurled insults, and threatened leaders. By sheer force the municipality had rendered more than 15 families homeless.

Abahlali baseMjondolo, a regional movement of shackdwellers for land and housing, to which the Motala Heights settlement belongs, is furious at these actions. Two months ago, Abahlali baseMjondolo used the Promotion of Access to Information Act (PAIA) in order to request information on how the housing process will unfold for those living in informal settlements. The request was directed to the city manager on the plans for upgrading shacks in a number of wards, as well as for new housing developments. The government had 30 days in order to reply. Towards the end of this period, the municipality requested an extension of another 30 days, which was granted and is set to end this Monday, 6 November. Therefore, these demolitions occurred in spite of the fact that Abahlali members including those from Motala Heights were still waiting for information concerning issues of informal settlement clearance. Zandile Nsibande, Committee member of Abahlali, commented that

‘It is amazing what they are doing in Motala heights because we are waiting for answers to our ‘w’ questions (what, when, where and how houses will be delivered) which the municipality promised to give us on the 6th’.

The ordeal began at 8:00 am on Saturday morning 28 October 2006, when about 30 metro security arrived driving vehicles with NDM number plates.

They brought with them a further 15 unskilled labourers with large hammers. Shack dwellers reported that the demolition team was lead by Bhekani Ntuli and Kumbuzile Mkhize of the Housing department, while the security team was led by Mr Mthembu. Without any warning, the demolition team set about demolishing shacks in various parts of the settlements. The shacks still contained furniture, clothes, groceries and other belongings. It was believed that the timing of the clearance (Saturday) was deliberately intended to stifle attempts to get court interdicts against the demolitions.

Shacks were not demolished in one part of the settlement but rather were scattered throughout. Owners of these shacks were transferred to Nazareth housing development in ward 16. Some of those remaining believe that the allocation of houses to these people was not done on a fair and transparent basis but was rather based on a close relationship with the councillor. As one resident said: 'If you have a connection to the Branch Executive Committee of the ANC, which is aligned with the councillor, you are allocated a new house. Others are not.'

Furthermore, even among those shacks that had been allocated housing, only one family per shack had been accommodated in the new housing development. Others living in each shack, therefore, were left stranded. Abahlali has been consistently critical of the municipality's one house, one shack approach to housing because it leaves many homeless. 'This is why Abahlali has been campaigning for one family one house, not one shack one house' (Mnikelo Nda-bankulu, Spokesperson of Abahlali). Many of those left homeless had been staying in these shacks for a number of years and in some cases for more than 12 years.

About 19 people slept either in other shacks or in the open on Saturday night. On Sunday 29 October, the settlement was filled with echoes of hammers as shacks were being hastily reconstructed by those left homeless. The municipality visited in order to check which shacks were being rebuilt.

On Tuesday 31 October, the municipality returned in order to re-demolish the newly erected shacks. Mr Ngcobo, an elected community leader attempted to present a letter that had been sent by Shanta Reddy, a lawyer acting on behalf of the community to the Mayor (Obel Mlaba) and City Manager (Mike Sutcliffe). The letter was intended to point out that such evictions would be illegal and the local authority should not proceed with them. The security staff refused to

look at the letter and proceeded to pepper spray Mr. Ngcobo from close range. Shots were fired and people scattered. Mr. Ngcobo then attempted to hand it to a SAPS member saying this was a letter to the mayor. He replied sarcastically that the mayor for the area was 'Mr Govender', a neighbouring land owner. (Attempts to lay a charge of assault for being pepper sprayed the same day were stonewalled by police at Pinetown police station).

Although the land on which the Motala shack settlement is built is owned by the municipality, many report that Mr. Govender is putting pressure on the councillor, Mr Dimba, to clear the shacks. All land adjacent to the settlement is currently undeveloped. Mr Dimba told the shack dwellers recently that they must go back to the farm where they came from.

On Wednesday 1 November, the team from the municipality returned in order to remove the timber and other building materials, and remained from 9-3pm. Abahlali brought a camera crew that day. A community leader asked if they could retain the metal from the rubble in order to take it to recyclers to sell it for money for food. The reply from a security staff member was that once the camera was gone they would assault him.

During the clearance, it was announced that the entire settlement was to be cleared. The settlement began 30 years ago and now consists of 227 shacks. Recent information suggests that demolitions will resume on Tuesday 7 November. There were also threats that the ablution block and water supply would be destroyed in order to drive away those who did not want to move. This ablution block was built by the government in 2004 and is the only sanitation other than self built pit latrines.

Many say that they are reluctant to move because Nazareth (the new housing development) is near Marianhill in ward 16 while they are in ward 15 near Westmead. Residents depend on living close to their places of employment, normally as domestic workers and gardeners in the nearby suburb of Motala Farm and as workers in the factories of Westmead. Many families also have children enrolled in the good local schools. They have not formally been shown the place of proposed relocation and have no idea what education and other facilities there will be. The spokesperson for Abahlali states that:

'Abahlali supports the National Policy called Breaking New Ground which states that in situ upgrading must be prioritised and relocation should be the last resort' (Mnikelo Ndabankulu, Spokesperson for Abahlali)

Those who have seen it say that they houses are of poor quality. Houses at Nazareth are described by some Abahlali members as nothing more than 'Formal Jondolos', or formal shacks, because there is little difference between the new house and the old shack. There is no running water, which makes it impossible to use the toilets. There is no electricity and the floor is rough.

Furthermore, there is a concern by those living in Motala Heights that there might be friction in Nazareth, as a result of the fact that there are informal settlements nearby whose residents are desperate for the housing. Residents of Motala wonder, therefore, why they are being moved in from far away when there are local residents in Ward 16 who would prefer that accommodation.

The situation is currently tense as Motala residents anticipate further demolitions on this coming Tuesday, 7 November. All media are invited to witness the improper housing demolition expected to resume Tuesday. The Legal Resources Centre is attempting to secure a meeting with key people in the city with regards to these demolitions. Monday is also the deadline for the response for the access to information application which was submitted by Abahlali two months ago.

Abahlali believes the current actions of the municipality to be intolerable. 'The way they treat us reminds us of the way we were treated before democracy. This is why they say there is no freedom for the poor' (Mnikelo Ndabankulu, Spokesperson for Abahlali). The affected community say they are angry:

'The people from Motala farm are angry and that could lead to friction similar to the clash in Umlazi recently. This kind of treatment makes it difficult for people to cope. A more consultative process where people have inputs on the process would make people less angry' (Bheki Ngcobo)

These events are taking place in the context of pronouncements from local and provincial government that they intend to clear shacks within the next few years. As reported in the Sunday Tribune, '[The Housing Department's] aim is to eradicate shack settlements by 2010 ... Mabuyakhulu said he wanted the law to be passed before the end of the current financial year. He wants municipalities to employ special units similar to the so-called Red Ants – the shack settlement-clearing security guards in Gauteng which are used to demolish illegal settlements... "Our diplomatic approach is not working. We are now taking a stronger approach," he said.' (Mbanjwa 2006).



(see Mbanjwa, Xolani (2006) 'KZN push for an end to slums' Sunday Tribune. 23 April 2006. Also see article by same journalist on p five of Sunday Tribune 5 November 2006)

In response to the slum clearance policy of the government, the spokesperson for Abahlali states:

'What does this mean? Does it mean that everyone will get a house or that shacks will be demolished even if people are not allocated a house? If everyone is allocated a house we will appreciate that. But if not, it means that the street kids will be joined by street families as the government throws people out of their shacks.' (Mnikelo Ndabankulu)

As it waits for the response of the municipality to its diplomatic and legal request for information, Abahlali continues mobilize shackdwellers to ask questions and demand answers from the municipality.

Bheki Ngcobo (Motala Heights development committee chair)

Alson Mkhize (Chief whip of Motala Heights development committee)

Mnikelo Ndabankulu (Spokesperson for Abahlali)

Mahendra Chetty (Legal resources centre director acting on behalf of Abahlali)

Mdu Hlongwa (Secretary Abahlali)

System Cele (Committee member)

Zandile Nsibande (Committee member)

## Directions to Motala Heights

Take the N3 towards PMB. After Westville, turn off onto the M13. Take Off Ramp # 19, Pinetown: Old Main Road. At the bottom of the Off Ramp turn left onto Richmond Road. Continue approximately 600 metres past the taxi rank on the right. After the third set of robots, turn right onto Trafford Road. Travel 1.2 km and turn right onto Motala Road. After 300 metres, turn right at the circle to continue on Motala Road. Continue straight for 500 metres, and turn left toward the Motala Heights shack settlement.

22 NOVEMBER 2006

Statement · Abahlali baseMjondolo

## Juba Place Eviction – rushed one man, bad praxis press release

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### *MORE FAMILIES LEFT HOMELESS BY ETHEKWINI MUNICIPALITY*

More than 35 families from the Juba Place settlement in Reservoir Hills are preparing to go to court after the eThekweni Municipality smashed up their homes, in the rain, over the weekend. Shack owners were coerced at short notice into accepting relocation to what people call ‘formal jondolos’ in Nazareth. These houses have no electricity and have toilets which don’t work. Most people did not want to be moved away from work and schools and feel unwelcome and nervous in Nazareth where local people had expected the houses. The Municipality moved people out of Juba Place at gun point and now has to protect them from local people in Nazareth at gun point. Meanwhile shack renters in Juba Place were simply left homeless. So much for the constitution...

This is similar to what happened in the Motala Heights settlement a couple of weeks ago. There the chair of the Motala Heights Development Committee, Bheki Ngcobo, was pepper sprayed and beaten when he tried to hand over a lawyers’ letter to the police. It now turns out that the Municipality had no written consent from shack dwellers and no court order when it demolished shacks in Motala Heights. The City’s ‘slum clearance’ policy, like its policies on street traders and street children, can only be implemented by systematic illegality and state violence.

In recent weeks it has been clear that the eThekweni is rapidly stepping up its attacks on street traders, street children and shack dwellers in its attempt to become a ‘world class city’. Mnikelo Ndabankulu observed that “the only thing world class about the way we get treated by the Municipality is the way the police klap us – I was dizzy for two days after I was klapped for wearing a red shirt”.

They Municipality has promised to return to Juba Place tomorrow to smash the remaining shacks.

Juba Place, Thandi Khambule  
Motala Heights, Bheki Ngcobo  
Abahlali, PRO, Mnikelo Ndabankulu

11 DECEMBER 2006

Press release · Motala Heights Branch

## More Illegal Evictions Threatened in the Motala Heights Settlement Tomorrow

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*‘Everywhere the Municipality is Running to Attack the Bahlali’*

– Louisa Motha, Motala Heights Development Committee

The eThekweni Municipality’s ‘slum clearance’ programme is premised on systematic illegality. Contrary to the constitution evictions are carried out without court orders and without written warning; people are routinely not given a choice as to whether or not they want to be relocated (hence relocations are often forced removals); people routinely suffer damage to their property; the evictions are routinely carried out with casual violence and people are routinely left homeless. Shack owners are usually given relocation homes but tenants are most often left homeless. If you try and point out to the Municipality that their behaviour is illegal you are likely to be assaulted. This happened to Bheki Ngcobo from the Motala Heights settlement when he attempted to hand over a lawyer’s letter to the municipal security demolishing homes in his settlement early last month. He was pepper sprayed, knocked to the ground and kicked. It is clear that the Municipality’s rule is under the law rather than of the law when it comes to the poor.

But the tide in the eThekweni Municipality’s violent and illegal war on shack dwellers living in the city began to turn at on the 29th of November 14 families living in the Motala Heights shack settlement won an interdict in the Durban High Court preventing the eThekweni Municipality from evicting them. Three other shack settlements are also about to go to court and people rendered homeless in previous evictions are about to sue. Sutcliffe & Co. will now have to account to judges each time they unleash their brutality on the poor.

But the Municipality has promised to return to Motala Heights tomorrow. They haven’t said who they are after and, given their contempt for the law, it is feared that they may even demolish in violation of the interdict. But if they do respect the interdict there are still 30 families who aren’t protected by the court

order. They are at serious risk. Municipal officials have also threatened to, as they have done elsewhere, destroy the toilets in an effort to force people out. Life for the 14 families protected by the court order has already become very difficult as more than 30 families who were left homeless are now crammed into the homes of those who escaped the first two attacks on the settlement. And many of the people removed to the housing development at Nazareth Island saw that they have been dumped in 'formal jondolos' too far from work and schools and insist that they will be coming back to Motala Heights.

Most people in the Motala Heights shack settlement strongly believe that local tycoon Ricky Govender is pushing the Municipality to evict all the shack dwellers so that he can continue to develop commercial housing projects for the middle class. Around 100 families in the nearby suburb of Motala Heights also face eviction from the houses where they are renting and also believe Ricky Govenders' commercial ambitions are behind the threats that they have received. These tenants joined Abahlali a couple of months ago and are now working together closely. They say that many of the outbuildings and rooms they rent are no better than shacks.

Sibongile Thabete, with her daughter Zindle. They were left homeless after Sibongile couldn't pay a R2000 bribe to get on the relocation housing list.

For more information and updates on this tense situation

Louisa Motha  
Shamita Naidoo  
Bheki Ngcobo  
Alson Mkhize

3 APRIL 2007

Press release · Kennedy Road Development Committee

## The Kennedy 5 Are Now On Hunger Strike in Westville Prison

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*Last Night Our Mass Meeting Decided to March on the Sydenham Police Station on Tuesday and to Light Candles There in Support Our Comrades*

At 3:00 in the morning on Human Rights day, 21 March, 9 residents of our shack settlement, Kennedy Road, in Durban, South Africa were arrested by Police from the nearby Sydenham Police station. Five of the arrested were released after a two day women's protest at the Sydenham police station. Halala izimbokodo! Celebrate the strength of women! But then they arrested one more person and so five people are still detained. Their names are:

1. Cosmos Nkwanyana
2. S'thembiso Bhengu
3. S'bongiseni Gwala
4. Thina Khanyile
5. M'du Ngqulunga

They are in Westville prison and will appear in court on 13 April to ask for bail. This means that they will have already been in jail for one month before they even get a chance to ask for bail. And the magistrate may deny bail. The Kennedy 5 have now decided to go on a hunger strike. They stopped eating on Sunday. They do not undertake this action lightly. They have written a list of demands which we expect to get today.

The background to this sad story is that on 15 February 2007 a Kennedy Road resident, Thina Khanyile, was attacked near the bus stop on Umgeni Road while training for the Comrades Marathon. He was stabbed 18 times and robbed of his shoes and his watch. He would have died if a truck driver from Kennedy Road hadn't seen him there and quickly bought him up to the settlement where we could call an ambulance.

On 18 February a well known and dangerous criminal living in the settlement told people in the community that Khanyile's attacker was in the Kennedy

Road settlement. Those people restrained the suspect without causing any hurt to him and sent for Khanyile. Khanyile recognized him as the man who had almost killed him. At that point some people in the community began to assault the man who we now know was Mzwake Sithole from Ntuzuma. Members of the Safety & Security sub-committee in the Kennedy Road Development Committee immediately called the police. They called the police because even though there are such bad problems with most of the police here we still have to go to the few good police officers for serious cases like attempted murder and murder. When the police arrived the man looked to be fine. The crowd of more than 50 people all saw the police assaulting the man with kicks and punches as he walked to the van and climbed inside.

Khanyile then went twice to the Sydenham Police station to open up a case against his attacker. We heard nothing more until the Human Rights Day arrests. When the arrests were made we were told that Sithole had died in police custody a week after his arrest. But what has shocked us is that the police just arrested Khanyile, the victim of Sithole's attack, and the K.R.D.C. Most of the people who they arrested were not even there on that day! And it was the Safety & Security Committee of the K.R.D.C. that immediately phoned the police to come and fetch Sithole's attacker! There was a big group of people who were there and who saw what did happen. It is not difficult to speak to them and to get the truth. Anyone who wants to find out the truth of what happened that day can find it very easily. If there is a trial then the truth will come out very easily and very clearly in the court. It is clear that Glen Nayager, head of the Sydenham Police, has seen his opportunity to break the famous spirit of Kennedy Road by misusing this incident to destroy the K.R.D.C. Nayager does not try to hide the fact that he hates the K.R.D.C., that he hates Abahlali baseMjondolo, the big movement of shack dwellers that Kennedy Road is part of, and that he wants all shack dwellers to be forcibly removed out of his area. He is always telling us that we 'must go back where we came from' and that 'there will be no red shirts here'. We have heard that this is very similar to what happened to the Landless People's Movement in Johannesburg where activists were arrested on fake murder charges in an attempt to break the spirit of the movement after a man died in a shack fire. No one has any doubt that the K.R.D.C. is under political attack by Nayager. He does not only tell us that he wants to attack the K.R.D.C. and

Abahlali baseMjondolo. Journalists are telling us that he is saying this openly to them too.

We have discussed this matter very carefully and we all agree that if Sithole is now dead then his death must be carefully investigated. We have made a whole politics on the ground that everybody matters. Therefore every death must be taken seriously just as every life must be taken seriously. But the Sydenham Police cannot be trusted to make this investigation. It is true that some people in Kennedy Road did assault Sithole after he was identified as Khanyile's attacker. But it is also true that more than 50 people also saw the police assaulting Sithole when they came to fetch him from Kennedy Road. And we don't know what happened in the van and in the cells after that. But we do know that ever since Nayager came to the Sydenham Police station in 2004 people are arrested on fake charges all the time and people are beaten all the time – especially in the cells. Nayager is following in the steps of his cruel father who tortured the black consciousness activists in the 70s. Around 200 of us have been arrested in the last two years and every time the charges are dropped because they were nonsense but that still gives the police a chance to beat us while and after arresting us. Therefore the arrests on fake charges become a punishment without any hearing in front of a judge! This makes Nayager, a criminal, the man who judges us and then gives us the sentence. That station has become a place of suffering for the innocent. Many of us, and many people from other Abahlali settlements, have been beaten very badly there after being arrested for marching for land and housing in the city. Afterwards Nayager always lies to the media about what happened but many, many people, including lots of journalists, have seen for themselves how he behaves. Journalists have seen Nayager's police shooting at us with pistols as we are running away. There is even a film of the police attacking us. It is on our website. Right now Abahlali is organising to sue Nayager and the Sydenham Police with the support of X-Y and Amnesty International for a very bad beating of two Abahlali members in the cells and the shooting of one more last year. Therefore the K.R.D.C. is calling for an independent investigation into Sithole's death. That investigation must be carried out by a neutral team that can closely examine the role of the Sydenham Police and the role of the community speaking to everyone and looking fairly and honestly at all the facts.

Ever since Nayager came to the Sydenham Police station all shack dwellers in Sydenham, Clare Estate and Reservoir Hills have been treated as if we are criminals and as if we are not human beings. This man has vandalized our humanity. And when Abahlali baseMjondolo was started two years he began to hate us even more. He is always telling us that he will drive the red shirts out of his area. Sometimes you can be arrested and beaten just for wearing a red shirt even if you are just waiting at the bus stop. One person was even arrested on a charge of attending an illegal gathering while asleep in his bed! It seems that even planning to attend a march is a crime for Nayager. It is not the job of the police to decide which organisations can work in an area and which can not. Their work is to protect the people from criminals not to silence the voice of the poor. They should be working for all the people, including the poor, as the servants of the people. They are never there when our women face abuse but if you put on a red shirt 8 vans can be there in 5 minutes!

We are also calling for a second investigation. We believe very strongly that the many abuses that the Sydenham Police have perpetrated on the shack dwellers of the area since Nayager's arrival must be investigated very closely. The problems of racism, violence, corruption, criminality and political oppression at the police station need to be investigated very seriously. This police station is like a sore in the community – a sore that gets worse as it rots more each day. We know that it doesn't have to be this way because there was a good relationship between shackdwellers and the police when Supt. Maritz was the head. In those days we worked together, once even working with the Air Wing to catch some armed robbers who were also abusing women while hiding in one the settlements. In those days shackdwellers could go to the police and have their problems taken seriously although there was a problem of police not understanding isiZulu. But for that reason one of our members became a reservist. We would like to work closely with the police again and in fact a few weeks ago we met with some police officers who also want this. But in our discussions with those good officers we quickly ran into one big problem – Nayager. Shackdwellers and the police can't work together in Sydenham and Clare Estate and Reservoir Hills while Nayager is there. His hatred for us all and his political mission to try and crush the voice of the strong poor makes a good relationship impossible.



It is important to say something about the Safety & Security Sub-Committee of the K.R.D.C. because the police are talking as though that committee are criminals. We have this committee to resolve tensions in the community and to sort out problems that are too small for the police or that police won't bother themselves with. The members of this committee are elected every year and are not paid for this work. People do it only for the love of the community and for the honour. When there is a problem between two people this committee tries where ever possible to get people to agree to a solution that both can accept. When this is not possible the committee can ask a person who has done something wrong to pay a fine to the person that they have harmed or, if what they did was very bad, to leave the settlement. The committee does not use violence. The community wants this committee and votes every year for people to be on it. It is especially wanted by women because as everyone knows the women who are living alone in shacks are very vulnerable to criminals. A shack is not strong like a big house. Anyone can push inside any time. The committee is the only place that they can turn to.

We also want to make it very clear that we are aware that Nayager is using the worst criminal in the area as his main informer. This man, the same man who told people that Sithole was Khanyile's attacker, is pointing out the committee to Nayager in exchange for not being arrested for his crimes – crimes against the rich and against the poor. This man robs rich people in their houses and he robs poor people at the bus stop. Therefore Nayager is protecting dangerous criminals to attack democrats who are only struggling to build a country that makes space for everyone who lives here! We also know who the other informer is. This man has resentment because he was voted out of the K.R.D.C. in 2003 after one year of serving as deputy Chair. His son-in-law recently accused his neighbour, Ma Gwala, of witchcraft. He was jealous of all the respect that she was getting in the community for caring for the orphans and working at the crèche. Ma Gwala went to the Safety & Security to complain. There was a hearing on 18 February, the same day as the day when Khanyile's attacker was identified. At that hearing S'thembiso Bhengu and Cosmos Nkwanyane decided that this man's son-in-law must pay R1000.00 to Ma Gwala to wash her name. That is the reason why Ma Gwala, her husband and her brother as well as Bhengu and Nkwanyane were pointed out. Nayager is misusing the death of Sithole to attack the K.R.D.C. His informers are misusing Nayager's hatred

to point out their own enemies. This is not justice. This is an unjust alliance between political oppression from the police and a criminal and a jealous man in the community. M'du Ngqulunga also wasn't present when Sithole was attacked. But he has been pointed because the day after the first 9 were arrested he mentioned the role of Nayager's criminal informer at a mass meeting. That's when the informer gave his name.

We want thank all the organisations and individuals who have sent messages of support like the Anti-Eviction Campaign, the Socialist Students' Movement and others. We can't always reply because we don't always have airtime and we don't have email but we thank you. Every message is shared with the community. Many people have asked who they can write to in order to express their concern. We have discussed this and decided on a man at the Independent Complaints Directorate (ICD). Our experience with the ICD has not been good. They did not help when Nayager's police broke System Cele's front teeth by beating her so hard on the back of her head that her face smashed into the road or when Nayager stole Raj Patel's camera with pictures of the attack on System Cele or when Nayager threatened other journalists with violence. They did not help when the police shot Monica Ngcobo in the back in Umlazi. They did not help after S'bu Zikode and Philani Zungu were beaten by Nayager in the cells in his police station for the crime of trying to attend a radio interview and another lady was shot for protesting against the beating of Zikode and Zungu. But a good friend of Abahlali has told us that there is a good man in the Internal Complaints Directorate. We will be meeting with this man soon and our friends are welcome to ask him to consider our requests which are:

1. A neutral and fair and serious investigation of Sithole's death that includes the Sydenham police and the Kennedy Road community without bias.
2. An investigation of the Sydenham Police station from the arrival of Nayager to now including police brutality, corruption, theft, racism and political oppression including political violence.

The name of the man at the ICD is Mr. Mthokozisi Ngcobo.

We are especially asking our friends who have witnessed Nayager's behaviour and other criminal actions of the Sydenham police to send their stories and photographs and films to Mr. Ngcobo. We know that there are people all over the world who know the truth about how Nayager behaves. One American

boy has a photograph of a police officer from Sydenham firing his pistol into the backs of fleeing demonstrators in Foreman Road.

Our friends have also been asking about financial support in the time of this crisis. We have talked about this and are asking people who can to give financial support to the families of the 5 men on hunger strike in Westville Prison. If the Kennedy 5 are awarded bail on 13 April we will also need bail money for them. And we will need money for a lawyer for the trial. We need about R5 000 a month for the five families. We have a lawyer with a good heart who is standing with us now for the love of God not money. But he is only available till the end of the month and then we might need to pay a lawyer. We'll need about R20 000 for the trial. If the Kennedy 5 get bail that will be set by the magistrate but because none of the 5 are employed and none of their family members are employed we hope that it will be kept low.

Our account details are:

Kennedy Road Development Committee

Bank: First National Bank

Acc no: 62089969293

Branch: Umgeni Junction

For people in America money can be donated by going to 'support' on our website which is at [www.abahlali.org](http://www.abahlali.org) People who can give money should state what they want the money to be for: 'Family support', 'bail' or 'lawyer'.

Our mass meeting last night decided to march on the Sydenham Police station this Tuesday. We will surround the police station and light candles and sing. We are informing the authorities of this march today so they can't claim that this will be an illegal march and beat us again. If they try to illegally ban this march we will take them straight back the high court like we did in February last year.

Mr. Lembede

Mr. Mdlalose

Qina bahlali!

Umhlaba! Izindlu!

Phansi maphoyisa shaya abantu!

Wathint' abahlali, wathint' imbokodo!

10 APRIL 2007

Press release · Abahlali baseMjondolo

## March on the Sydenham Police Station

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This evening, at 6:00 p.m. representatives from Abahlali baseMjondolo settlements and branches across Wards 23 and 25 will march on the Sydenham Police station from the Kennedy Road settlement. At the police station a candle lit vigil will be held. Senior church figures are expected to attend. A memorandum will be then be handed over to Senior Superintendent Glen Nayager.

For a long time people have been talking about marching on the Sydenham Police station, and Nayager in particular, to protest against the day to day police abuses perpetrated against shack dwellers across the areas in Wards 23 and 25 such as Sydenham, Clare Estate and Reservoir Hills. There has also been growing concern at how the Sydenham Police, led by Nayager, have been attempting to misuse their position to police Abahlali baseMjondolo out of their area. Over the last two years this political hostility from Nayager has resulted in numerous wrongful arrests and numerous entirely unjustified assaults on people active in Abahlali baseMjondolo.

But this long talked about march is happening tonight, immediately after the Easter weekend which is not the best time to mobilize, because of the current Kennedy Road crisis. Five Kennedy Road residents are now in the 9th day of a hunger strike in Westville Prison. Yesterday they were moved to the prison hospital. They are on hunger strike in protest at their wrongful arrest by the Sydenham Police. This follows an incident in Kennedy Road where a man from outside the settlement was apprehended after a particularly violent and near fatal mugging. After he was apprehended the Sydenham police were called and while they were on the way to fetch him some people in the community spontaneously assaulted the man. When the police arrived they also assaulted the man as they arrested him and put him into the van. He died sometime later in police custody. No one has denied that the man was assaulted in Kennedy Road but more than 50 witnesses saw who assaulted him and also saw him being assaulted by the police.

The Police have not investigated their own possible culpability with regard to this death nor have they made any attempt to find out what really happened in Kennedy Road. There were lots of witnesses and so it would be very easy to find out what really happened. Instead they have simply misused this tragedy, in which one poor man almost killed another for his takkies and was then later assaulted himself, to settle their political scores against the Kennedy Road leadership. With a well known and dangerous criminal as their informer, a man who will do what ever they ask to avoid being charged for his many real crimes, they have arrested half the elected members of the Kennedy Road Development Committee and charged them with murder and they say that they will soon arrest the other members of the committee. But everyone knows that they have not arrested the right people. One of the people that they arrested has been too sick to leave his shack for months, another was away at a braai, others were part of the Safety & Security Sub-Committee that immediately called the police when the suspect was apprehended because they could see that the situation was tense. This is very similar to what happened to the Landless Peoples' Movement in Johannesburg some time ago where key leaders were arrested on an invented murder charge after a man had died in one of the shack fires that plague our communities. This is an openly political attack on the Kennedy Road Development Committee. Nayager is openly boasting about this to all kinds of people. Because Nayager thinks he has the right to say what kind of t-shirts can be worn in his area, who can march and what they can say innocent people are now in prison and in the 9th day of a hunger strike. That is why we can't wait any longer. That is why we are marching on Glen Nayager and the Sydenham Police station tonight at 6:00 p.m.

Mzwakhe Mdlalose  
 Anton Zamisa  
 Thelumusa Lembede  
 S'bu Zikode

10 APRIL 2007

Memorandum · Abahlali baseMjondolo

## Memorandum Handed to Senior Superintendent Glen Nayer of the Sydenham Police Station

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Glen Nayer you have vandalized our humanity. We are here to reclaim our police station. Neither you nor your powerful friends own this police station. This police station belongs to the people who live in this area. We live in shacks and we are wearing red shirts and demanding the right to continue live here in the city, to live in decent houses, to have access to electricity and water and toilets while we wait for these houses and for our children to be able to attend the schools here. But this does not mean that we are not people. None of this makes us criminals. We are part of the people to whom this police station belongs. You have broken the trust of a large part of the people for whom you are supposed to be working. You were supposed to be our servant, not our oppressor. Since you were entrusted with this police station the police in this area have treated all shack dwellers as criminals. And since we united as Abahlali baseMjondolo you have constantly harassed and attacked our movement. Your job is to protect all of the people in your area but you have decided to make the poor your enemy. You have made this police station famous across the whole city and sometimes the whole country and even in other countries for its racism, its violence, its cruelty, its criminality and its brutal oppression of an organisation that has only asked for what is right.

The main complaints that have emerged against you, and the way that this police station has been run since you arrived here (remembering that shack dwellers worked well with the Sydenham Police before you came here) in our initial discussion over the Easter weekend are the following:

1. RACISM: You, and many of your officers, are guilty of extreme, systematic and casual racism towards African people. You insult us in the most ugly language, language that is supposed to be part of the past. You order us around and insult us and even our mothers and father in isiFanakalo like it is 15 June 1976 and you are a baas sitting at his braai and we are all your garden boys and

kitchen girls. When your officers do this 'stop and search' it is only Africans who are stopped and searched. If there is a line of young men waiting for the taxi your officers leave the coloured men and the Indian men and search only the Africans. Everyone knows this. Sometimes even the young coloured and Indian men become embarrassed. We joke and say 'The black man is always a suspect' but it is not funny. We and our parents and our ancestors did not struggle for this. What goes for one must go for all. Stop and search everyone or stop and search no one. We have built a non-racial movement and we are proud of this. Many poor Indians have joined us and we have welcomed them as brothers and sisters and they have welcomed us into their communities in the same way. But, although there are some officers, Indian and African, at your police station who are embarrassed by the racism that you have bought here you have turned what should be the peoples' police station into the headquarters for racism in Wards 23 & 25.

2. CRIMINALISATION OF THE POOR: You, and many of your officers, speak and act as though all poor people and especially shack dwellers, are criminals. You openly call us all 'rogues' and we have seen how you show us and our communities on your website. You and your officers come to us as though we are all criminals and not as though we are citizens deserving protection.

3. YOU MAKE POVERTY A CRIME: We have very few toilets in our settlements. This is not our fault. We have marched for toilets and had our marches illegally banned and been illegally beaten and arrested by you and your officers on those marches. But still we have the situation where a thousand people share one toilet. For this reason we often have to urinate in the bushes. Yet your officers are always arrested and beating us for the urinating in public. On New Years' Eve one boy who was visiting from the Transkei was even shot in the leg at Foreman Road for running away after he got a shock when your officers tried to arrest him for urinating in public. We agree that urinating in public is not good. In fact it is a big problem because it is often not safe for women to be alone in the bushes at night. But the cause of this problem is those people who refuse to give us toilets.

4. NO RESPECT FOR OUR HOMES: You and your officers have no respect for the sanctity of our homes. You behave as though our shacks do not exist. You push your way inside anytime without knocking, you break the shacks and our things inside our shacks any time you feel like, you search our homes without a

warrant turning everything upside down and you even arrest people for drinking 'in public' while we are sitting in our shacks. There have been cases when your officers have pushed their way into our shack churches. We know that you do not want our shacks to exist but they do exist. They are our homes and they must be treated with the dignity of any other home. From now on we will lay a charge of trespass against any of your officers that enter our homes without permission and we will lay a charge of wilful damage to property against any of your officers that damages our homes or the things that we have inside them.

5. **YOU PROTECT AND WORK WITH CRIMINALS:** We have always said that there are poor criminals and that there are also rich criminals. You work with both kinds against the innocent. But we are especially concerned that you protect well known violent criminals in our communities, people who prey on rich and poor alike, and then use them as your informers. These are the people who, in exchange for your protection from arrest and prosecution, are prepared to give false statements against innocent people who work for the good of the community. You want to keep criminals out of prison so that you can put innocent people inside.

6. **YOU WORK WITH PEOPLE THAT HAVE DECLARED THEMSELVES THE ENEMIES OF SHACK DWELLERS AND OF OUR MOVEMENT:** There are people who want all shack dwellers to be forced out of all the areas in Wards 23 and 25. You and some of your officers openly support these people. The police who are supposed to be protecting us tell us to 'go back where you came from'. Sometimes we are even told that we are 'bringing AIDS to this community'. Some of these people who don't want shack dwellers in the city are very angry that shack dwellers have united across these two wards, across Durban and across other towns and made ourselves strong. There are people like the Ward Councillors and the City Manager and others who slander our movement and say that if we speak for ourselves we are 'criminals' or that we are being 'used' by other people or that we are 'political' and that therefore we have no right to speak and must be illegally and violently repressed. You have publicly aligned yourself with these people when as a police officer you should be neutral and treat every one equally before the law. You openly tell us, often while you are beating us, that 'there will be no more red shirts here'. After your officers had beaten Mnikelo Ndabankulu and stolen his red shirt in September last year you boasted that that shirt was now the mop in your station. You are not even the



spokesperson for your station – that is the job of Captain Lazarus and yet you always personally go to the media to lie about us. It is clear that you hate us and that you hate our movement. But as a police officer you are a servant of the public and we are part of that public. You should keep your hatred private and not put it at the centre of your work.

7. YOU IGNORE REAL CRIMES AGAINST SHACK DWELLERS BUT ACT AS THOUGH IT IS A CRIME FOR SHACK DWELLERS TO SPEAK FOR THEMSELVES: When a women in the shacks is beaten by her husband she will probably be ignored if she goes to your station for help. If she refuses to leave until she is helped and brings friends or comrades to stand with her in the station and demand help then you might send a van to the settlement but your officers won't come into the settlement to arrest the abuser. They will just park outside and tell the victim to go and fetch the abuser which of course she cannot do. But if we have a small protest and are not hurting or threatening to hurt anyone 7 vans can be there in minutes and you'll immediately start beating us and shooting at us with rubber bullets. Sometimes you'll even shoot at us with your pistols. You ban our marches which is illegal. You attack us without warning when we are marching which is illegal. You beat us and even shoot at us when we are running away which is illegal. Your officers have even arrested people on charges of Attending an Illegal Gathering and Public Violence while they are sleeping in their beds or standing at the bus stop because you know that they plan to attend a march later. This too is illegal. You arrest us all the time, keep us in the cells and beat us, then make us go to court 5 or 6 times (while you and your offices fail to attend the case as it get delayed again and again) before the charges are eventually dropped when you never had any case against us in the first place. You misuse arrest as a form of punishment and intimidation. It is clear that you do not see shack dwellers as citizens of this country.

8. YOU REFUSE TO ALLOW US TO OPEN CASES AGAINST YOU AND YOUR OFFICERS: Many, many times after we have been insulted, beaten, robbed and had our basic political rights stripped from us by you and your officers we have tried to open cases against the police. You just refuse to allow us to open the cases and hit us again. Your officers fear you too much to allow us to open cases against you. For instance after your officers shot Nondumiso Mke with live ammunition in September last year she was not allowed to open a case. Philani Zungu then went with her to insist that she be allowed to open

the case even though he had been personally beaten unconscious by you on the same night as Nondumiso was shot by having his head bashed against the wall. Yet Nondumiso was still not allowed to open the case and now Philani is assaulted every time you find him on Burnwood Road. When S'bu Zikode went to open a case against you other officers feared you too much to open the case. The same happened to System Cele after officers acting on your command beat her so badly that her front teeth were broken. The law allows us to open cases against you but you do not allow us this right.

9. YOU PERSONALLY THREATEN JOURNALISTS AND ACADEMICS AND STEAL PHOTOGRAPHIC EVIDENCE: You have personally threatened journalist and academics who have witnessed your illegal behaviour towards us including your racist insults and your assaults, and you have stolen their cameras. One journalist, Carvin Goldstone, lodged a formal complaint against you and one academic, Raj Patel, tried to make a complaint through the ICD. He failed because the ICD told him that he needed a case number first and no police officers were prepared to open a case against you. If you do not allow us to speak for ourselves and if journalists and academics cannot work freely in your area then how will the truth about your criminality ever be told?

Therefore tonight we inform you and we inform the public that:

- We are about to begin our civil court action against you for the wrongful arrest and brutal assault of S'bu Zikode and Philani Zungu and the shooting of Nondumiso Mke on 12 September 2006. We are suing you with the support of XY in Amsterdam and Amnesty International in London. Shanta Reddy will be acting for us.
- From now on we intend to sue you and any of your officers every time you break the law by taking property from us and our friends (such as our red t-shirts, our loudhailers and the cameras of journalists) and every time you insult, arrest and assault us without good cause.
- We are asking the Internal Complaints Directorate to undertake an immediate investigation of the whole station with a particular focus on your leadership looking at the endemic and very shocking levels of racism and corruption, systemic organised violence against the poor and blatantly illegal and routinely violent political intolerance. We are currently beginning to compile a dossier of complaints against yourself and this station to submit to the Directorate. We will host a meeting in every Abahlali settlement and branch

across Wards 23 and 25 to collect a list of all the complaints and we will also invite people in Sydenham Heights and in the various ratepayers' associations to add their own complaints to our dossier. Furthermore we will also invite the journalist and the academic who have already made formal complaints against you for, respectively, a threat of violence should they report your violence and confiscation of a camera with pictures of your violence to add their complaints to our dossier.

- We are asking the Internal Complaints Directorate to recognise that the investigation into the death of Mzwakhe Sithole by the Sydenham Police has not been conducted with any integrity, that it has been misused to further your political agenda against the Kennedy Road Development Committee and Abahlali baseMjondolo, that you have failed to investigate the role of the Sydenham Police in this death and that, given the violent history of severe political intolerance at this police station under your command, this police station can not mount a credible investigation into this or any other matter involving us. We are asking the Internal Complaints Directorate for a credibly independent investigation from officers outside of your jurisdiction who will be able to look fairly and honestly at the role of both Kennedy Road residents and the Sydenham Police in this death. And tonight we demand that you:
- Immediately release our innocent comrades who are now in their 9th day of a hunger strike in Westville Prison
- Immediately abandon the investigation by the Sydenham Police into the death of Mzwakhe Sithole
- Immediately agree to an independent investigation into the death Mzwakhe Sithole to be supervised by the Internal Complaints Directorate that will examine the role of people in the Kennedy Road settlement and in the Sydenham Police Station
- Immediately step aside pending the outcome of a thorough investigation of the whole police station with a particular focus on your leadership to be undertaken by the Internal Complaints Directorate.

Given your well known tendency to intimidate and harass even your own police officers as well as people in the communities outside the station it is clear that such an investigation has no chance of success while you are still working here.

It will even be difficult to get people to be willing to put their names on our list of complaints against you and the station while you are working here. You are a criminal and you are a violent armed criminal hiding behind all the protection of your high office. The people that you are supposed to protect fear you.

Therefore it is essential that you step aside while all this work is being done. And tonight we promise that:

- Immediately after you have stepped down we will approach the Sydenham Police station with a view to setting up a standing committee made up of officers from the station and our communities.

This committee will meet weekly and will be able to meet at other times in case of emergencies. Its purpose will be to ensure that shack dwellers and the police can work together to ensure that shack dwellers enjoy the protection of the police and that the police enjoy the active support of shack dwellers in their work to end crime in this area.

26 APRIL 2007

Statement · Abahlali baseMjondolo

## Abahlali to Mourn UnFreedom Day 2007 & Celebrate the Strength of the Strong Poor in New eMmaus

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Once again Abahlali baseMjondolo will mourn UnFreedom Day this year with films, discussions and performance aimed at demonstrating that the poor are not free in South Africa and celebrating the growing strength of Abahlali's struggle, a struggle 'of the strong poor', even while subject to sustained state criminality. This time the Abahlali branches in the shack settlements, cracked houses and streets traders' organisations in Pinetown will host the event. Last year Sutcliffe responded with another rant about foreign donors. He should know that tomorrow's event will be entirely funded by its participants.

It will be held in New eMmaus in Pinetown and will begin at 10:00 a.m.

Rev. Fakazi  
Mbongeni Msomi  
Louisa Motha

3 MAY 2007

Document · Abahlali baseMjondolo

## Notes for Abahlali baseMjondolo meetings to Discuss the Slum Elimination Bill

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### *KWAZULU-NATAL ELIMINATION AND PREVENTION OF RE-EMERGENCE OF SLUMS BILL, 2006*

#### 1. AIM OF THE BILL

The Bill says that its main aims are to:

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

It has detailed plans to make sure that all of this really happens. The Bill also says that it aims to ‘improve the living conditions of communities’ but it has no detailed plans to make sure that this really happens.

The Bill does not aim to:

- Force local and provincial government to deal with the conditions that force people to leave their homes and move to shack settlements
- Force local and provincial government to immediately provide basic services to shack settlements like toilets, electricity, water and speed bumps while they wait for upgrades or relocations
- Force local and provincial government to follow the laws that prevent evictions without a court order, the laws that prevent people from being made homeless in an eviction or to follow the Breaking New Ground Policy that aims to upgrade settlements in situ (where people are already living).

Question 1: Do we need this Bill or do we just need the government (local, provincial and national) to begin to follow the existing laws and policies that protect against evictions, forced relocations and which recommend upgrades?

Question 2: Is this Bill for shack dwellers or is to protect the rich, and especially the landowners, from shack dwellers? Is this Bill better for Ricky Goven-der or Louisa Motha?

## 2. DEFINITION OF IMIJONDOLO

In the Bill the word 'slum' is defined as an overcrowded piece of land or building where poor people live and where there is poor or no infrastructure or toilets.

The Bill uses the word 'slum' in a way that makes it sound like the places where poor people live are a problem that must be cleared away but it does not admit that the poor have been made poor but the same history of theft and exploitation that made the rich to be rich and it does not admit that places where poor people live often lack infrastructure and toilets because of the failure of landlords or the government to provide these things. In this Bill the word 'slum' is used to make it sound like the poor and the places where they live are the problem rather than the rich and the way in which they have made the poor to be poor and to be kept poor by a lack of development. In America black community organizations have opposed the use of the word 'slum' to describe their communities because they say it makes it sound like there is something wrong with them and their places rather than the system that makes them poor and fails to develop their places. They also say that once a place is called a 'slum' it is easy to for the rich and governments to say that it must be 'cleared' or 'eliminated' but if a place is called a community then it is easier to say that it must be supported and developed.

There is also a problem with calling imijondolo 'informal settlements' because once a place is called 'informal' it is easy for people to say that it shouldn't get any of the 'formal' services that people need for a decent life like electricity, toilets, refuse collection and so on.

And what about the word 'eliminate'? Often this word is used when a state decides to assassinate (murder) someone who is seen as a threat to that state. It is a word that speaks of violence, not care.

Question 3: The people who live in the imijondolo must decide for themselves what they want their communities to be called. Is 'imijondolo' fine or would 'shack settlement' or 'shack community' be better? Is it right to talk of 'eliminating' (murdering) imijondolo? Do imijondolo need care and support or violence from the state?

### 3. SUPPORTING THE RICH AGAINST THE POOR

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

Question 4: When people are forced to move from one area to another against their will should we call this a ‘relocation’ or should we call it a ‘forced removal’? Which definition gives more protection to the poor?

Question 5: Who decides what is the ‘public interest’? Who decides what is ‘public violence’? Who is the public really?

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

Question 6: Should the law protect the property of the rich first or the need for the poor to find housing first?



#### 4. TRANSIT AREAS

The Bill allows Municipalities to buy or take land to accommodate people that have been evicted while they are waiting for new developments. These are called 'transit areas'. The Bill does not give any guaranties as to where these 'transit areas' will be, what services will be provided there, if communities will be kept together or broken up when people are taken to these places or how long they will have to live in these places.

Throughout history and in many countries governments have put their political opponents, the very poor, people who were seen as ethnically and cultural different and people without I.D. books in camps. These camps are always supposed to be temporary – a 'transit' between one place and another. But very often these camps have become places of long and terrible suffering.

Question 7: Is there any good reason to move poor people out of their homes to camps while they wait for new developments? Can we trust that these camps will be in areas where people want to live, with proper services and that people won't end up spending years in these places?

#### 5. EXPROPRIATION OF LAND

The Bill gives Municipalities the right to expropriate land. This means that they have the right to take land from landowners. This could be a very good thing for the poor if land was taken in the cities so that the poor could live safely and legally next to work, schools and clinics. But the Bill says nothing about which land should be taken. It only says that land can be taken to set up a 'transit area' or for people 'removed or evicted from a slum'. Therefore it seems that the right to expropriate land will most likely be used to evict the poor from the cities not to defend their right to live in the cities.

Question 8: If a government uses its right to take land from private landowners should it do this to protect the poor by getting them good land in the cities or should it be used to quickly move the poor out of the cities?

#### 6. CRIMINALISING THE POOR (AND THEIR ALLIES)

This Bill makes any one who tries to stop an eviction a criminal who can be fined R20 000 or sent to prison for 5 years. If it is passed it will make us all criminals. When Sutcliffe, Mlaba etc and the SMI/CCS have called us criminals they have been lying. They have been lying to protect their own power to speak for the poor from the democratic power of the strong poor asking government

and NGOs to speak to them and not for them. But if this Bill is passed they will be right – we will all become criminals.

Question 9: Is it right that it should be criminal to defend people's homes from demolition and to defend people from eviction?

Question 10: We all know that the Municipality breaks the law every time that it evicts us without a court order and every time it leaves people homeless but Sutcliffe, Naidoo, Mlaba etc are never arrested. We all know that Noyager breaks the law every time that he arrests and beats us but he is never arrested? If the laws that exist now are not used fairly do we have any guarantee that this law will be used fairly? Who will decide who is a 'criminal' for trying to stop an eviction?

#### 7. WHO SHOULD PLAN THE FUTURE OF OUR CITIES?

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

Question: Should the poor be able to participate in planning the future of our cities or should governments and the rich do all the planning?

22 MAY 2007

Document · Abahlali baseMjondolo

## Guide for NGOs, Academics, Activists and Churches Seeking a Relationship with the Movement

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“Abahlali baseMjondolo is a movement of the poor shack dwellers in Durban, Pinetown, Pietermaritzburg and other parts of the province and the Western Cape. Abahlali’s call for land and housing in the cities has become a threat to the authorities, some NGOs and some academics who still believe that social change cannot come from the bottom, who still believe that democracy is all about being loyal to their authority. Such top down system has terrorized our society. In fact it is an insult to assume that poor people can not think for themselves, that someone else must talk for them without their concern. In view of a rejection of this understanding a new living politic of the poor has been born.”

-S’bu Zikode, October 2007

Brief Guide to the History and Praxis of Abahlali baseMjondolo for NGOs, Academics, Activists and Churches Seeking a Relationship with the Movement  
-May 2007

Abahlali baseMjondolo is a radically democratic, grassroots and entirely non-professionalised movement of shack dwellers in South Africa. It grew out of a road blockade organized by residents of the Kennedy Road Shack Settlement in the City of Durban in early 2005. The words Abahlali baseMjondolo are Zulu for people who stay in shacks.

Abahlali refuses to participate in party politics or any NGO style professionalization or individualization of struggle and instead seeks to build democratic people’s power where people live and, to a lesser extent, where people work.

Since the 2005 road blockade the movement’s membership has grown from the entire population of the 6 000 strong Kennedy Road settlement to the point where 13 entire settlements have voted to collectively affiliate to Abahlali and govern themselves autonomously from state politics. There are also a further

23 branches in other settlements that are not collectively affiliated to Abahlali but which do allow independent political activity.

This means that around 30 000 people have a direct and formal affiliation with the movement but many more have been inspired by it. The movement receives excellent media coverage, especially in the isiZulu media, and it is increasingly common for people who have not ever been in touch with the movement's formal structures to organize protests in the name of Abahlali or to phone into radio talk shows identifying as Abahlali. Abahlali is, by a considerable distance, the largest movement of the poor outside of the ruling party to have emerged in post-apartheid South Africa.

However in many settlements it remains impossible to organize openly as local elites, often armed, do not allow any politics that challenges the power of the political party dominant in their areas. By contrast in Abahlali settlements people who prefer to organize in the party political mode are entirely free to do so. The democracy in Abahlali affiliated settlements is not only for Abahlali members – it extends to people with other political views and affiliations.

The movement now also works with street traders and has a further 3 branches of street traders, all of which are in the city of Pinetown. It also has members in two areas in Pinetown in which people live in poor quality houses rather than shacks and who joined because they became familiar with the movement as their communities are adjacent to Abahlali shack settlements. The movement is multi-ethnic, multi-racial and multi-national and operates on the principle that everyone living in a settlement is from that settlement and has full rights to participate in the political life of that settlement irrespective of their origins.

The movement's red t-shirts have become famous and Abahlali is often simply known, especially by the state/party as *Izikipa ezibomvu* (the red shirts). Individuals in the state/party, and linked to a local left NGO, have alleged that the shirts are provided by some nefarious source. But in fact the shirts have most often been made in the shacks on rented pedal power sewing machines in all night sewing sessions organized by the Abahlali Women's Sewing Collective.

The movement is best known for having democratized the internal governance of many settlements and having organized numerous large marches on local councillors, as well as the mayor and the provincial Minister of Housing. The movement has also successfully fought against evictions and forced

removals by mass mobilization and court action; successfully used access to information law to force the city to reveal its plans for the forced removal of many shack settlements; demanded the electrification of shack settlements to stop the regular fires; won scattered and limited victories around access to water and toilets; campaigned for access to water and sanitation; campaigned around access to schools; fought for land and housing in the city; started crèches; held quarterly all night music, poetry and drama evenings; run a 16 team football league; provided HIV/AIDS care; started a ten thousand copies per issue newspaper [although there has not been a second issue – this is a donor dependent project]; undertaken various education projects including computer training; vigorously opposed authoritarianism from government, business and some left NGOs with vanguardist delusions; won major and sustained media attention; campaigned in support of shack dwellers in Zimbabwe and Haiti; and sought to win popular control over decision making that affects poor communities. A key slogan (along with ‘Land! Housing!’, ‘Sekwanele!’ – ‘Enough!’ etc.) is ‘Talk to Us, Not about Us!’ and this demand has been addressed to the state, capital, the academy and also to NGOs. Abahlali has produced a number of shack dwelling public intellectuals who regularly comment and, in some instances, write in the local media in English, Zulu and Xhosa and who frequently participate in the public life of the country in various ways.

Office holders at branch, settlement and movement level are elected annually in open assemblies. Women are well represented at all levels of the movement’s structures. Office holders are given mandates for action at open weekly meetings and are subject to recall. People elected into office are not elected to make decisions on particular issues but rather to ensure a democratic decision making process on questions and matters related to those issues. People who present the movement to the media and who travel to represent the movement elsewhere are elected, mandated and rotated and at least half of the people elected to fulfill these responsibilities are women. At large assemblies male and female questioners and speakers are alternated. The movement has a number of sub-committees and internal organizations such as a Churches Sub-Committee, a Youth League, a Women’s League and a football committee.

The movement accepts no money from political parties, governments or from those NGOs which seek to use donor funding to substitute their own

voices and projects for those of the poor and is 100% run by unpaid volunteers. Funds are raised by a small annual membership fee of R7 (1\$ US) and occasional irregular small donations from individuals and one or two progressive donors who accept that the movement will have democratic control over all funds. Money is strictly used for movement (not individual) expenses such as transport, printing, bail costs etc. The movement and individuals in the movement have often refused money from NGOs and donors when this money appears to have been offered as an attempt to co-opt individuals or the movement to any authority, be it left or right, outside of the movement's membership.

Individuals in the ruling party, including the Durban City Manager Mike Sutcliffe and Mayor Obed Mlaba, Provincial MEC for Housing Mike Mabuyakhulu and his spokesperson Lennox Mabaso and many others, have very often accused Abahlali of being manipulated by a 'third force' or a foreign intelligence agency 'bent on destabilizing the country'. No empirical evidence has ever been adduced for these claims and they are patently ludicrous and paranoid but they have created a climate that justifies violent repression. The movement has suffered sustained illegal harassment from the state that has resulted in almost 200 arrests of Abahlali members and repeated and often severe police violence in people's homes, in the streets and in detention. More or less all of the key people in the movement have suffered serious assault at the hand of the police at some point. On a number of occasions the police have used live ammunition, armoured vehicles and helicopters in their attacks on unarmed shack dwellers. In 2006 the local city manager, Mike Sutcliffe, illegally implemented a complete ban on Abahlali's right to march which was eventually overturned in court. The movement has also laid numerous assault, as well as theft and wrongful arrest charges against the police. On 4 December 2006 a pregnant woman lost her child and a man was killed when the police attacked residents of the Siyanda settlement who had blockaded a major road. Police harassment has been strongly condemned by human rights organizations including, most notably, the Freedom of Expression Institute which has issued a number of statements in strong support of Abahlali's right to speak out and to organize protests. Police violence against Abahlali has been quite widely covered in the mainstream international media (e.g. The New York Times, The Economist, Al Jazeera, Le Monde etc). Thus far not one of the arrests of Abahlali members has ever led to a trial and no member of Abahlali has

ever been convicted of any offence. But that may soon change. Six members of the Kennedy Road Committee have recently been arrested on a fake murder charge after a local criminal died in police custody (the state intelligence agency previously used a similar strategy against the Landless Peoples' Movement in Johannesburg). The state initially detained the Kennedy 6 without bail and they were finally released on exorbitant bail and an order banning them from the settlements and confining them to rural areas after a 12 day hunger strike.

The banning order was later over turned in court. However the state seems determined to push ahead to a trial. Excellent legal representation has been secured and victory in the trial seems assured. In this crisis, as in other matters, the movement has received strong support from the progressive current in the churches. Within the churches it has been argued that Abahlali has become a prophetic voice in the churches encouraging them to return to the theology of liberation that played a powerful role in the struggles against apartheid.

A number of Abahlali members have come under major pressure at work due to their activities in the movement and some have been forced out of jobs in both the public and private sectors including S'bu Zikode, the current elected head of the movement. He remains unemployed.

Individuals in the state have, often pandering to the most base race and class stereotypes, presented the organization as a group of criminals under the malevolent influence of a white man. From late 2006 a few individuals in and linked to two local left NGOs have described the movement in exactly the same racialized language as the state. They undertook a public campaign of slander in elite English media (but not in the popular isiZulu media accessible to Abahlali members) and, also, a more covert campaign of slander via the telling of outright lies to other NGO leftists, sending emails from faked identities etc. This followed a decision by Abahlali to refuse left NGO attempts to exert control over popular poor people's struggles. Abahlali were joined in this refusal by the (Cape Town) Anti-eviction Campaign and the Socialist Students' Movement. No empirical evidence has ever been provided in support of the claims levelled against Abahlali by people in left NGOs and none of the people making these claims have ever attended an Abahlali meeting or undertaken interviews with members of Abahlali. Moreover, all of this slander is predicated on racist assumptions very similar to those which drove the way in which the state and white civil society typically described mass movements of the African poor under apartheid.

There have been renewed (and often racialised) outbreaks of slander from the vanguardist NGO left against the movement and individuals in the movement at times when the political temperature rises. At times this has been presented in pseudo-academic form but even a casual outsider can see that these types of interventions are not grounded in any research and are riddled with the most basic empirical errors. Some people have argued that the walk out from (often racialized and always authoritarian) NGO control of poor people's movements and the affirmation of a democratic politics of the poor may turn out, over the long term, to be as significant as the walk out from white controlled political structures led by Steve Biko in 1968. It has already succeeded in shifting the centre of left political gravity outside of the NGOs and in to grassroots popular politics.

Some NGOs have taken this event seriously and instead of responding with paranoia and authoritarianism have fundamentally rethought their praxis seeking to develop ways of working with popular movements of the poor rather than for them and in their name.

Abahlali welcomes support from independent activists and activists in churches, NGOs, universities, independent media projects and so on. But while the movement has often experienced deeply principled and invaluable solidarity that has enabled the development of popular democratic power in the settlements it has also had some very bad experiences with particular individuals and organisations which include a considerable degree of financial and political exploitation, as well as self promotion at the expense of the movement's praxis and the simple disrespect of (often racialized and classed) assumptions of an automatic right to lead, decide and teach in the name of solidarity. At times there has been deliberate out and out misrepresentation and deliberate attempts at sabotage. There have also been consistent NGO attempts to bypass the movement's democratic structures and to determine who can represent the movement at meetings, to the press etc from outside (this has often been accompanied by attempts to offer money to individuals who will be prepared to take instruction from the NGO – most often these are people who have never been active in the movement in the first place...)

Abahlali welcomes support that is prepared to work within or in partnership with the movement's democratic structures and to accept that this is where all the movement's decision making should occur. It rejects 'support' that seeks



act above the movement's structures and assumes a right to take decisions for the movement outside of the movement's structures. Abahlali asks that the following general requests be respected:

All proposed solidarity initiatives (including invitations for members to speak, attend meetings, workshops and so on) should be brought as a proposal to one of the weekly Abahlali meetings well in advance of its anticipated start date and discussed there and agreed to there before they are begun. If you want the support of the movement for your projects you will have to negotiate this with the movement's democratic structures – all of which are always open to all. The support of the movement for your project cannot, as the most notorious of the NGOs seems to assume, be bought by offering money to individuals.

All conditions set for a project following the discussions at such a meeting must be adhered to. If for some reason this becomes impossible then this should be discussed with a sub-committee set up to work on the project or taken to a weekly meeting.

Abahlali works very hard to ensure that the movement is as broad based, as democratic and as representative of the movement's geographic diversity as possible and that at least 50% of all people elected to represent the movement are women. It also works very hard to ensure that as many people as possible get as much experience as possible. Therefore other organisations are asked to extend invitations to speak and attend meetings etc to the movement rather than to individuals of their choice so that the movement can elect a revolving set of representatives. Invitations to individuals will either not be accepted or the movement will, if it is decided to accept the invitation, ask to elect its own representatives. It is completely unacceptable for NGOs to decide who should represent Abahlali at their meetings.

Any meeting or project that is serious about developing a politics of the poor must be serious about arranging for translation if the meeting is to be conducted in English. Similarly it should be held in a place that is easy for people to access.

All media produced on the movement (articles, films, photographs etc) should be shared with the movement and, where possible, translated into Zulu or Xhosa.

No one acting outside of the movement's structures should speak for the movement, decide who should represent the movement or attend meetings or workshops or events on behalf of the movement, raise money for themselves

or their organisation in the name movement, allocate money to people in the movement, make deals on behalf of the movement, or in anyway act for the movement.

No one should claim to be working with the movement or to be part of the movement when they have never attended its weekly meetings and have not had their claims for involvement with the movement negotiated at these meetings. Furthermore NGO activists need to be aware that working with people who live in shacks is not the same thing as working with Abahlali and does not give them the right to make claims in this regard let alone to try and make decisions for the movement, raise money for themselves in the name of the movement, produce media for the movement etc. It is far from the case that all shack dwellers are Abahlali members or that all shack settlements are affiliated to Abahlali.

After a number of bad experiences Abahlali took a decision in October 2006 to refuse to work, in any way, with the Centre for Civil Society at the University of KwaZulu-Natal or with anyone at the Centre (including visitors, interns, film makers etc) and has stuck to this decision resolutely. Claims to the contrary have no validity. People wanting to develop solidarity with the movement are asked to respect this decision. Please also note that AbM is not the only grassroots organisation to have taken a decision to refuse any involvement with the Centre for Civil Society.

25 MAY 2007

Press release · Abahlali baseMjondolo

## Prayer Meeting & Discussion on a Living Theology This Sunday

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*ECUMENICAL PRAYER MEETING & DISCUSSION ON A LIVING THEOLOGY TO BE HOSTED BY ABAHLALI BASEMJONDOLO AT THE KENNEDY ROAD SETTLEMENT THIS SUNDAY*

Abahlali baseMjondolo is a democratic, membership controlled movement of shack dwellers with members in almost 40 settlements in Durban, Pinetown and Pietermaritzburg. On 4 November last year Abahlali set up a Churches Sub-Committee. This committee has worked to set up relations with churches and, also, to think about a theology of the poor to go together with all of the thinking that we do about a politics of the poor. The notes from the Committee's first meeting are on our website here.

Churches, in and out of our settlements, have given strong support to our struggle. They have given spiritual support when we have lost people in the fires and when our members have been beaten by the police and put in prison. They have also given more practical support in times of crises – especially fires, arrests and brutal police attacks on our movement.

On Sunday 27 May at 13:00 we will host church leaders from many different churches at the Kennedy Road settlement for a prayer meeting. One of the main purposes of the prayer meeting will be to provide spiritual support. We will offer this support to:

- All the people who suffered in the recent big fire at Kennedy Road and in all the other brutal fires in all the other settlements like Quarry Road, Lacey Road, Jadhu Place and others
- All the people who have suffered from police violence and wrongful arrest
- All the people who are living with HIV/AIDS and caring for people with HIV/AIDS

- All the people in our movement who are struggling every day for land, housing, water, toilets, electricity to keep us safe from fire, a police force that serves the poor and women, access to schools for poor children, safe child care, safety for women and the right to think and speak for ourselves

We have also invited people from Zimbabwe and we will pray for Zimbabwe. We will also pray for Haiti and for the shack dwellers and other people struggling for safety, dignity and a human life for human beings all over the world. We believe that God loves the poor and that he does not want us to suffer. We will pray for the success of these struggles. We will pray that they can be a home for the poor, a place where the poor can be respected and be strong, where women can be respected and be strong and where we can create a real democracy and a living politics that is of the poor and for the poor and is not above the poor and for the rich. We will also pray that these struggles will be able to change the world so that the poor are no longer exploited and excluded to make money and space for the rich. We will pray for a world where everybody is important.

We will also have a discussion with all the churches. This discussion will explore the meaning of a “preferential option for the poor” and of being church in the context of landlessness, poverty and state attacks on the poor in the form of illegal evictions and state repression. The support from the churches has been very important in our movement. It has given us hope and courage in hard times. It has given us dignity when those who want to think and speak for us lie about us. Some church people have said that our voice has been very important in their churches – that Abahlali is a prophetic voice in the churches – a voice for the renewal of the social gospel which is the true gospel. On Sunday we will discuss ways to develop and strengthen the relationship between Abahlali baseMjondolo and the churches in and outside of our settlements.

Everybody is welcome.

Mzwakhe Mdlalose  
Anton Zamisa  
Thoko Zikode

27 MAY 2007

Letter · Abahlali baseMjondolo

## Letter of Invitation to all Church Leaders

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*Letter to KZNCC and other Church Leaders*

### Invitation to a Prayer Service

Abahlali baseMjondolo in Durban is a formation of poor communities living in shacks around Durban. It was formed to represent and advocate for the rights of the poor to have access to services such as land, houses and jobs in their areas. It is not affiliated to any political party.

Shack communities always face challenges such as shack fires, police brutality and neglect by government. Throughout these challenges some church leaders have stood in solidarity with the poor living in shacks.

Invitation to this prayer service marks the beginning of a process of dialogue between the church and people living in shacks to explore the meaning of “preferential option for the poor” and being church in the context of poverty and landlessness.

Venue: Kennedy Road Hall (near Springfield Landfill Site)

Time: 13h00

“Whatever you do to any of my little brothers and sisters, you are doing it to me” said Jesus

Yours Faithfully

Sibusiso Zikode, Abahlali baseMjondolo

5 JUNE 2007

Press statement · Newfields Village Branch, Western Cape

## Newfields Village Abahlali Slams National Home Builders Audit

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*Newfields Village Abahlali baseMjondolo*

HANOVER PARK, CAPE TOWN – The Newfields Village Abahlali baseMjondolo has slammed the National Home Builders Registration Council (NHBRC) audit findings into the defects of 415 low cost houses.

The movement is now seeking legal advice in order to have the audit findings declared null and void.

Residents moved into the 415 homes, built on swamp land, several years ago. The Cape Town Community Housing Company (CTCHC) offered residents low income rental housing from between R150 to R350 a month, that would be transferred into their names after five years. But within months of moving in, huge flaws appeared in the houses. Residents had to spend hundreds of rands each month to fix up their homes.

Residents battled for five years with the CTCHC to have their homes declared dysfunctional, even carrying out their own audit of the defects. Government then committed R31.6 million for the repair of the houses which was supposed to be based on a new audit by the NHBRC.

But the NHBRC did not do a proper job. They went door to door last November 2006, photographing the houses and noting the defects. However, many people were out at work and the NHBRC did not bother to return to inspect these houses.

This week, the NHBRC issued homeowners with individual reports. Over half the community has so far reported to the Newfields Village Abahlali baseMjondolo that they have received incorrect documents (documents pertaining to other houses, audits of flats whereas the resident lives in a maisonette, and documents indicating that houses have been inspected even though the owner was not at home).

This is very disappointing and unacceptable. The Newfields Village Abahlali baseMjondolo has now decided to reject the audit of the NHBRC and have retained legal counsel to look into doing a proper audit of the defects. The NHBRC has done a shoddy job because this is a community of poor people. The Newfields Village Abahlali baseMjondolo is now mobilising for audits in other communities.

..../ends

21 JUNE 2007

Press statement · Abahlali baseMjondolo

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

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

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

### 1. AIM OF THE BILL

The Bill says that its main aims are to:

- Eliminate slums in KwaZulu-Natal
- Prevent new slums from developing
- Upgrade and control existing slums

- Monitor the performance of departments and municipalities in the elimination of slums and the prevention of new slums from developing.

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

The Bill does not aim to:

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

We do not need this Bill. The first thing that we need is for government (local, provincial and national) to begin to follow the existing laws and policies that protect against evictions, forced relocations and which recommend in situ upgrades instead of relocations. After that we need laws that break the power that



the very rich have over land in the cities and we need laws to compel municipalities to provide services to shack settlements while people wait for houses to be built.

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

## 2. DEFINITION OF IMIJONDOLO

In the Bill the word slum is defined as an overcrowded piece of land or building where poor people live and where there is poor or no infrastructure or toilets.

The Bill uses the word slum in a way that makes it sound like the places where poor people live are a problem that must be cleared away because there is something wrong with poor people. But it does not admit that the poor have been made poor but the same history of theft and exploitation that made the rich to be rich and it does not admit that places where poor people live often lack infrastructure and toilets because of the failure of landlords or the government to provide these things. The solution to the fact that we often don't have toilets in our communities is to provide toilets where we live and not to destroy our communities and move us out of the city. In this Bill the word slum is used to make it sound like the poor and the places where they live are the problem rather than the rich and the way in which they have made the poor to be poor and to be kept poor by a lack of development.

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

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

We are living our lives now. We can't wait to start living only when and if the government puts us in a 'formal' one roomed 'house' far out of town.

And we don't like the word eliminate. This is a word that is violent and threatening, not respectful and caring. Our communities should be nurtured, not eliminated.

The people who live in the imijondolo must decide for themselves what they want their communities to be called. We must be allowed to define ourselves and to speak for ourselves.

### 3. SUPPORTING THE RICH AGAINST THE POOR

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

This Bill does not provide any protection for people who have been made poor by the same history and economy that made the rich to be rich and who have decided to occupy land or buildings that are owned by the rich but are not being used by them. In many countries the poor have a legal right to use vacant land or buildings that are owned by the rich but are not being used by them. It is like

this in Turkey. There is no reason why South Africa can not also give this right to the poor.

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

#### 4. TRANSIT AREAS

The Bill allows Municipalities to buy or take land to accommodate people that have been evicted while they are waiting for new developments. These are called transit areas. The Bill does not give any guaranties as to where these transit areas will be located, what services will be provided there, if communities will be kept together or broken up when people are taken to these places or how long they will have to live in these places.

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

#### 5. EXPROPRIATION OF LAND

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

#### 6. CRIMINALISING THE POOR

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

#### 7. WHO SHOULD PLAN THE FUTURE OF OUR CITIES?

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

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

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

province then they must listen to shack dwellers before making laws. Listening and talking must come before deciding.

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

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

Ms. Zandile Sithole

Ms. Zodwa Nsibande

Mr. Mnikelo Ndabankulu

Mr. S'bu Zikode

7 AUGUST 2007

Press release · Abahlali baseMjondolo

## Gangster Landlord Assaults Woman Activist and Threatens Twenty Families with Eviction in Motala Heights, Pinetown

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On 5 August at 1:00pm – the first week of Women’s Month – landowner and known gangster, Mr. Ricky Govender, assaulted a woman activist from the Motala Heights branch of the shack dwellers’ movement Abahlali baseMjondolo. He threatened to have her killed for R50. A neighbour, who attempted to peaceably intervene, was struck in the face. Later that evening at 6:30pm, the landowner accompanied by two other men sought out the woman activist in her home. He demanded that she cease her struggle for fair housing in her community.

Following the afternoon assault, the woman activist and her neighbour attempted to lay a charge of assault against Govender at the Pinetown police station, at 3:00pm. She was told that a case would not be opened, that she did not have a ‘legitimate complaint’ and the officer refused to give a case number. Under threat of legal action, she finally received a case number. She planned to go court in Durban today to get a restraining order but was not able to get to court as she had to be rushed to hospital with severe stomach pains.

It is widely alleged by Motala residents and Abahlali activists, almost all of whom are too terrified to speak out in their own names, that Govender has family members and influential contacts in the police, the Pinetown courts, as well as the local council and in particular with the local ward councillor, Cllr Dimba who shack dwellers in Motala Heights have in the past accused of personally threatening them at gunpoint. Indeed, though requests for meetings with Abahlali and Motala residents have repeatedly been denied, local PR councillor, Mr. Nayanjee, frequently visits Mr. Govender’s large two-story brick house – including on the day of the assault.

In this month alone, Mr. Govender has not only assaulted a female Abahlali activist, but has also threatened to evict at least twenty families. In Motala,

largely Indian residents live in “low cost” commercial housing units built by Govender and in self built tin houses, while mostly African residents live in self built shacks or jondolos. The tin houses, like shacks, are self-made structures without municipal approval. Govender has been buying up the lots on which the tin houses are being built and is now telling people to leave their homes by the end of the month at which point he will have them bulldozed.

For instance on 30 July, 2007, an Abahlali activist in a tin house – who has lived on the same lot for decades – was issued a verbal notice of eviction by the landowner. The reason cited was contamination of the landowner’s swimming pool by dust from the activist’s backyard garage. The activist was warned that if he does not leave the lot by 31 August, bulldozers will destroy his self-made house. The activist also was told to end his “trouble making” involvement with Abahlali baseMjondolo.

Twenty other families in commercial “low-cost” housing built by Govender have been issued a written one-month eviction notice. These houses are falling apart and are causing serious health problems. Letters from “The Govender Family Trust” state that they will be evicted in one calendar month, unless they announce their intention to buy the house and property at the ludicrously exorbitant cost of between R499 000 to R550 000.

Govender has sent numerous eviction notices in the past, particularly in 2005. In December last year, working with Cllr Dimba, he sought to demolish all the shacks in Motala. When an Abahlali activist showed the local police a lawyers’ letter to Mayor Obed Mlaba indicating that the evictions were illegal he was assaulted and told that ‘Govender is the only mayor here’. As with the written and verbal notices of eviction this month, the landowner never secured a court order, nor followed any other legal procedures outlined for eviction. The evictions were eventually stopped by Abahlali activists – with the help of their lawyer – who eventually convinced local police that the evictions violated the Prevention of the Illegal Evictions Act (PIE). This was reported on the front page of UmAfrika.

Residents have long feared Govender as a powerful businessman and known gangster. He owns much of the land, the shopping centre, the butchery, the pub, the bottle store, and among other things, a glass and aluminium factory. Abahlali activists have obtained photographs of a dumping site, located on a ridge above a small shack settlement and next to several tin-roofed houses. The landowner

is alleged to use industrial trucks to dispose glass, aluminium, chemicals and organic materials on the dump site. He occasionally burns these materials, which has affected the health of nearby residents. Additionally, the dump is spilling over the side of the ridge onto the shacks below, where at least ten families with small children live. In some instances people claim that toxic materials have been dumped right up against their houses in a deliberate attempt to force them out.

Activists note that the landowner has made life particularly difficult for women in Motala, and that this month – dedicated to celebrating women in South Africa – is a bitter reminder. This week, the landowner bulldozed several gum trees on the lot of one woman resident, without informing her. She found that the bulldozing caused the toilets to sink into the ground and the collapse of her water main, to which the landowner responded that he owned the land and could do what he likes. She remains today without access without water.

He has made threatening phone calls to two women Abahlali members, physically threatened another late last year when he passed her walking on the road and has repeatedly told one woman to cease taking photographs in the area and on his properties for the Abahlali website and tore down her pamphlets for Abahlali meetings. Further, on the evening of the assault, when the landowner came to the woman activist's house, he demanded that she hand over a camera and told her husband to "give her more cleaning and housework so that she would stop trouble-making."

Among other allegations made by activists and residents, it is reported that:

- The landowner is involved with vehicle theft, arson, and robbery and of using all of these tactics to intimidate the community. He also has allegedly been charged with fraud and the illegal use of electricity, incurring a R40 000 fine from the municipality.
- In the past, he has attempted to provoke division between African shack-dwellers and Indian residents in the tin-roof houses and "low cost" houses, many of whose families have lived together for over fifty years. He asked Indian families to put their names and ID numbers on what he called a housing allocation list. Only later did residents find that their names were not put on a list for housing, but a petition to evict African shack-dwellers.



- Residents have pled to local police and councillors to intervene in the situation that is growing increasingly tense in Motala, but their requests have been repeatedly refused. Many fear that speaking out will result in violence.

The poor residents of Motala Heights have resolved to boycott all of Govender's businesses.

Wa thint abafazi wa thint imbokodo!

Contact Information

Louisa Motha

Shamita Naidoo

James Pillay

Mnikelo Ndabankulu

S'bu Zikode

9 AUGUST 2007

Press release · Abahlali baseMjondolo

## Women's Day Arrests, Sydenham Police Station, 9 August 2007

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### *Women's Day Arrests in Pemary Ridge*

This morning, on women's day, Philani Zungu, deputy president of the Abahlali baseMjondolo shackdwellers movement, was arrested for obstructing the police in the course of their duties. Almost immediately, a contingent of around 50 women from Pemary Ridge boarded taxis to protest outside the Sydenham police station. Protesters waited for Zungu to arrive at the police station.

Recalling the series of events, Zungu said "after Bhekani Ntuli from the Housing Department, who we have wanted to talk to for days, drove by in the morning, the police came. They stopped, and asked me to raise my arms, and then to raise them higher, while they searched me. Then they said something I couldn't understand. They finished searching me. We both took a step back. I thought it was over."

Zungu continues, "the police officer, [whom Zungu identified as possibly being Smiso Ndlovu], asked what was the matter. I responded that I was trying to understand what he had said. The situation escalated with the arrival of another police officer, Singh, who intimidated me. He said "you're going to get fucked up". They asked whether I wanted them to arrest me. I said if they knew what they were doing. So they lifted me into the back of the van, and drove around fast so that I'd be knocked around." Zungu was driven around for two hours before being brought to the Sydenham Police station where a vigorous protest was ongoing.

Supt Glen Nayager brought violence and reckless disregard to the proceedings. He arrived and instructed the police to disperse the crowd. He marched with other officers, chasing the unarmed protesters down the hill, turning a peaceful demonstration into a chase, in which tear gas was fired into the crowd. Two sisters, Thabiso Makamba and Andisiwe Makamba, were arrested by the police after being injured in the panic, but were later released without charge.

Justifying their disproportionate use of force, Nayager and other police called the protest “an inappropriate response”. This happened after repeated attempts to find out what had happened to Zungu, a number of calls to the Sydenham police station, and against a background of mounting community concern for Zungu’s wellbeing. The protest ended with Nayager promising to phone S’bu Zikode the next time a member of Abahlali was arrested.

Said S’bu Zikode, president of Abahlali baseMjondolo, “this is not the first time that the police have arrested Abahlali members on a national holiday. On Human Rights Day, the Kennedy Six were arrested. Today, on women’s day, it’s the same thing”. Said Mnikelo Ndabankulu, “it seems like Abahlali leaders will always under threat on holidays, days which ordinary citizens treat like a day of rest.”

In the course of the protest, renowned American philosopher Nigel Gibson had his voice recorder confiscated, erased and returned.

“This is an issue about our common humanity,” explains Zungu. “I refuse to be treated like rubbish. The police always think that because we can’t afford nice clothes, we’re like rats. They stop us and search us, and the only reason they do is because they do not think we are human. But we have our dignity. The trouble is that as a poor man, I will always get into trouble like this, because I insist that they must treat me as a human being. They say this is bad attitude, but it is their contempt that lies underneath these arrests. I am worried. I will not give back my humanity, and this is the second arrest for my ‘attitude’.”

Zungu’s arrest happens against a background of misrepresentation and lies facing the communities in Pema Ridge. Explains Zungu, “there have been people born in these shacks who have grown up and now have children of their own. But we have not been allowed to build new shacks since 1991. So we talked to Bhekani Ntuli from the eThekweni Housing Department and he said that it was okay for us to build houses. Three days later, people from Land Invasions told us that they were going to demolish our homes. Through the Legal Resources Centre, we told them what Ntuli had said and, a couple of days later, they apologised to us. But Ntuli still needs to come back and number the new shacks, and he hasn’t come yet.”

Philani Zungu  
S’bu Zikode  
Zodwa Nsibande

10 SEPTEMBER 2007

Press release · Abahlali baseMjondolo

## Four Shacks Burn Down in Motala Heights

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### *Will Ricky Govender Allow Rebuilding?*

#### Who do the Councillors Work For?

Four tin shacks burnt down on Sunday morning while the families were at church. The community is very grateful to the fire brigade who arrived promptly and stopped the blaze from spreading to other shacks. The four families are in urgent need of clothing, blankets, food and, once the question of whether or not they'll be allowed to rebuild is resolved, building materials. They are currently being accommodated in the church hall.

However after the blaze PR councillor for the area, Manilall Naranjee of the IFP, come to the scene. He told residents that

- ‘The government can’t do development here because the Indians are standing for the blacks and the government wants the blacks out.’
- ‘The blacks will use the Indians to stay in the area but if they are able to stay they will throw the Indians out’
- ‘The ratepayers in this area do not want low cost houses here so the only houses built here will be private developments for rent’
- ‘Ricky Govender is the only person that will be building houses in Motala Heights’

According to Steven Govender, who was a tenant in one of the shacks that burnt down and lost all his possessions in the fire, “Naranjee is a rogue. He did the same thing to the poor Indians in Clare Estate.”

The poor residents of Motala Heights, those living in the ‘African’ shack settlement on the hill and those living in the ‘Indian’ shacks dotted around the suburb, have consistently found that both their ward councillor, Derek Dimba (ANC), and the PR councillor, Naranjee, act as if they were working for local landlord Ricky Govender who recently made death threats against Mercury journalists and has been dubbed the ‘Mugabe of Motala’ after seeking to ban the media and drive out the poor from the area. Both councillors are known to be

close to Govender and both openly tell 'their constituents' that 'Govender is in charge'. Dimba behaves as though shack dwellers have no rights at all in the area. He prevented shack dwellers from attending the last Ward Committee elections on the basis that 'you are not supposed to be here, you can't vote here' and, in June last year actively sought to have the 'African' shack settlement demolished. These evictions were opposed and on 9 August (Women's Day) 2006 he came to the settlement with a pistol holstered to each hip and personally threatened people who were opposing the evictions. When evictions began on 28 October 2006 legal advice was sought. Residents were advised that because these evictions occurred without a court order (which is typical behaviour by the eThekweni Municipality) they were illegal. S'bu Gumede from the Municipality was quoted in the Mercury as saying that "We have adopted a zero-tolerance attitude to control the amount of informal settlements, and with the pressure of 2010, we are trying to eradicate such settlements." But on 29 November 2006 shack dwellers in Motala Heights were granted an interdict against the Municipality preventing them from carrying out any further evictions. However on 13 December 2006 Municipal Security tried to continue with demolitions in spite of the court order. When Bheki Ngcobo tried to explain to them that their actions were illegal he was assaulted and told that "(Ricky) Govender is the Mayor here". But they left after being threatened with arrest by the SAPS and have not been back since.

Moreover on numerous occasions people have found that approaches to the Municipality at the Pinetown Civic Centre on all sorts of matters, from the right to set up tuck shops to a refusal to be evicted or a demand for housing, have simply been told that they should take their queries to Ricky Govender as if Govender is the power to which elected authorities and their bureaucrats must defer.

The four families who lost their homes and all their possessions yesterday would like to rebuild were they have been living. Their landlord is sympathetic and his son risked his own life rushing into a burning building to look for a baby. But they have not heard from the landlord (a Mr. Govender unrelated to Ricky Govender), and have been told, on good authority, that Ricky Govender has instructed their landlord not to speak to them as he sees this as an opportunity to continue to force the poor out of Motala Heights. Moreover it is believed that if the landlord does approach the council for permission to rebuild they will, as

they always do with regard to Motala Heights, simply refer the decision back to Ricky Govender. If the landlord can secure permission for them to rebuild on the same site then they will do so. If not they will build in the 'African' shack settlement and challenge the Municipality not to evict them. But their demand is clear: "We want the Municipality to build us all houses, Africans and Indians, on the land that they own here in Motala Heights, the land where the jondols are now."

Three families in tin shacks adjacent to the 4 that burnt down have been left without electricity or water as they were using the connections to the houses that burnt down. They cannot afford the installation fee to have pre-paid meters installed.

27 SEPTEMBER 2007

Statement · Abahlali baseMjondolo

## Mass March on Mlaba on Friday 28 September 2007

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Across South Africa shack dwellers are rejecting forced removals and asserting their right to the city in a series of popular mass protests unparalleled in post-apartheid South Africa. There have been thousands of protests in the last few years. This week has seen mass action all over the country. On Tuesday 5 000 shack dwellers from the Joe Slovo settlement in Cape Town went to the High Court to register their intention to oppose Lindiwe Sisulu's planned forced removals. Members of Abahlali baseMjondolo were there in support. Yesterday in Johannesburg people from the Protea South, Kliptown, Thembelihle, and Thembisa settlements marched on Sisulu's offices in Pretoria. Tomorrow thousands of shack dwellers will march on Mlaba in Durban.

There is no conspiracy behind this national wave of mass protest. Most times there is no donor or NGO support. Most times we are on our own and have to stand up for ourselves because we are being treated as if we do not belong in this country. The explanation for what is happening to us is very simple. The 'experts' and the rich and the politicians speak about us and for us. They see no reason to speak to us. Therefore decisions are taken for us and not with us. The results of this are clear. We are being denied basic services in the cities. In many settlements thousands of people find themselves sharing one tap or one toilet. Some settlements must live through 3 or 4 fires in one year because electricity is no longer installed. We do not suffer like this because delivery takes time or because money is short. We suffer like this because it has been decided that our settlements must be eliminated and so services are being withheld. When 'housing delivery' comes it is not what we fought for and it is not what we were promised. When 'delivery' comes some are being made homeless and others are being forcibly removed to rural ghettos like Delft in Cape Town and Park Gate in Durban. The word for this is oppression. It is therefore clear that we have to rebel just to survive. As S'bu Zikode famously said "The Third Force is all the pain and the suffering that the poor are subjected to every second in our lives."

There is only one hidden cause of these protests – it is that the suffering of the poor is hidden to those who have decided that they are too high to need to speak to ordinary people.

Tomorrow's march has the support of a large number of churches and will begin at 9:00 a.m. with a mass prayer meeting in the Kennedy Road Hall to be led by Bishop Purity Malinga from the Methodist Church. The march will then proceed up Kennedy Road and left into Clare Road and straight into Randles Road. It will stop at the corner of Randles Road and Sparks Roads where another mass prayer meeting will be held before the memorandum is read to Mayor Mlaba.

Our comrades in the Combined Harare Resident's Association have issued a statement in support of the march.

Mike Sutcliffe has given written permission for the march. Glen Nayager has met with Abahlali to assure us that his officers will act to support the right to march. We have elected and trained 1000 marshals. There has been intense mobilization all week and final mobilization meetings will take place this evening. These meetings will include an all night meeting in Kennedy Road, an all night meeting in Empangeni and a film screening and discussion in Foreman Road.

It is rumoured that Mlaba will send Ward 25 Councillor Yacoob Baig to collect the memorandum. Yacoob Baig was buried on 14 September 2005. Thousands of people have participated in the discussions that have flowed into the development of our carefully worked out memorandum. We do not intend to give it to a ghost. We are finished with Baig, just as we are finished with Bachu and Dimba and all the rest of the councillors. They have never spoken for us and we took a decision, two years ago, to speak for ourselves.

While Abahlali are marching through Clare Estate and Sydenham the policy making elites will be meeting with the business elites in the ICC for their 'Housing Summit'. While they plan how to make money in the name of the housing crisis we will be marching. On the Esplanade an urgent application will be heard in the High Court. It has been brought by Abahlali to interdict the notorious Ricky Govender from bulldozing the tin shack in which the Pillay family have lived for the last 16 years in Motala Heights. Last week we had a mass meeting in Motala Heights. The people unanimously asked us to march on Govender next. We have heard their cry.

The press statement below has been updated with the new demands that have emerged in the discussions in each branch and affiliated settlement leading



up to the march and with the new settlements where people have decided to join the march.

Abahlali baseMjondolo Press Statement

Abahlali baseMjondolo to March on Obed Mlaba for Land & Housing in the City on 28 September 2007

We will march on Mayor Obed Mlaba on Friday 28 September 2007. We will leave from the Kennedy Road settlement at 9:00 a.m. and will, once again, march to Cllr. Yacoob Baig's offices at the corner of Sparks Road and Randles Road where Mayor Mlaba has been asked to meet us.

The City gives us no choice but to march. If we just carry on with our ordinary lives our ordinary lives will continue to consist of being burnt in the fires, being raped when we try and find a place to go to the toilet in the night, having our homes demolished and either being left homeless or being forcibly removed to rural human dumping grounds like Park Gate far from where we work, school, shop and pray and far from the libraries and sports facilities that we use. The city flagrantly breaks the law when it carries out its illegal demolitions and evictions. When we try to speak we are beaten, arrested and slandered. The basic rights to free speech and association guaranteed to us in the law are just denied to us. Our requests for meetings for us to be able to discuss our future are not honoured. For instance on 28 June we received a fax from Cogi Pather, the Head of Housing, stating that "The Municipality is not keen to enter into a protracted debate with a large group of people." We are treated as if we do not belong in this country. We are treated as if the law is not for us, as if the land is not for us, as if the electricity is not for us, as if the schools are not for us, as if the city is not for us. This is not democracy. This is not justice. The City gives us no choice but to march. We will march under the banner of 'Land & Housing in the City!'

## Operation Vuselele & Our Demands

We have elected a team of march organisers who have been setting up meetings in settlements everywhere. We have a large number of mass meetings scheduled in other settlements for next week at which support for this march will be discussed and so is likely that support for the march will continue to grow. Each settlement, group of people in each settlement or organisation that decides to support the march are discussing their list of demands. Next week representatives of all the settlements and organisations will meet and we will draw up a collective memorandum. But there is already strong support for the following demands to be made to Mayor Mlaba:

- An immediate moratorium on all evictions, demolitions and forced removals
- An immediate moratorium on the eviction and harassment of street traders
- An immediate commitment to seriously explore the possibility of upgrading rather than relocating each settlement and to undertake this exploration in partnership with each settlement
- An immediate moratorium on the selling of government owned land to private developers
- A commitment to the expropriation of privately owned land (e.g. Moreland land) for collective, social housing
- An immediate moratorium on the exclusion of the poor from schools and universities
- An immediate commitment to breaking with the current undemocratic form of development and to accepting the right of people to co-determine their own future.
- The immediate building and maintenance of sufficient numbers of toilets in all settlements (for our dignity, to keep us safe from disease and to keep women safe at night)
- The immediate provision of electricity in all settlements (to stop the fires that have plagued us since the City stopped providing electricity to shack dwellers in 2001)
- The immediate provision of adequate water in all settlements
- The immediate provision of refuse removal in all settlements
- The immediate provision of support for community run creches

- The immediate recognition that all settlements will experience natural growth, especially as children grow up, and that this requires existing shacks to be expanded and new shacks to be built
- An immediate explanation as to what happened to the R10 billion Phoenix East housing development promised by Obed Mlaba after we marched on him on 14 November 2005
- An immediate explanation as to what happened to the piece of land adjacent to Loon Road promised to the Foreman Road settlement for housing by Obed Mlaba when he visited the settlement while campaigning for the 2000 local government elections.
- An immediate investigation into the rampant corruption in the drawing up of housing lists
- An immediate investigation into the activities of the notorious Pinetown gangster landlord Ricky Govender (including his violent intimidation, illegal evictions and alleged cut rate purchase of publicly owned municipal land with the aim of evicting shack dwellers and building high-cost housing for his private profit)
- An immediate investigation into the activities of the notorious police officer Glen Nayer

We also have demands to the provincial government:

- The Slum Elimination Act is immoral and illegal. Our settlements are communities to be developed not slums to be ‘eliminated’. This Act must be scrapped immediately.
- There must be immediate action to prevent farm workers from being evicted and harassed.
- There must be immediate action to prevent the enclosure of land for private game reserves.
- There must be immediate action to prevent the eThekweni & Msunduzi Municipalities from continuing to carry out illegal evictions
- We opposed the hosting of the 2010 World Cup on the grounds that we couldn’t afford to be building stadiums when millions have no houses. But now that it is coming there must be an immediate commitment to declare that the World Cup will be an ‘100% Evictions Free World Cup’ all across the province. i.e. That there will not be any evictions of shack dwellers or street traders.

We will also use the platform created by this march to publicly state our full support for the people of Joe Slovo, in Cape Town, who are heroically resisting forced removal to the human dumping ground of Delft, and for the people of Khutsong. Since 2004 shack dwellers across the country have been protesting against evictions, forced removals, failure to provide even the most basic services to settlements and the completely undemocratic form of development that 'delivers' us out of the cities. All of these struggles began in confined corners but now we are getting to know each other. We will stand together and fight together. We have no choice. Everywhere we are under attack.

#### Support for the March

So far people from the following settlements and organisations have confirmed that they will attend this march:

Durban: Kennedy Road, Foreman Road, Jadhu Place, Puntan's Hill, Burnwood Road, Banana City 1 & 2, Joe Slovo, Crossmore, Arnett Drive, Pema Ridge, Shannon Drive, Kenville, eMgudule

Pinetown: Motala Heights, New eMmaus, Mpola

Pietermaritzburg: Ash Road, Eastwood, iSaka (Mkondeni), The White House

Port Shepstone: eGamalakhe

Rural Network: Babanango, Newcastle, Pongola, Utrecht, Richmond, Greytown, Melmoth, Empangeni & eNkwalini

Landless Peoples' Movement: Pongola, Eston

Socialist Students' Movement & other UKZN students: UKZN, Durban

Various churches and clergy: Durban & Pietermaritzburg

Comment on this March

Mnikelo Ndabankulu

Shamita Naidoo

Louisa Motha

Philani Zungu

#### Comment on shack dwellers' struggles in Jo'burg & Cape Town

For comment on shack dwellers' struggles in Jo'burg contact Maureen Mnisi from the Landless Peoples' Movement. For comment on shack dwellers' struggles in Cape Town contact Mzwanele Zulu from the Joe Slovo Task Team or Ashraf Cassiem from the Western Cape Anti-Eviction Campaign.

28 SEPTEMBER 2007

Memorandum · Joint statement

## Memorandum of Demands to Mayor Obed Mlaba

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*A Memorandum of Demands to Mayor Obed Mlaba*

**Submitted by Abahlali baseMjondolo and Allied Organisations on Friday,  
28 September 2007**

We the shack dwellers of Durban & Pinetown and our comrades from around the province are democrats and loyal citizens of the Republic of South Africa. We stand here because we are being evicted from our homes and forced off the farms and out of the cities. We stand here because we are dying in shack fires because we do not have electricity. We stand here because we are being raped when we try to find a safe place to go to the toilet in the night. We stand here because we are denied the right to visit the graves of our ancestors. We stand here because in many settlements thousands of people share each tap and toilet. We stand here because children are being forced to stay in their parent's shacks long after they are grown and have their own children. We stand here because we fear that 2010 will be our doom. We stand here because your Municipality breaks the law every time it demolishes our shacks and evicts us without a court order. We stand here because it is clear to us that the rich do not want to give us any space in the cities, in the rural areas or any where in the country and that the politicians have decided to be the partners of the rich. We stand here because our councillors do not represent us and so we have to represent ourselves.

The same economy that made the rich to be rich has made the poor to be poor. The wealth in this country was built on the theft of our land and from our work in the farms, mines, factories, kitchens and laundries of the rich. We can not and will not continue to suffer the way that we do. We can not and will not allow our voices to be stifled. The time has come for the poor to be heard. The time for politicians to talk for and about the poor while they make deals with the rich is over. The time has come for politicians to talk to the poor and

to talk to the poor openly and honestly and respectfully so that we can, together, ensure that there is a place for everyone in this city and in this country.

Mayor Mlaba, today we the shack dwellers of eThekweni make the following demands to you:

- We demand participation in genuinely democratic processes of consultation and citizenship.
- We demand an immediate moratorium on the evictions and demolitions that result in some people being left homeless and others being forcibly removed out of the city.
- We demand adequate land and housing in the city so that we can live in safety, health and dignity.
- We demand an immediate moratorium on the selling of government owned land to private developers
- We demand a commitment to the expropriation of privately owned land for collective, social housing
- We demand an immediate commitment to seriously explore the possibility of upgrading rather than relocating each settlement and to undertake this exploration in partnership with each settlement
- We demand an immediate moratorium on the eviction and harassment of street traders
- We demand that electricity be installed in all shack settlements.
- We demand an adequate supply of well maintained toilets in all settlements.
- We demand an end to the shortage of taps in our settlements.
- We demand refuse removal in all settlements.
- We demand well-resourced and staffed health facilities and support for our own initiatives to care for people living with HIV/AIDS.
- We demand support for our crèches and an end to the exclusion of our children from schools and universities.
- We are threatened by criminals and we are threatened by police officers who treat us as if we are criminals. We therefore demand policing that respects the poor.

- We demand an immediate recognition that all settlements will experience natural growth, especially as children grow up, and that this requires existing shacks to be expanded and new shacks to be built.
- We demand an immediate explanation as to what happened to the R10 billion Phoenix East housing development that you promised us after we marched on you on 14 November 2005.
- We demand an immediate explanation from you as to what happened to the piece of land adjacent to Loon Road promised to the Foreman Road settlement when you visited the settlement while campaigning for the 2000 local government elections.
- We demand an immediate explanation from you as to what happened to the piece of land across from the Kennedy Road settlement which was promised to Kennedy Road by Yacoob Baig while campaigning for the 2000 local government elections.
- We demand an immediate investigation into the rampant corruption in the drawing up of housing lists.
- We demand an immediate investigation into the activities of the notorious Pinetown gangster landlord Ricky Govender.
- We demand an immediate investigation into the activities of the notorious police officer Glen Nayager.

We also want to use this platform to, with our comrades who are here today from around the Province, make the following demands to the other Municipalities and to the Provincial Government:

- The Slum Elimination Act is immoral and illegal. Our settlements are communities to be developed not slums to be ‘eliminated’. This Act must be scrapped immediately.
- There must be immediate action to prevent farm workers from being evicted, harassed and banned from visiting their ancestor’s graves.
- There must be immediate action to prevent the enclosure of land for private game reserves.
- There must be immediate action to prevent the threatened evictions in eNkwalini
- There must be immediate action to prevent the eThekweni & Msunduzi Municipalities as well as private landowners from continuing to carry out illegal

demolitions and evictions and forced relocations to rural ghettos like Park Gate and France.

- Those of us living in municipal flats note that in addition to providing sub-standard housing, the councils charge rents way in excess of our ability to pay. We therefore demand the writing-off of all rental arrears.
- We opposed the hosting of the 2010 World Cup on the grounds that we couldn't afford to be building stadiums when millions have no houses. But now that it is coming there must be an immediate commitment to declare that the World Cup will be an '100% Evictions Free World Cup' all across the province. i.e. That there will not be any evictions of shack dwellers or streets traders.

Today people from around the city and the province are uniting in support of our struggle. Today we express our support for our comrades elsewhere. We stand with our comrades in Joe Slovo in Cape Town and we stand with our comrades in Protea South, Kliptown, Thembelihle, and Thembisa in Johannesburg. We also stand with our comrades in Harare, Istanbul and Port-au-Prince. We assert, in particular, our support for Shamita Naidoo, Louisa Motha and all of the people of Motala Heights who are facing violence, death threats and the constant threat of illegal evictions at the hands of Ricky Govender.

Today, we demand answers. We have approached the municipality on many occasions, and many promises have been made to us. Yet still we have no land. We still have no houses. We are still being pushed out of the cities. We still have no electricity and so we are still terrorized by shack fires. The municipality says it will house us. We demand to know when. We demand to know where. We demand to know how many houses. We demand to know who will be resettled. We demand to receive all of this information in clear language and on a regular basis and to be consulted about these decisions.

We are here to stay. We will not go away. We will not be silent.



22 NOVEMBER 2007

Press release · Abahlali baseMjondolo

## Neither the March nor the Money are Ours

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The phones of the Abahlali spokespeople have been ringing all day with calls from journalists wanting to know about the shack dweller's march that was meant to happen today and the 10 Million dollars from the Gates Foundation for Housing. We thank all the journalists for their interest. We always appreciate it. But we need to explain some things. The march is not ours and the money is not for us.

In eThekweni alone there are more than 500 shack settlements and the people living in these settlements are represented by many organisations. We speak only for our members in 34 settlements. We work with all organisations with which we can find or build some common ground but we don't speak for anyone else. The many other organisations all speak for themselves. This is how it should be.

The march that was scheduled for today was organised by the South African Shack Dwellers' Organisation (SASDO) and not by Abahlali baseMjondolo. Like Abahlali the roots of their struggle are in a 2005 road blockade (Cato Manor) and they have faced state repression with members spending time at the University of Westville Prison. But unlike Abahlali they have chosen the route of party politics. That is their choice but Abahlali is not SASDO. We are finished with putting people above us and trusting them to speak for us only to be betrayed. We speak for ourselves. Today SASDO intended to march on the City with shack dwellers from 5 wards including people from Cato Manor, Chatsworth and Chesterville. At the time of writing this press release we are informed that SASDO were persuaded to abandon the march by the National Intelligence Agency on the grounds that it would embarrass the country at the 2010 draw. They were promised a top level meeting instead. They accepted it but are still standing outside the City Hall, waiting.

There is also a big confusion between Shack Dwellers' International (SDI) and Abahlali baseMjondolo. Many journalists are phoning us and asking us how we are celebrating the \$10 million received by SDI from the Gates Foundation.

There is something that we need to explain. Late last year we finally got a meeting with the provincial Housing Department. We had high hopes for that meeting. It came after a huge march on Mike Mabuyakhulu that was first (illegally) banned by Michael Sutcliffe and then unbanned by the court. We thought that we would be heard at last and that this meeting would mark the beginning of some progress. But when we got there they started by accusing us of working with an agent of a foreign intelligence agency paid to destabilize the country and threatening us with arrest. We were then told that if we wanted to be able to meet with the government regularly and to be able to get houses we must join SDI. The instruction was clear: stay on our own and keep thinking and speaking for ourselves and be arrested, or join SDI and be obedient and be rewarded. We refused to join SDI. We announced this on the radio. Within days the arrests and beatings started and they have not stopped since even though we are currently suing the Minister of Safety & Security and even though we have marched on the Sydenham Police. The money for SDI is not money for us.

Abahlali happened to meet up with SDI on 25 July 2007 on an American radio station called Radio Without Borders (the interview is on the internet). S'bu Zikode from our movement was explaining how the government is failing shack dwellers in South Africa. Then Jockin Arputham, the President of SDI, came on from India to defend the South African government and to tell the listeners that it had given SDI R280 million. He was challenged. He responded by promising that he would fly to South Africa and bring Lindiwe Sisulu from Pretoria to Durban to meet with Abahlali. We have still not seen Lindiwe Sisulu in our settlements. But she praises SDI and SDI praises her while she threatens the people of Joe Slovo (Cape Town) for resisting forced removals and while we burn in relentless fires, are raped in the bush, illegally evicted from our homes, made homeless or forced out of the cities and beaten by the police.

We have a clear analysis on what the money that our government and the Gates Foundation have given SDI is for. It is true that some of it will go to build houses. But it is important to remember that there are two kinds of houses. Some houses are built in human dumping grounds outside of the cities and people are forced to go to these houses against their will. In these houses people sometimes just rot. These houses are often worse for people than shacks. They are a kind of oppression just like forced removal to townships outside the cities was a kind of oppression under apartheid. Other houses are planned with people and are built where people need them. In these houses people can grow. If Gate's

\$10 millions builds some of the right kind of houses we will welcome them as fruits of the long struggles of Abahlali baseMjondolo, the Western Cape Anti-Eviction Campaign, the Landless People's Movement and all the communities that have been blockading roads and organising protests around the country for the last few years. These protests have created such a crisis that the government here, and its supporters outside, recognise that something has to be done. Therefore the houses built will be fruits of struggle even though they will not be given to the people who have struggled. They will be a reward for obedience. This is how things work. We therefore see the risk that these fruits of struggle will be used to try and persuade people in movements and organisations that struggle to give up their autonomy and to cease struggling which means to stop thinking and to stop demanding the right of ordinary people to also be able to plan the future of our cities.

It is clear to us that everyone wants to speak and act in the name of the poor but that very, very few organisations are willing to speak to the poor. At first the government wanted the councillors to speak for us. Most times this failed completely. Most times the councillors spoke for the rich in their wards. If the ratepayer's association wanted shack dwellers chased out of a ward and the shack dwellers wanted houses built in that ward the councillor would work with the ratepayers' association to chase the shack dwellers out. This is why we buried our councillors in 2005. This is why people have been protesting against their councillors all over the country. The councillors have failed the poor and they continue to fail the poor – right now in Motala Heights both the Ward Councillor (Dimba) and the PR Councillor (Naranjee) are working with the gangster businessman Ricky Govender to chase the poor out of Motala Heights.

But now that the councillors have lost all credibility the new strategy is to pretend that SDI represents shack dwellers. It does not. SDI is an international NGO that is embedded with local and national government and with the international organisations like the World Bank and USAid that give our government its anti-poor policies, policies that are imposed in the name of the poor. We do not want the councillors to speak for us and we do not want SDI to speak for us. The solution is clear. Every settlement in the country must be able to elect a committee and that committee must represent that settlement in its negotiations with the government. Then the housing plan for that settlement can be negotiated between the people of that settlement and the government. If

settlements want to unite on a common agenda they can do so. That is democracy. We want to say very clearly that by pretending that SDI is the voice of shack dwellers and by giving them all this money our Housing Minister and the Gates Foundation are undermining the bottom up democracy, which is the real democracy, that shack dwellers are building and demanding recognition for.

Abahlali baseMjondolo was started by shack dwellers for shack dwellers when people in the Kennedy Road settlement decided to organise a road blockade after the complete failure of ten years of working through the official channels. This was 19 March 2005. We had realised that 'public participation' was just a way of bluffing us and making us weak by demobilizing us. Therefore we decided to go back to the mass politics, the politics of the street, the politics of whole communities thinking and discussing. We called this a living politics.

We have always been a democratic membership based organisation that reports to no one but our members. It is true that some NGOs tried to take control of our organisation. One NGO even tried to change the contact people on one of our press releases and to decide who should represent us at an international conference! But just as we refused the councillors we refused the NGOs and their money. We have no interest in any politics, even if it calls itself socialist, that demands to think and speak for us. We will not accept to be marginalized in our own struggles! For this the councillors and the NGOs united to call us criminals and to tell all kinds of lies about us. Our crime was to think and speak for ourselves. But we kept our dignity and our independence and we are now much bigger and much stronger than ever before. We do work with NGOs that want to speak to us and not for us but they do not lead us. They partner us on some of our projects that are projects that we have chosen and that are controlled by the discussions at our meetings. We have the same kind of relationship with progressive church leaders from all different kinds of churches. We are also asking the state to speak to us and not for us. We do not believe that planning is only for experts. We are saying that everyone can think. We believe in people's planning. We believe that that is real democracy.

We have created our own university and through our studies at our university we have discovered that the subsidy system that is used to build houses for the poor in South Africa comes from Chile where it was invented by academics at the University of Chicago. The reason why the academics in America were making the policy for Chile was because their government had united with the rich in Chile to get the army to murder the elected president and to take over the

country (it's a bit like what America has done in Haiti.) From there the World Bank took this system around the world. The number one problem with this system is that it results in ruralization. Houses are built outside of the cities because land is cheap there. What the poor actually need is for the government to expropriate land for housing in the cities. We also discovered that the notorious and dreaded Slum Clearance program comes from the Cities Alliance and that the Cities Alliance is a project of the World Bank and the United Nations and is supported by USAID. These people want to sweep us out of the cities and into places without hope like Park Gate and Delft. Asiyi ePark Gate! Asiyi eDelft!

Now we find that SDI has the full support of the World Bank and USAID. We find that SDI has official partnerships with the eThekweni Municipality and the national Housing Department. We find that our government gives millions to SDI. We find that the Gates Foundation is giving millions to SDI. At the same time we find that independent mass based people's organisations like Abahlali, like the Western Cape Anti-Eviction Campaign and like the Landless People's Movement face police vandalism all the time. Innocent people are attacked by criminal police because they dare to think and speak about their situation themselves.

We find that while the peoples' organisations are speaking out against forced removals, shack fires, forced ruralization, the Slums Act, lack of toilets, rape, police violence and the new hell which is transit camps SDI says nothing about these evils and only sings the praises of the government. SDI remains silent when we are beaten but challenges us when we criticise the government! That is because they are part of the government and their money comes from the same people that gave our government its anti-poor policies and then gave them 'international recognition' for these policies.

Just as some of the NGOs wanted to force us into their structure so that they could control us it is clear that our government, and the people who decide their policy for them like the World Bank and USAID, want to force us into their structures so that they can control us.

The message to us is clear. We have two choices. (1) Think and speak and activise and plan for ourselves and have a chance of being beaten and arrested. (2) Be good girls and boys and join SDI and have a chance of getting a house.

This is no choice. We can't give up on the democracy we have built now. We have gone too far down the road. We have learnt too much on that road.

We have also learnt a lot from our comrades in other organisations and in Brazil and Haiti and Turkey. Our friends in Brazil tell us that in Argentina, the government succeeded in splitting the piquetero movement in two (against and for the government), largely on the basis of “economic seduction” in different ways. They tell us that in Brazil the very important movement of landless rural workers (MST) has been weakened by the massive distribution of tiny bits of money to organisations loyal to the Lula government. They tell us that this kind of policy has proved much more efficient in undermining mobilization towards land reform than other measures implemented in the last decades (including repression, of course). Our comrades in the LPM tell us that when the movement became strong in Mpumalanga the government came with its own social movements to deliver small bits of land and made sure the LPM comrades didn’t benefit with the result that the LPM was basically cancelled in those same communities and the struggle for land reform was set right back.

We did not plan a march for today and we are not celebrating the Gates Foundation’s \$10 million today. Today we will be consulting our for God lawyer about the continued intimidation of shack dwellers in Motlale Heights by the notorious Ricky Govender, today we will be strategising about how to defend the Sydenham 14, the Kennedy 6 and Philani Zungu in and out of court, today we will be organising against the threat of (illegal) evictions in Arnett Drive, today we will be talking about how to take our struggle against fires and for electricity forward, today we are rebuilding the four shacks that burnt down in Foreman Road last night, today we are planning our next graduation at the University of Abahlali baseMjondolo, today we are planning our AGM, today we will be working on our book that will soon be published by Africa World Press, today we will be discussing strategies against the rapes that happen at night in the bush when there are no toilets for women, today we have planted flowers outside the Kennedy Road crèche.

Today is just another ordinary day in our struggle.

The march is not ours. The money is not for us. Our struggle is ours. Our struggle continues. Our struggle is for land and housing in democratic cities.

System Cele  
Mashumi Figlan

1 DECEMBER 2007

Press release · Shannon Drive Branch

## Shannon Drive Evictions, November 2007

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### *The eThekini Municipality Launches Another Criminal Attack on Shack Dwellers*

The Shannon Drive settlement has been here in Reservoir Hills since 1968. Most of the people here are doing domestic work in the big houses. Our whole settlement is not affiliated to Abahlali baseMjondolo but we have do have a small but strong Abahlali branch here.

In May this year Bhekani Ntuli from the eThekweni Municipality came to Shannon Drive. Some new shacks had been built in the settlement by people who had been made homeless in the (illegal) Juba Place eviction in December 2006 and, also, by people who have lived here for years as tenants in other people's shacks but who now needed their own homes. Also some old shacks had been extended here, like people have done elsewhere, because families grow. When Ntuli came he said that not just the new shacks but 100 of the 200 shacks here would be knocked down if each family didn't give him R100. He said that he wanted this bribe for "drinking money." He also said that if we paid the bribe we would get numbers painted onto our shacks which would mean that we would not only be safe from eviction but would also get houses. We all discussed his threat and his demand for a bribe and while some people wanted to struggle with the other settlements and to go to court and stop the evictions that way the committee thought it would be safer to pay the bribe and not to offend the councillor by joining the struggle. Everyone paid the bribe and then Ntuli put numbers on all the shacks to show that they were safe.

But at 10:00 a.m. on Tuesday 27 November the Municipality came back. They came without warning, like the rain. They said that they were going to break shacks 98-200. Although it was raining so heavily they started breaking down the shacks with Ntuli's numbers on them. Things got broken as the shacks were smashed up and because people were at work they couldn't save their things from the rain. They stopped after they had broken 16 shacks because

the rain got too heavy for them to keep working. They said that they would come back on Monday to break the rest of the shacks (86).

We asked them what we were supposed to do. They said “Go back where you came from.” Mncedisi Mtolo told them that the people can’t go back home. They work here, their children are at school here. Their lives are here. They then told Mncedisi to “Put the people on the road.”

The next day the community decided to send a delegation to the Ward Councillor, Jayraj Bachu, to ask him for his help. He first said that he would check on the voters roll to see if the people asking for his help had voted in 2006. Then he blatantly said that he doesn’t want people in shacks in Reservoir Hills. He is a racist. He thinks that Indians must be at one side and that we must be at another side. How can we be good enough to do the washing, cook the food and care for the children in Reservoir Hills but not good enough to live here?

The Municipality don’t tell us when they are coming so it is very difficult for us to be ready for them. It is clear that they do not think that we belong in this South Africa. But we know the law. We know that any eviction without a court order is against the Constitution and is illegal. We know that these evictions are not just illegal acts but criminal acts. We will spend this weekend looking for a lawyer who will be willing to act for us for free and who will go to court and get an interdict that will force the Municipality to stop these criminal attacks on us.

We have the same right to live in this city as everyone else and we will defend it.

Mncedisi Mtolo (Resident in Shannon Drive for 15 years)

Nonhlanhla Mzotho (Resident in Shannon Drive for 12 years)

For general comment on the struggle that Abahlali baseMjondolo is waging across the city against the eThekweni Municipality’s criminal attacks on shack dwellers

Mnikelo Ndabankulu

(Abahlali baseMjondolo spokesperson and one of the Sydenham 14)



13 FEBRUARY 2008

Press release · Abahlali baseMjondolo

## Abahlali baseMjondolo Take the Provincial Government to Court Over the Notorious Slums Act

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On Tuesday we lodged papers in the High Court requesting the Court to declare the notorious KwaZulu-Natal Slums Act unconstitutional. Today we can announce that the sheriff has just served those papers on the provincial government. They and our appeal to the court are now in the public domain.

The Slums Act is an attack on the poor that has been celebrated by estate agents and lamented by the poor. It is a clear return to the thinking and laws of colonialism (e.g. the 1934 Slums Act) and apartheid (e.g. the 1951 Prevention of Illegal Squatting Act). Today we are calling for a Housing Summit at which all democratic shack dwellers' organisations can negotiate a new partnership and a new Act with government. After years of protests around the country it is clear that we can not go on with failed policies.

We need an Act like the City Statute in Brazil or the Kaantabay sa Kauswagan Ordinance in Naga City in Thailand. We need an Act that will guarantee the Right to the City for the poor. We need an Act that will ensure that land in our cities is distributed according to human need and not the greed of the rich. We need an Act that will ensure that no shack dweller must face another year at constant risk of death from life without fire protection, toilets, refuse removal and floods as it is the case in Ash Road settlement in Pietermaritzburg. We need an Act that will ban government expenditure on theme parks and stadiums and newspaper adverts in which politicians promote themselves using the excuse of wishing us happy this and happy that while our children are being killed by rats and diarrhoea and fire. It is an insult to our humanity when money is wasted while people are dying from poverty. We need an Act that will ensure that our cities are safe for women – that the police will serve the people, that there will be lighting, safe toilets and proper public transport. We need an Act that will

ensure that there is proper support for community run crèches in each settlement. We need an Act that will make it clear that putting three generations of a family in one room 30 kilometers out of the city is oppression and not a housing programme. We need an Act that will immediately provide subsidised transport, sports fields, clinics and libraries for all the innocent people who have already been forcibly removed out of the cities and sentenced to life in terrible places like Park Gate in Durban and France in Pietermaritzburg. We need an Act that will end the top down system of government and NGO planning that has terrorized our people – an Act that will ensure that in each settlement development is planned by the people of that settlement through their organisations in partnership with the government. We need an Act that puts real power in the hands of the people.

On 28 September 2007 we marched against the Slums Act in our thousands. We were beaten and 14 of us were arrested.

On 21 June 2007 we sent a delegation to the provincial parliament to oppose the Slums Act there. We were denied the right to speak.

On 4 May 2007 hundreds of us crowded into the Kennedy Road Hall to tell the government that we are absolutely opposed to the Slums Act. We were ignored.

We are going to court because we know that in court we will not be beaten, arrested, denied the right to speak or ignored.

When the Bill was first circulated we read it in small groups line by line. We developed a critique. It is on our website. We discussed the Bill and our critique in meetings across all our affiliated settlements and branches in Durban, Pinetown and Pietermaritzburg. Eventually it was decided to issue a call for all people and organisations opposed to this return to apartheid to join us to plan a campaign against the Bill. By the time the Bill became an Act we had created a task team with one job to do – to eliminate the Slums Act. The Centre for Applied Legal Studies (CALS) in Johannesburg was one of the organisations that responded to our call for solidarity against this Act. They took instruction from our movement at various meetings in the shacks and have developed the papers served today in constant discussion with us. They report to our Elimination of the Slums Act Task Team. The Task Team reports to the movement secretariat and the secretariat reports to all the thousands of Abahlali members across Durban, Pinetown and Pietermaritzburg. When our lawyers step into

court they will not only be carrying the hopes of thousands of people but they will also be guided by the thinking done in our communities. They have acted with us, not for us. We salute CALS for solidarity in action.

Despite all the arrests that we have suffered since 2005 not one of our members has ever been found guilty in a court. But we have never lost when we have taken the government to court. We have won many crucial court victories since 2005. We overturned Sutcliffe's illegal ban on our marches in 2006 and working with the Legal Resources Centre (LRC) and other pro bono lawyers we have won interdicts against illegal evictions every year since 2006. We also salute the LRC and the pro bono lawyers for solidarity in action.

This is a day of hope for our movement and on this day we note that we are not alone.

We reaffirm our full support for all shack dwellers struggling against the destruction of their communities in the name of 'slum clearance' across South Africa and especially the Western Cape Anti-Eviction Campaign and their brave struggle against forced removal. They have been warned that their own Western Cape Slums Act is on the way. We also reaffirm our full support for their struggle for the right to think and lead their own struggle. We reaffirm our full support for all street traders struggling against harassment and eviction across the country. We reaffirm our full support for all families struggling against the eviction of poor children from schools. We reaffirm our full support for all rural people battling evictions from farms and the resilience of the Rural Network to be in solidarity with those families. In this instance, we will stand firm with our comrades from eNkwalini (between Eshowe and Melmoth) when we march together on Friday. We reaffirm our full support for our comrades in the Combined Harare Residents' Association and all the other organisations and people in Zimbabwe still reeling from Operation Murambatsvina. We reaffirm our full support for our comrades battling evictions and other forms of oppression in Turkey and in Haiti. We will be in support of Lavalas, the movement of the Haitian poor that became a flood that had to be dammed and damned by the rich, on the global day of action for Haiti on 29 February 2008.

Every person is a person. Every person is important and deserves safety and dignity. One billion of the six billion people in the world live in shacks. Another billion live in housing that is not much better than shacks. Let us no longer

accept the unacceptable. Let us build a university of the poor in every city. Let us stop all evictions. Let us move forward to land and housing in the cities.

Our settlements are communities to be supported not 'slums' to be eliminated.

To hell with the Slums Act.

Sibusiso Zikode, Abahlali baseMjondolo President

Louisa Motha, Abahlali baseMjondolo Co-ordinator

Mnikelo Ndabankulu, Abahlali baseMjondolo PRO

Shamita Naidoo, Abahlali baseMjondolo Task Team to Eliminate the Slums Act

Zodwa Nsibande, Abahlali baseMjondolo Task Team to Eliminate the Slums Act

Stuart Wilson, Centre for Applied Legal Studies

15 FEBRUARY 2008

Press release · Abahlali baseMjondolo

## Mass Disconnections from Electricity at Gun Point in the Kennedy Road Settlement

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### *City Escalates Its War on the Poor*

The day after Abahlali baseMjondolo announced that we would be challenging the legality of the notorious Slums Act in court the Kennedy Road settlement was attacked by the Municipality. They arrived with the South African Police Services, including the dog unit, and the Municipal Security. They were very heavily armed. It was clear that they were prepared for a war.

They began at one side of the settlement and started to disconnect everyone from electricity. They disconnected the people who have connected themselves and they disconnected the people who have prepaid meters in their shacks. They didn't just disconnect the meters but they dug up the cables and destroyed them. It is clear that they have decided that our disconnection will be permanent. No warning was given and people's homes were entered without their permission. We estimate that there were more than 300 hundred disconnections.

The Kennedy Road community immediately held a mass meeting and prepared banners. We expected them to return today to continue the mass disconnection. Many people stayed away from work but they didn't come. We don't know when they will come back.

Electricity is not a luxury. It is a basic right. It is essential for children to do their homework; for safe cooking and heating; for people to charge phones, to be able participate in the national debate through electronic communication (TV discussion programmes, email etc); for lighting to keep women safe and, most of all, to stop the fires that terrorise us. It has been proven that the paraffin stoves are unsafe. Many of our members have been burnt when these stoves have exploded. They have been pulled out of the shops because they have failed but the new gel stoves are failing too. Tonight we must go back to cooking on stoves that could explode any time. Why is the government sending the police

to force us to go backwards? Development was supposed to be about moving forwards.

Our children have nightmares about the fires. What must we tell them tonight? What they fear is very real. On 1 November 2007 Ma Khuzwayo, an amputee who had lived in Kennedy Road for 20 years, was killed in a shack fire.

In October 2005 we lost a young child, Mhlengi Khumalo. In August 2006 we lost an old man, Baba Dhlomo. In January this year we survived a big fire without loss of life but then in April this year we lost Bennedicta Parkies and a lady we remember only as Ntombi in another big fire.

And it is not just Kennedy Road. It is Quarry Road, it is Lacey Road, it is Jadhup Place, it is Motale Heights, it is Mayville. The terror of shack fires is everywhere and it will stay everywhere for as long as we are forced to live 13 people in one shack with candles and a paraffin stove because it has been decided that electricity is not for us and that we are not allowed to expand our shacks or to build new ones as our families grow. These fires are terrorising us all the time because the municipality took a decision in 2001 to stop electrifying shacks. These fires are their responsibility.

This attack on the people of Kennedy Road by the Municipality will probably result in more people being burnt. We will hold them directly responsible, politically and legally, if one person is burnt. We will use the access to information act again. This time we will use it to find out who gave this order. If one person is killed in a fire because of this decision we will lay a charge of culpable homicide against the official that gave the order for this attack on our community.

Many of us believe that by leaving us to be killed by diarrhoea and fire and rats while they waste millions on casinos, the themepark, stadium and the A1 Grand Prix the Municipality is trying to force us to leave our homes and to accept 'relocation' (which is really 'ruralisation') by forcing us to choose between living with fires and rats and plastic bags for toilets in the city or without fires and rats and plastic bags for toilets in the relocation sites. We need our basic needs to be met in the cities where we can find work, let our children attend good schools and have access to hospitals, libraries, sport facilities and so on.

Some people have suggested that they have attacked us like this because of the national electricity crisis. If this is the case this is outrageous. Why must be the poor be paid to pay the price for government's bad planning? The poor

are the people who need the most support from government. We have the least resources. We can't buy generators or install solar panels. Many of don't even have enough food. The last should be put first.

Some people think that this is a punishment for taking the government to court to have the Slums Act overturned or for our victory in court were we stopped the illegal evictions in the Arnett Drive settlement. Some people have said that this is the revenge of the police who we are denouncing and suing for beating, shooting and filming themselves torturing us.

Others think that we have been attacked because the Kennedy Road settlement is where our internet and email are and the truth about our lives and the violent repression of our struggle is embarrassing the government internationally – people are even refusing awards from the government because they know the truth about what is being done to the poor in South Africa.

It is true that many people in Kennedy Road are self connected to electricity. But everywhere in South Africa the poor connect themselves. And it is not just here. Everywhere in the world – in India, in Brazil, in Turkey, in Nigeria, in Haiti, in Thailand, everywhere – people who are denied basic services by governments take them for themselves. People will always do what they have to do to survive. The solution is not to wage war on the poor. The solution is to meet the basic needs of the poor! There is no other way forward. Not in South Africa or anywhere else will the poor allow ourselves to be expelled from being citizens because we cannot afford to be consumers. The same economy and history that made the rich to be rich made us to be poor. No amount of arrests and beatings and visit by the dog unit will make people accept that the right to live in the city and the right to have electricity and the right to have safe toilets are only for the rich.

Maybe they should just put us all in a train and take us to Lindela.

On 28 September we marched on Mayor Obed Mlaba. One of our main demands was for electrification to stop the fires. Instead of being listened to we were attacked and beaten by the police. The church leaders stood up to tell the truth about what happened that day. They have also stood with us when we have mourned the people who have passed away in the fires.

But we will march against this attack very soon, people are already mobilised and the banners are ready. We will also consider all legal options to have this

attack urgently stopped and reversed. We have also demanded an urgent meeting with the head of the City's electricity department. As usual they have just ignored us. We have, for a long time, also been seriously considering legal options to have the Municipality's 2001 decision to stop electrifying shack settlements declared unconstitutional.

Our struggle to be recognised as human beings continues. Our struggle to survive continues. Our struggle against a Municipality that consistently acts against us with extreme brutality in ways that are often illegal and sometimes directly criminal continues.

We ask the media and our comrades around the country and around the world to please understand that communication from Abahlali baseMjondolo will be difficult until this latest attack has been rolled back. It will not just be email that will be difficult. Even charging cell phones will not be easy. Our march today in eNkwalini was very powerful. Our clean up campaign in Kennedy Road over the weekend was very successful. Children from poor families in Motala Heights are being excluded from the school. But it will take time to put all this news out.

We ask our comrades in the churches and the unions and the democratic NGOs and in all the other organisations and movements of the poor to raise their voices loudly and clearly against the inhumanity of this municipality. We ask the municipal workers to stand together and strong in their unions and to refuse to follow orders to attack the poor, their brothers and sisters, sometimes even their co-workers and comrades.

Sekwanele!

Mzwakhe Mdlalose

(One of the Kennedy 6, also denied electricity)

Mondli Mbiko

(Also one of the Kennedy 6, now also denied electricity)

System Cele

(A victim of severe police violence, now also denied electricity)



21 APRIL 2008

Press release · Abahlali baseMjondolo

## Abahlali baseMjondolo to Mourn UnFreedom Day Once Again

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*Time: 9:00 a.m., Sunday 27 April 2008*

Venue: Community Hall, Kennedy Road Shack Settlement, Clare Estate, Durban

On Sunday it will be Freedom Day again. Once again we will be asked to go into stadiums to be told that we are free. Once again we will not be going to the stadiums. We will, for the third time, be mourning UnFreedom Day. Since the last UnFreedom Day we have been beaten, shot at and arrested on false charges by the police; evicted by the land invasions unit; disconnected from electricity by Municipal Security; forcibly removed to rural human dumping grounds by the Municipalities; banned from marching by the eThekweni City Manager; slandered by all those who want followers not comrades; intimidated by all kinds of people who demand the silence of the poor; threatened by new anti-poor laws; burnt in the fires; sick in the dirt and raped in the dark nights looking for a safe place to go to the toilet.

We have also opened an office with a library, launched many new branches, opened new crèches, successfully taken Ricky Govender and the eThekweni Municipality to court to stop evictions, taken the province to court to overturn the Slums Act, marched on Glen Ntshongweni and Obed Mlaba, defended all of our members arrested for standing strong in the politics of the poor, organised in support of people struggling elsewhere, received powerful solidarity from other movements and some churches and thought and discussed how to make our own homemade politics, our living politics, into paths out of unfreedom.

It is clear that no one should tell someone else that they are free. Each person must decide for themselves if their life is free. Each community must decide on this matter for themselves. In each community women and men, the young and the old, the people born there and the people born in other places must decide on this matter for themselves.

In our movement we have often said that we are not free because we are forced to live without toilets, electricity, lighting, refuse removal, enough water or proper policing and, therefore, with fires, sickness, violence and rape. We have often said that we are not free because our children are chased out of good schools and because we are being chased out of good areas and therefore away from education, work, clinics, sports fields and libraries. We have often said that we are not free because the politics of the poor is treated like a criminal offence by the Municipalities while real criminals are treated like business partners. We have often said that we are not free because the councillors are treated like the people's masters instead of their servants. We have often said that we are not free because even many of the people who say that they are for the struggles of the poor refuse to accept that we can think for ourselves.

We have often asked that our settlements be humanized, not destroyed. We have often asked that city planning be democratized. We have often asked for an end to wasting money on stadiums and themeparks and casinos while people don't have houses. We have often asked that democracy be a bottom up rather than a top down system. We have often asked the Municipalities and the police to obey the law. We have often asked for solidarity in action with our struggles. We have often offered and asked for solidarity with the people of Zimbabwe and Haiti and Turkey and in all the places where the poor are under attack.

But freedom is more than all of this. Freedom is a way of living not a list of demands to be met. Delivering houses will do away with the lack of houses but it won't make us free on its own. Freedom is a way of living where everyone is important and where everyone's experience and intelligence counts. Every Abahlali baseMjondolo branch and every settlement affiliated to Abahlali baseMjondolo in Durban, Pinetown, Pietermaritzburg and Tongaat has had a meeting to discuss the ways in which they are not free and has written a letter to the whole movement explaining why they are not free. Many new and important issues have been raised. These letters are being collected into a pamphlet that will be distributed and discussed at UnFreedom Day. We invite everyone who wants to think about Freedom and UnFreedom in our country to attend our event.

We welcome the participation of Christian Aid from Wales who have come to learn about our struggle We welcome the participation of the Western Cape

Anti-Eviction Campaign, our comrades in struggle who are driving all the way from Cape Town to be with us.

We welcome the participation of Bishop Reuben Phillip and the other clergy who have bravely stood with us in difficult times.

At this time we express our solidarity with the people of Zimbabwe suffering terrible oppression in their own country and terrible xenophobia in South Africa. We also express our solidarity with the people battling eviction in Joe Slovo and Delft in Cape Town and the whole Western Cape Anti-Eviction Campaign as well as the Landless Peoples' Movement and all organisations, big and small, standing up for the right to the city, the humanisation of the rural areas and for justice for the poor across the country. We also express our solidarity with the 1 500 people left homeless in the Jadhu Place settlement on Sunday morning after another of the fires that terrorize our people. We condemn the attempts of the City & the Province to misuse this fire, as the flood in the Ash Road settlement in Pietermaritzburg was recently misused, to advance their shack 'elimination' agenda. We will resist this. We will resist all attempts to turn settled communities into transit camps.

We salute the South African Transport and Allied Workers Union and Bishop Reuben Philip for their active solidarity with the Zimbabwean people. We call on others to follow their example. We call on all clergy to stand with the poor. We call on the South African Municipal Workers' Union to refuse to carry out any instructions to evict the poor from the cities. We call on the Police and Prison's Civil Rights Union to refuse to carry out any orders to assault and arrest the poor for exercising their democratic rights to protest. Solidarity in action is our only hope.

No Land! No House! No Vote!

Land & Housing in the Cities!

Bottom Up Democracy not Top Down Rule by Councilors!

Abahlali baseMjondolo

Mr Mnikelo Ndabankulu, Abahlali baseMjondolo Spokesperson

Ms Zodwa Nsibandé, Abahlali baseMjondolo Organiser

Ms Shamita Naidoo, Chairperson, Motale Heights Abahlali baseMjondolo Branch

Mr Mashumi Figlan, Abahlali baseMjondolo Deputy-President

Western Cape Anti-Eviction Campaign

Mr. Mzonke Poni, Western Cape Anti-Eviction Campaign Co-ordinator

Mr. Gary Hartzenberg, Western Cape Anti-Eviction Campaign Co-ordinator

13 MAY 2008

Press release · Abahlali baseMjondolo

## Motala Heights: Crisis Deepens as Violent Intimidation Against the Strong Poor Continues

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*Gangster Landlord Continues Campaign of Intimidation with the Support of the Pine-town Police; James Pillay arrested on trumped up charges*

The community of Motala Heights, set on the edge of Pinetown between the factories and the hill that runs up to Kloof, dates back to the early years of the last century and has a rich history. For the last three years it has been under sustained and violent attack from a local gangster businessman who seems to be able to direct the local state, including the police and the Municipality's Housing Department, at will.

The community is now made up of a wealthy suburb with the big, new mostly face brick houses of the rich in the centre. Behind them are hidden the old tin houses of the poor families and, amongst the gumtrees up on the hill leading up to Kloof, a shack settlement. For some time local businessman and known gangster Ricky Govender has been buying up land and using intimidatory tactics to illegally evict the poor. His attempts to illegally drive out the mostly Indian families from the tin houses, most of whom were born and have lived their whole lives in the community, dates back to at least 2005. He has also been directly implicated in the violent and illegal attempts by the eThekweni Municipality to evict the mostly African shack dwellers which date back to 2006.

The first attack on the shack settlement was launched over the youth day weekend on 2006. Ward Councillor Derek Dimba arrived at the Motala Heights settlement with municipal officials and 5 car loads of municipal security guards to mark out shacks that would then be destroyed by the highly militarised and clearly, in it terms of its stated purpose and day to day actions, criminal armed wing of the Municipality – its notorious Land Invasions Unit. On the following Monday the then Motala Heights Development Committee (affiliated to Abahlali baseMjondolo) won an urgent meeting with Geoff Nightingale from the

Pinetown office of the eThekweni Municipality. He told them that they would have to accept eviction as “The Municipality won’t build houses in Motala because Ricky Govender wants to develop the area himself”. As people are being evicted from the land on which they were born and grew up Govender is using it to develop factories and private housing projects for the rich.

On Women’s Day that year Cllr Dimba returned to the settlement with pistol holstered to each hip and flanked by his usual cohort of armed men. He summoned the community to a meeting where he began by gesturing to his weapons and promised to ‘chase away’ named individuals on the democratically elected committee. Dimba is often seen in Govender’s mansion and when he has been told that the poor will not accept forced removal and eviction and want houses to be built in Motala Heights he has often said that “the only person that will build houses in Motala Heights is Ricky Govender” and, in the exact language of apartheid, that the shack dwellers must “go back where they came from”. The Municipality began to evict people from the shack settlement on 28 October 2006 and returned on four occasions to continue the attack. On each occasion the evictions were accompanied by violence. They were carried out without a court order and were therefore illegal and in fact criminal acts. Members of the Land Invasions Unit and the Pinetown SAPS were seen openly eating bunnychows and drinking beer in Ricky Govender’s bar before they came up the hill to demolish the shacks. On 31 October the then Chairperson of the Motala Heights Development Committee, Bheki Ngcobo, presented to the Land Invasions Unit a copy of a lawyers’ letter addressed to Mayor Obed Mlaba and City Manager Mike Sutcliffe instructing them to immediately cease these criminal acts. The Land Invasions Unit responded by pepper spraying Ngcobo at point blank range and viciously kicking him after he fell to the ground. The SAPS then fired shots at the crowd that rushed to support Ngcobo and told Ngcobo that “Ricky Govender is the mayor here.”

Since then the Pinetown SAPS have on many occasions blatantly refused to open cases against Govender or his staff and have simply referred people with complaints directly to Govender. People have even been told to take problems that have nothing to do with Govender, such as domestic violence, to Govender. The Pinetown SAPS behave as if they are under Govender’s authority and as if he is above the law. For many years his bar was co-owned with a senior officer in the Pinetown SAPS (he passed away very recently). The Municipality act in

the same way. They refer all local complaints and queries, even applications for a trading licence, to Govender as if he has sole and total authority over all aspects of life in Motala Heights.

The Municipality's criminal attacks on the shack settlement were eventually stopped on 29 November 2006 when Abahlali baseMjondolo went to court and won a court order interdicting the Municipality from carrying out illegal evictions. Since then there have been various kinds of intimidation and Dimba, most recently on 24 February 2008, has repeated that the poor will have to leave Motala Heights as "only Govender will be building houses here." However despite all these threats the shack still stand and under the interdict they remain protected from unlawful demolition by the Municipality.

Govender's attempt to drive out the residents of the tin houses came to a head in August 2007 when he personally promised to bulldoze the house in which elderly couple James and Gonum Pillay had been living for 25 years. They were subject to all kinds of intimidation including violence from Govender and on 7 October 2007 they went to court and were awarded an interdict preventing Govender from unlawfully evicting them or from intimidating them in anyway or using his employees or associates to intimidate them in any way.

Since then they have not been evicted but they have been subject to constant intimidation by Govenders' employees and family members. These intimidatory acts are in clear violation of the law and the interdict. There are witnesses to each of these instances and they have all been carefully recorded. They include threats of violence and arson, a number of instances of violence, insults of the most crude kind, parking a car across the Pillay's driveway preventing their visitors from leaving, the discovery of 4 petrol bombs with a long fuse placed outside the house and more. The Pillay's have also been threatened by gangsters from Chatsworth who came to their house, told them to leave, and said that they could do nothing because 'we are not Ricky'.

Other Abahlali activists in Motala Heights have also been threatened and assaulted by Govender and his associates including Shamita Naidoo, the Chairperson of the Motala Heights Abahlali baseMjondolo branch and Louisa Motha, the treasurer on the Abahlali baseMjondolo secretariat. Two activists have also received threats of murder and arson via telephone calls from a man claiming to be the nephew of Councillor Derick Dimba. However Dimba has denied responsibility for these calls and it is believe that Govender is behind them. Indian

activists have often been warned ‘not to stand with the blacks’ and told that ‘the blacks will be made to go here from here, Ricky doesn’t want them here’. The husbands of women Abahlali members have often been warned and told that ‘they must control their wives’. Govender has also threatened to have local Abahlali members charged with trespassing if they step on to any of his land to meet with his tenants. Moreover Govender has also been openly and illegally dumping huge piles of toxic industrial waste (including asbestos and chemicals) from his factories right outside peoples’ front doors in an attempt to force them out.

When The Mercury newspaper went to Motala Heights to cover the story on 31 August 2007 photographer Steven Naidoo was personally accosted by Govender and two other men who detained him against his will, took the memory stick out of his camera and threatened to have him killed. The photographer was only released after the armed intervention of the eThekweni Metropolitan Police.

The ongoing intimidation of the Pillays came to a head on Tuesday last week when Leon Govender arrived at the Pillay’s house with his family and others to threaten them. A teenage girl threw a knife across the fence at Mrs Pillay, an elderly woman, and threatened to assault her. Leon Govender’s brother-in-law, Peter Singarum, had a panga in each hand and threatened to kill James Pillay.

James Pillay called Bheki Ngcobo, the Deputy Chair of the Motala Heights Abahlali baseMjondolo branch, for help. As Ngcobo arrived at the house Singarum tried to attack him with the pangas. Ngcobo called for further help. A large group of Abahlali members arrived. In response to an attempted attack with a panga a stone was thrown hitting one of the attackers at which point they all fled. That was the extent of the defensive violence and it was not committed by James Pillay.

However the next day the Pinetown SAPS arrived at the Pillay’s house with Leon Govender and Peter Singarum and informed James Pillay that he would be arrested but could not specify a charge. The police returned the following day and called for Ricky Govender. Shag Govender, a relative and employee of Ricky Govender’s who has been systematically intimidating the Pillay’s since they won the interdict against Ricky Govender, came down instead and told the police that the Pillays had no right to the house and that they must tear it down and leave. He said that the interdict preventing Govender from unlawfully evicting them was ‘just paper’ and that they must go. Officer Viljoen of the SAPS

told James Pillay that “You are not the owner of this land. You have disobeyed the landowner. You must break everything down now.” James Pillay was then arrested on charges of assault and malicious damage to property (it was alleged that he had damaged Leon Govender’s car – however there are no visible signs of damage). After his arrest Viljoen told him that “The blacks will be removed from the jondolos one by one what ever you people say. I’ll make your life very difficult.” Although she and the other officer had openly taken direction from Shag Govender she refused to speak to Bheki Ngcobo, the Deputy Chair of Motala Heights Abahlali baseMjondolo branch saying “He has no rights to speak to me.”

James Pillay was held in the Pinetown police station for 47 hours and 45 minutes without the option of bail on the obviously spurious grounds that bail could not be awarded as they were waiting for witnesses to come forward. His arrest was entirely groundless and a blatant attempt at intimidation on behalf of Ricky Govender. However he was not assaulted while in custody. Abahlali baseMjondolo is currently discussing a strategy to ensure that, at the very least, Ricky Govender is compelled to obey the law and the state is compelled to stop taking orders from Govender as if he is a power above the law. In the meantime:

1. All the Abahlali baseMjondolo members in the area will stand together to support each other and to try and ensure each other’s safety against Ricky Govender and his thugs in and out of the uniform of the South African Police Services.

2. Abahlali baseMjondolo will hold Ricky Govender personally responsible should there be any assault on any Abahlali member or if any one’s house is burnt down.

3. Abahlali baseMjondolo will sue the police for wrongful arrest and malicious prosecution of James Pillay.

4. Abahlali baseMjondolo will seek the arrest of anyone trying to illegally evict any of its members from a tin house or shack in Motala Heights whether they are in the pay of the state or Ricky Govender or both.

The Motala Heights Abahlali baseMjondolo branch issues the following demands:

1. The Pinetown SAPS must explain the nature of its relationship with Ricky Govender and this relationship must be subject to an independent and credible investigation.



2. The eThekweni Municipality, and in particular the Housing Department, must explain the nature of its relationship with Ricky Govender and this relationship must be subject to an independent and credible investigation. There needs to be particular attention to the decision to evict the poor from their homes in order to allow Govender to develop Motala Heights for his personal profit. Cogi Pather must personally come to Motala Heights and explain to the people what is going on.

3. All evictions of the poor from Motala Heights must cease immediately and permanently.

4. The Municipality must make a clear statement on the right of the poor, Indian and African, to live and to be housed in Motala Heights.

5. Negotiations between Motala Heights Abahlali baseMjondolo and the Municipality must begin with a view to building houses for the poor, Indian and African, in Motala Heights

6. The Municipality must immediately instruct Ricky Govender to remove the toxic waste that he has dumped outside people's homes and to cover all medical expenses of people that have fallen ill as a result of the toxic waste.

There are two incompatible visions for the future of Motala Heights. Ricky Govender, Cllr. Dimba and the eThekweni Housing Department want all of the poor people to be chased out of the area so that it can be developed for the rich. Abahlali baseMjondolo, which represents the poor in Motala Heights, wants housing to be built for the poor in the area. Abahlali baseMjondolo calls on all the churches, trade unions and community organisations to take a clear stand against the anti-poor vision and for the pro-poor vision. As Bishop Rubin Phillip said in his UnFreedom Day speech "For too long our city and our country and our world have put the poor last on the list of concerns. It is time for the last to be first." Development must be with the poor for the poor – not with the rich against the poor.

For comment and up to the minute information contact

Shamita Naidoo, Chairperson Motala Heights Abahlali baseMjondolo branch

Bheki Bgcobo, Deputy Chairperson Motala Heights Abahlali baseMjondolo branch

Mashumi Figlan, Deputy President, Abahlali baseMjondolo

Mnikelo Ndabankulu, PRO, Abahlali baseMjondolo

For a fuller background to the struggle in Motala Heights including press releases, newspaper articles and photographs visit: <http://abahlali.org/node/2377>

21 MAY 2008

Press statement · Abahlali baseMjondolo

## Abahlali baseMjondolo Statement on the Xenophobic Attacks in Johannesburg

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*Unyawo Alunampumulo*

There is only one human race.

Our struggle and every real struggle is to put the human being at the centre of society, starting with the worst off.

An action can be illegal. A person cannot be illegal. A person is a person where ever they may find themselves.

If you live in a settlement you are from that settlement and you are a neighbour and a comrade in that settlement.

We condemn the attacks, the beatings, rape and murder, in Johannesburg on people born in other countries. We will fight left and right to ensure that this does not happen here in KwaZulu-Natal.

We have been warning for years that the anger of the poor can go in many directions. That warning, like our warnings about the rats and the fires and the lack of toilets, the human dumping grounds called relocation sites, the new concentration camps called transit camps and corrupt, cruel, violent and racist police, has gone unheeded.

Let us be clear. Neither poverty nor oppression justify one poor person turning on another. A poor man who turns on his wife or a poor family that turn on their neighbours must be opposed, stopped and brought to justice. But the reason why this happens in Alex and not Sandton is because people in Alex are suffering and scared for the future of their lives. They are living under the kind of stress that can damage a person. The perpetrators of these attacks must be held responsible but the people who have crowded the poor onto tiny bits of land, threatened their hold on that land with evictions and forced removals, treated them all like criminals, exploited them, repressed their struggles, pushed up the price of food and built too few houses, that are too small and too far away and then corruptly sold them must also be held responsible.

There are other truths that also need to be faced up to.

We need to be clear that the Department of Home Affairs does not treat refugees or migrants as human beings. Our members who were born in other countries tell us terrible stories about very long queues that lead only to more queues and then to disrespect, cruelty and corruption. They tell us terrible stories about police who demand bribes, tear up their papers, steal their money and send them to Lindela – a place that is even worse than a transit camp. A place that is not fit for a human being. We know that you can even be sent to Lindela if you were born in South Africa but you look ‘too dark’ to the police or you come from Giyani and so you don’t know the word for elbow in isiZulu.

We need to be clear that in every relocation all the people without ID books are left homeless. This affects some people born in South Africa but it mostly affects people born in other countries.

We need to be clear that many politicians, and the police and the media, talk about ‘illegal immigrants’ as if they are all criminals. We know the damage that this does and the pain that this causes. We are also spoken about as if we are all criminals when in fact we suffer the most from crime because we have no gates or guards to protect our homes.

We need to be clear about the role of the South African government and South African companies in other countries. We need to be clear about NEPAD. We all know what Anglo-American is doing in the Congo and what our government is doing in Zimbabwe. They must also be held responsible.

We all know that South Africans were welcomed in Zimbabwe and in Zambia, even as far away as England, when they were fleeing the oppression of apartheid. In our own movement we have people who were in exile. We must welcome those who are fleeing oppression now. This obligation is doubled by the fact that our government and big companies here are supporting oppression in other countries.

People say that people born in other countries are selling mandrax. Oppose mandrax and its sellers but don’t lie to yourself and say that people born in South African do not also sell mandrax or that our police do not take money from mandrax sellers. Fight for a police service that serves the people. Don’t turn your suffering neighbours into enemies.

People say that people born in other countries are amagundane (rats, meaning scabs). Oppose amagundane but don’t lie to yourself and say that people

born in South Africa are not also amagundane. People also say that people born in other countries are willing to work for very little money bringing everyone's wages down. But we know that people are desperate and struggling to survive everywhere. Fight for strong unions that cover all sectors, even informal work. Don't turn your suffering neighbours into enemies.

People say that people born in other countries don't stand up to struggle and always run away from the police. Oppose cowardice but don't lie to yourself and say that people born in South Africa are not also cowards. Don't lie to yourself and pretend that it is the same for someone born here and someone not born here to stand up to the corrupt, violent and racist police. Fight for ID books for your neighbours so that we can all stand together for the rights of the poor. Don't turn your suffering neighbours into enemies.

People say that people born in other countries are getting houses by corruption. Oppose corruption but don't lie to yourself and say that people born in South Africa are not also buying houses from the councillors and officials in the housing department. Fight against corruption. Don't turn your suffering neighbours into enemies.

People say that people born in other countries are more successful in love because they don't have to send money home to rural areas. Oppose a poverty so bad that it even strangles love. Live for a life outside of money by fighting for an income for everyone. Don't turn your suffering neighbours into enemies.

People say that there are too many sellers on the streets and that the ones from outside must go. We need to ask ourselves why only a few companies can own so many big shops, why the police harass and steal from street traders and why the traders are being driven out of the cities. The poor man cutting hair and the poor woman selling fruit are not our enemies. Don't turn your suffering neighbours into enemies.

We all know that if this thing is not stopped a war against the Mozambicans will become a war against all the vaTsonga. A war against the Zimbabweans will become a war against the vaShona that will become a war against the Vhavenda. Then people will be asking why the amaXhosa are in Durban, why the Chinese and Pakistanis are here. If this thing is not stopped what will happen to a place like Clare Estate where the people are amaXhosa, amaMpondo, amaZulu and abeSuthu; Indian and African; Muslim, Hindu and Christian; born in South

Africa, Mozambique, Zimbabwe, Malawi, Pakistan, Namibia, the Congo and India?

Yesterday we heard that this thing started in Warwick and in the City centre. We heard that traders had their goods stolen and that people were being checked for their complexion, a man from Ntuzuma was stopped and assaulted for being 'too black'. Tensions are high in the City centre. Last night people were running in the streets in Umbilo looking for 'amakwerkwere'. People in the tall flats were shouting down to them saying 'There are Congolese here, come up!' This thing has started in Durban. We don't know what will happen tonight.

We will do everything that we can to make sure that it goes no further and that it does not come to the settlements. We have already decided on the following actions:

1. We will resuscitate our relations with the street traders' organisations and meet to discuss this thing with them and stay in day to day contact with them.
2. We have made contact with refugee organisations and will stay in day to day contact with them. We will invite them to all our meetings and events.
3. We have made contact with senior police officers who we can trust, who are not corrupt and who wish to serve the people. They have given us their cell numbers and have promised to work with us to stop this thing immediately if it starts in Durban. We will ask all our people to watch for this thing and if it happens we'll be able to contact the police that we can trust immediately. They have promised to come straight away.
4. We will put this threat on the agenda of all of our meetings and events.
5. We will discuss this in every branch and in every settlement in our movement.
6. We will discuss this with our allied movements like the Western Cape Anti-Eviction Campaign and the Landless People's Movement so that we can develop a national strategy.
7. In the coming days our members are travelling to the Northern Cape, the North West, Johannesburg and Cape Town to meet shack dwellers struggling against forced removal, corruption and lack of services. In each of these meetings we will discuss this issue.
8. We are asking all radio stations to make space for us and others to discuss this issue.

9. In the past we have not put our members born in other countries to the front because we were scared that the police would send them to Lindela. From now on we will put our members born in other countries in the front, but not with their full names because we still cannot trust all the police.

10. If the need arises here we will ask all our members to defend and shelter their comrades from other countries.

We hear that the political analysts are saying that the poor must be educated about xenophobia. Always the solution is to 'educate the poor'. When we get cholera we must be educated about washing our hands when in fact we need clear water. When we get burnt we must be educated about fire when in fact we need electricity. This is just a way of blaming the poor for our suffering. We want land and housing in the cities, we want to go to university, we want water and electricity – we don't want to be educated to be good at surviving poverty on our own. The solution is not to educate the poor about xenophobia. The solution is to give the poor what they need to survive so that it becomes easier to be welcoming and generous. The solution is to stop the xenophobia at all levels of our society. Arrest the poor man who has become a murderer. But also arrest the corrupt policeman and the corrupt officials in Home Affairs. Close down Lindela and apologise for the suffering it has caused. Give papers to all the people sheltering in the police stations in Johannesburg.

It is time to ask serious questions about why it is that money and rich people can move freely around the world while everywhere the poor must confront razor wire, corrupt and violent police, queues and relocation or deportation. In South Africa some of us are moved out of the cities to rural human dumping grounds called relocation sites while others are moved all the way out of the country. Some of us are taken to transit camps and some of us are taken to Lindela. The destinations might be different but it is the same kind of oppression. Let us all educate ourselves on these questions so that we can all take action.

We want, with humility, to suggest that the people in Jo'burg move beyond making statements condemning these attacks. We suggest, with humility, that now that we are in this terrible crisis we need a living solidarity, a solidarity in action. It is time for each community and family to take in the refugees from this violence. They cannot be left in the police stations where they risk deportation. It is time for the church leaders and the political leaders and the trade union leaders to be with and live with the comrades born in other countries

every day until this danger passes. Here in Durban our comrades stand with us when the Land Invasions Unit comes to evict us or the police come to beat us. Even the priests are beaten. Now we must all stand with our comrades when their neighbours come to attack them. If this happens in the settlements here in Durban this is what we must do and what we will do.

We make the following demands to the government of South Africa:

1. Close down Lindela today. Set the people free.
2. Announce, today, that there will be papers for every person sheltering in your police stations.
3. Ban the sale of land in the cities until all the people are housed.
4. Stop all evictions and forced removals immediately.
5. Do not build one more golf course estate until everyone has a house.
6. Support the people of Zimbabwe, not an oppressive government that destroys the homes of the poor and uses rape and torture to control opposition.
7. Arrest all corrupt people working in the police and Home Affairs.
8. Announce, today, a summit between all refugee organisations and the police and Home Affairs to plan how they can be changed radically so that they begin to serve all the people living in South Africa.

S'bu Zikode  
 Zodwa Nsibande  
 Mnikelo Ndabankulu  
 Mashumi Figlan  
 Senzo (surname not given, he has no papers)



24 JUNE 2008

Statement · Ash Road Branch, Pietermaritzburg

## Sekwanele! We are fed up and cold here in the tents

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The tented 'transit camp' into which some residents of the Ash Road settlement in Pietermaritzburg have been forced.

We see many things planned for us, promised to us, and written about us in the newspapers but there is never our voice – always it is the words and the empty promises and the visions of the politicians, the so-called leaders, and the Municipality. It is not right for outsiders and 'leaders' who are not forced to be living in tents in the winter to be the only ones who speak and act. They tell us again and again in different ways the same thing – "be silent, be patient, we are making plans and visions for your future". For us who are living here, this makes us to see that we are treated as if we are not people. We are human beings and now we are saying No! No more of this disrespect and lying. We are fed up; the time has come for the world to know that we think, we speak, we act. Councillor Green and his family have not been living in the tents. As far as we are concerned he must therefore shut up.

When the heavy rains fell in January, we were put into these tents on the Tatham sportsground. We were told this was for three months only and we were forbidden to return and rebuild our homes. It is six months later now, and we are still here. It is the middle of winter now, and we are still here. The freezing cold, at night especially, is really killing us – one of our neighbours in the tent has already died from the cold; another one nearly died the other night from smoke from a fire that was lit to try and stop dying from the cold! We have been living so long in these tents that they are now all torn and worn-out. When it rains it is not just freezing cold but leaking so there is water inside too. This week, the municipality has also threatened that they will soon remove the few portable toilets they put here for us to use. Well this will just make our life, which is hard to bear already, even harder and unbearable for us.

We have no trust in the promises and visions that others make for us. They promise us 'temporary housing' in formal tin shacks that they will put somewhere else, and they promise houses and flats (that we do not want) somewhere else that they do not know yet. We can see now that, even if these promises eventually come, they would not be better than the housing we can build for ourselves anyway. We think there is no future for us and our children living in tents or temporary tin houses. For us it will be better to rebuild our jondolos right here on the sportsground and this is what we will do. Our mud shacks give us a better protection from freezing cold and summer's heat.

Now it is clear to us that we are the ones who can really make a better life for ourselves – definitely better than tents and empty promises! We, the people who are living in these conditions, are the ones to find a better solution. It is going to be better to leave behind all the politicians, the committees, the officials and so on and we will discuss and plan and act together as the people taking our own issues forward in the way that we decide.

ENDS

Contact: as members of Abahlali baseMjondolo we have worked together to write this statement. For reasons of security and intimidation we cannot give individual names but the following telephone numbers can be used to speak to residents from the tents and from the shack settlement.

2 JULY 2008

Statement · Abahlali baseMjondolo

## Launch of the AbM Branch in QQ Section Khayelitsha

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*Abahlali baseMjondolo: a home for all*

QQ Section Press Statement and AGM Invitation

Event: QQ Section Annual General Meeting

Date: 5 July, 2008

Time: 12h00-16h00

Venue: QQ Section Community Crèche

RSVP and directions

At 12h00 on Saturday, 5th of July, 2008, the abahlali of QQ Section in Khayelitsha will hold an Annual General Meeting to approve the launch of Abahlali baseMjondolo of the Western Cape. The event will be held at the new QQ Community Crèche that was built and funded by abahlali.

QQ Section residents have been living under appalling conditions for more than 20 years. Even the advent of our so-called democracy has been meaningless to abahlali (residents) of QQ. For us, all the rights to basic services, land, and safety which are stipulated in our country's constitution, signify a democracy on paper but not in our everyday lives. In QQ Section, we are 620 families who have no access to electricity, no toilets except a nearby field, no sanitation system, and only 8 water taps to share between over 3,000 abahlali.

But because we have been ignored for too long, QQ Section will soon vote to officially join Abahlali baseMjondolo (the South African Shackdwellers Movement). The purpose of joining AbM, a movement that began in the Durban jondolos, is to ensure that all the rights of people living in informal settlements are being recognised, respected, and listened to by those in positions of authority (the government, NGOs, and the private sector). In short, AbM exists to ensure that no one but ourselves speak for ourselves and no one but ourselves govern ourselves.

An additional aim of this shackdwellers' movement is to build relationships between informal settlements and to explore alternatives to the current developmental approach to government. We will appose the forced removals of our communities and top-down housing policies of government officials.

Abahlali baseMjondolo, which has been working with QQ Section for four years now, was originally launched in 2004 from Kennedy Road in Durban, has now become one of the leading social movements in the country. AbM is not a political party and does not have any working relationship or affiliation with any political party or vanguard organisation.

For this landmark event, representatives from Abahlali baseMjondolo will be coming all the way from Durban to support residents. Other social movements such as AbM's alliance partner, the Anti-Eviction Campaign, will be attending and bringing the support of their respective communities.

The Mayor Helen Zille has been invited to attend along with the local ward councillor and housing MEC Richard Dyantyi. Their authority to speak for the poor will be challenged by abahlali. Also, all government officials who attend will be handed memorandums about the issues affecting our community. Dan Plato, Mayoral Committee Member for Housing has been asked to engage on the following issues raised by abahlali:

1. Relocation of QQ Section residents
2. Time-lines regarding housing issues
3. Declaring QQ Section as in-situ upgradeable

4. The city's immediate intervention plans for this years winter floods In addition to government officials, a number of NGOs, academics and well-wishers will be invited to attend, listen to and learn from abahlali. They will not be permitted to speak; the AGM is a space for the community to speak and teach. In the next few months, QQ Section is planning on building more crèches, youth centres and toilets to improve the lives of residents. For this purpose, the community requests that each individual whose attendance is accepted, make a donation to the community as well as bring along one of their favourite books to help us with our new community library.

For further details, directions and donation instructions

Mzonke Poni, QQ Section Community Committee Chairperson

22 JULY 2008

Press statement · Abahlali baseMjondolo of the Western Cape

## AbM Western Cape unite to challenge the City's 'Master Plan'

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*Event: Shackdwellers to challenge city master plan*

Location: QQ Section Community Crèche

Date: July 26, 2008

Time: 15h00

Khayelitsha – On Saturday July 26, 2008, Western Cape shackdwellers will converge on QQ Section to challenge Dan Plato and the City of Cape Town's Master Plan for Informal Settlements.

After failing to pitch up to engage with Abahlali during the launch of AbM Western Cape a couple of weeks ago, Dan Plato has promised to meet with residents this Saturday at 3pm. This will be the first time Abahlali baseMjondolo of the Western Cape will speak will have the opportunity to challenge the authoritarian land and housing policies that ruin the lives of their communities.

Residents are angry about a number of issues including:

1. They believe the government has continued to ignore them and refuse to give them access to basic services guaranteed by South Africa's constitution.
2. They are angry about the top-down approach to development endorsed by the plan. If there is to be any master plan at all, communities must be allowed to draft it themselves rather than let city officials speak for them.
3. They are against forced removals and believe that they have the right to houses close to jobs, transport, and current schools.

They will use this platform as their first attempt to get aloof city officials to listen to them.

AbM Western Cape

31 JULY 2008

Press statement · Abahlali baseMjondolo

## Opening ceremony for QQ Community creche

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Khayelitsha – QQ Section, Abahlali baseMjondolo's newest member community, has been one of the most deprived informal settlements in Cape Town: they have been waiting for services from government for the past 20 years. The last 14 years of 'democracy' has been meaningless to residents of QQ Section.

After living so many years without rudimentary services, abahlali (residents) find it very appalling for the City of Cape Town to claim that This City Works for You and the Western Cape is a Home for All. They have sought to marginalise us and incited divisions between us so that we fight their ANC/DA political battles.

After many attempts by residents of QQ trying to force the City to provide them with basic services including mass-based protests, negotiations on good faith, and handing over of community-drafted memorandums, each endeavor has fallen on deaf ears.

So abahlali have decided to establish their own services owed to them by government. By donating R5 and R7 to erect their own crèche which will also double as a community hall, library and youth centre, as well as house the only toilet in the settlement, we are trying to prove that another world is possible.

On the 5th of July, 2008, residents of QQ took lead of launching the Western Cape branch of Abahlali baseMjondolo (Shackdwellers Movement) with the aim of uniting all shackdwellers in South Africa. Now, on the 2nd of August, 2008, the abahlali of QQ Section will have the ceremonial launch of their first self-financed community development project – the QQ Community crèche.

This crèche to be a community project owned by the people and not a non-governmental organisation controlled by a few self-electing board members. After a number of mass meetings, the newly elected Children's Committee will be required to ensure that parents and other abahlali play a vital role in the success of this cooperative project. Also, after much discussion, residents agreed to a R50 per month fee for children attending the crèche. This community-owned project will seek the betterment of the entire community through volunteers helping out a few times a week and not a profit for any individual.

Mzonke Poni

8 AUGUST 2008

Press statement · Abahlali baseMjondolo

## AbM Cape Town to hold first ever grassroots workshop on the City's Master Plan

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*Time: 14h00 – 16h00*

Venue: QQ Revolutionary Community Crèche

QQ Section – Tomorrow, the newly formed AbM Western Cape will be holding a workshop for over 10 informal settlements in Khayelitsha on the City's 'Comprehensive Plan' for Informal Settlements.

Speakers at the workshop will include: Mzwandile Sokupa, Director of Informal Settlements for the City of Cape Town, Helen Macgregor from Development Action Group, Professor Martin Legassick, and others.

The aim of the workshop includes the following:

1. To empower communities in terms of understanding the City's Master Plan.
2. The way the idea of 'development' is being structured with regard to this Plan
3. The way the City tries to control the development of informal settlements by using this 'Master Plan'

The primary intendant outcome of workshops like this one is to empower Abahlali towards a critical understanding of the City's approach to urban planning. We would like all abahlali in our settlements to be able to engage with government officials and NGOs on these kinds of issues and democratically come up with informed alternatives to current authoritarian approaches.

Abahlali baseMjondolo is a community-based and community-controlled movement and we do not believe in this so-called 'stakeholder approach' to development which seeks to make top-down government policies seem democratic. We are committed towards seeking alternatives with regard to these neoliberal-based policies which affect people living in informal settlements. We believe in the principles of participatory democracy where such alternatives only come from below and to the left.

8 AUGUST 2008

Press statement · Abahlali baseMjondolo

## Abahlali baseMjondolo eThekweni Calls for City Wide Shack Fires Summit

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*Let us Work Together to Stop the Plague of Shack Fires*

### Abahlali baseMjondolo Calls for a Shack Fire Summit

This weekend the eight people that burnt to death in two shack fires in Cato Crest will be buried. This weekend we will continue to rebuild the Kennedy Road settlement after two fires in two weeks.

We do not accept that the poor must burn in shack fires. This is not God's will.

We cannot be silent while facing these fires. If we were silent we would have no right to exist.

Some councillors just take the people's votes and then leave them to burn with the fire. The people have put these councillors on trial and found them guilty. In Abahlali baseMjondolo we buried our councillors. Community organisations across Durban and across South Africa have rejected these councillors. The time of the councillors is over. The time of the people has come back.

When ever there is a shack fire the politicians rush to blame the people for being drunk or not watching their children properly. Let us be clear. People in houses also get drunk. Their children also like to play in the house. The difference is that they have electricity and so their houses do not burn when these things happen.

It is the Municipality that makes the people burn with fire. They separate us from the other people. It is like we do not belong to South Africa. They take their own time to build us houses but they don't put the electricity while we wait. The fact that we are waiting for houses doesn't mean that we must get burnt while we wait, that our children must get killed by rats while we wait, that women must get raped looking for a safe place to go to the toilet while we wait. We must all be safe while we wait.



If they put the electricity the fires will not come to us. The problem is not that we are stupid. We do not need training on how to avoid fires. The problem is that we do not have electricity.

Electricity will save our lives. Most fires are caused by candles and paraffin stoves. If they don't connect we must connect. If they will not connect us then they must not arrest and beat us for connecting ourselves. If democracy is for everybody then everybody needs to be safe in a democracy and we are doing the work of the government when we connect ourselves. When we connect ourselves we are making the democracy real. When we connect ourselves we are making everyone count the same.

Anyone who says that electricity is a luxury that the poor do not deserve must spend one winter living in a shack and trying to survive the fires before they speak about what is a luxury and what is a necessity.

It is true that the government has failed to make enough electricity. But we cannot be expected to pay the price for their laziness. If someone has to pay the price it is better that the big companies and rich people that can afford generators should pay the price. Anyway, why are all the lights in the government and business offices on at night while we burn in the dark without electricity?

When Abahlali baseMjondolo started the media had no interest in shack fires. It took us a lot of time and energy and many police beatings before we could restore our human dignity. Now our lives are taken more seriously. The fires are now reported in the media. We appreciate this. We get more support from churches and even individuals and we appreciate this. But we still have the same old problems of NGOs that we don't know raising money on East Coast Radio in the name of our suffering.

We used to have to ask our Indian neighbours to phone the fire brigade because they wouldn't come if we phoned. Now the fire brigade comes quickly in Durban and when they get to the fire they work with the people. They do a good job. We appreciate it. They now take us as citizens in this country – and they take us all as citizens, they do not ask for an ID before they put the water on the flames. In Pinetown they still come too slowly though. A person who hears that there is a fire at home can leave work and get home before the fire brigade gets there.

We used to be on our own after the fires. Disaster management would either not come or, if they did, they would give us food for one meal and a blanket and

then leave. Now the eThekweni Municipality has given good building materials to the people in Kennedy. They have given cement, wooden poles, corrugated iron, planks and nails. At first they wanted to make a transit camp but we said no. After we discussed it together they are now supporting the people to rebuild. We really appreciate it that after all these years of neglect and conflict they are now talking to the people and bringing the people building materials after fires. We also really appreciate that the City will be supporting our Clean Up Campaign on 16 August.

What we have won we have won through struggle. Our advice is that all settlements must mobilise and be vocal.

The people's voice is always condemned by party politics. The parties all compete to bury the children burnt in the fires. None of them demand electricity for the poor, none of them defend the electricity connections made by the poor when the police come to disconnect us and arrest us and beat us back into the darkness and the fires. Our advice to other settlements is that the people should organise independently of the parties. But each settlement must decide this question for themselves.

What we have won cannot just be for Kennedy Road. It cannot just be for the 14 Abahlali baseMjondolo settlements that are now negotiating with the City for upgrades. Each step forward must be a step forward for all the settlements. Each victory must be shared.

But we are disappointed that after the Cato Crest people asked to also get building materials some officials are saying that shacks are being burnt purposefully so that people can get these materials. Who would cheat their own life? Who would burn themselves? If the City want to keep moving forward they must put away, for ever, the idea that shack dwellers are dirty, lazy, stupid and dishonest. After many years of struggle the hatred of black people had to be put away. Now the hatred of the poor must be put away. We must build one city together by talking and working together. And while we are doing this we must remember that South Africa belongs to all who live in it – not just those with ID books.

In Abahlali baseMjondolo we have held many memorials for people killed in shack fires. We have fought many fires. We have rebuilt many settlements after fires. We have had many discussions about fires. We have asked researchers and lawyers to investigate the fires. Right now Matt Birkinshaw and Mnikelo

Ndabankulu are going to different settlements and talking to people about the fires. They will make a report for us.

Our position on the fires will develop as we have more discussions with more people. But we are already committed to these demands:

1. Every settlement needs taps spread through out the settlement as well as hoses and fire extinguishers and every settlement needs these immediately.

2. The City must immediately reverse its 2001 decision to stop electrifying shacks.

3. People who have not been connected to electricity by the City must be supported to connect themselves.

4. All settlements must, where ever possible, be upgraded where they are with proper houses and this must be done with democratic and not top down planning methods.

5. While people are being connected to electricity the City must ensure that everyone gets good service from the fire brigade and that all settlements get good building materials after fires.

6. Because the fires are the result of the failure of the City to continue to electrify shacks after 2001 they should pay compensation to all the people that have suffered in the fires from 2001 till now.

We have decided to call a city-wide Summit on Shack Fires. We invite all shack dwellers' organisations, all NGOs that can offer technical support, churches and all relevant city officials. We have decided on the following programme of action in the lead up to the Summit on Shack Fires:

1. Saturday 9 August till Friday 6th September: Internal Meetings of All Shack Dwellers' Organisations. All Abahlali baseMjondolo branches, other shack dwellers' organisations and allied poor peoples' movements will hold internal meetings with their members to discuss their experiences of shack fires and their views on the way forward. This will begin the process of developing an agenda for the Summit on Shack Fires. Leadership will not formulate the agenda. It will come out of these discussions.

2. Saturday 7th September: Summit Planning Meeting of All Shack Dwellers' Organisations at the Kennedy Road settlement. We will invite every settlement in KwaZulu-Natal to send representatives. We will invite representatives from

our branches in the Western Cape and the Northern Cape. We will invite representatives from sister movements like the Landless Peoples' Movement in Johannesburg and the Western Cape Anti-Eviction Campaign in Cape Town. We will also invite the South African Shack and Rural Dwellers' Organisation and the Homeless Peoples' Federation. These organisations do not all agree on politics. But we are all agreed that the fires must be brought to an end. We will try and build a united front against the fires.

3. Sunday 21 September: Mass Prayer hosted by Abahlali baseMjondolo at the Kennedy Road settlement. All shack dwellers' organisations are welcome.

4. Monday 22 September: Summit on Shack Fires at the Foreman Road settlement. This summit will give all the shack dwellers organisations a chance to engage with the City. We do not want the summit at the ICC. We want it in the shacks. We do not need the police at this summit. We do not need their helicopters flying just over our heads. We just want to talk. We are just going to talk. If it goes well we could, together, develop a new way of doing things in Durban. If it fails we will have to go back to the streets. Human beings cannot live in fires.

The media are welcome to come to all of these events.

Louisa Motha  
Shamita Naidoo  
Mnikelo Ndabankulu  
Zodwa Nsibande

15 AUGUST 2008

Press statement · Abahlali baseMjondolo

## AbM WC hosts walkabout of Khayelitsha informal settlements

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*Date: 16th August, 2008 (Saturday)*

Time: 14h00 – 16h30

Assembly Point: Mew Way Hall, Lansdowne Road

QQ Section – Tomorrow, the recently formed AbM Western Cape will be hosting a walkabout through Khayelitsha's informal settlements for Cape Town mayoral committee member Dan Plato and other city officials.

After assembling at Mew Way Hall, we will visit over a dozen informal settlements on foot, including QQ, RR, VT, VV, TR, AT, XA, QA, LB, and YA.

This walkabout will provide the residents of these communities with an opportunity to demonstrate directly to city officials the lack of even rudimentary services in their communities. Residents will be able to show officials what they have and what they lack, what they want and how they want it. It will offer our communities a chance to instil the accountability lacking in the process of upgrading informal settlements.

The purpose of the walkabout is also to demonstrate the failure of the current top-down approach to development, demonstrated in the City's Master Plan. It follows up on last Saturday's workshop on the City's Master Plan, where we gained a better sense of what the plan is and saw for ourselves the ways its top-down approach to community developments in fact undermines communities. Our current lack of services is a direct result of this plan's failures.

This walkabout also follows our last meeting with Dan Plato on 26 July.

Abahlali baseMjondolo is a community-based and community-controlled movement and we do not believe in this so-called 'stakeholder approach' to development which seeks to make top-down government policies seem democratic. We are committed towards seeking alternatives with regard to these neoliberal-based policies which affect people living in informal settlements. We believe in the principles of participatory democracy where such alternatives only come from below and to the left.

19 AUGUST 2008

Press release · Motala Heights Branch

## Armed De-Electrification in the Motala Heights Settlement

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This morning an eThekweni Municipal official invaded the Motala Heights settlement with a group of security guards. They drew their guns, said that they were there to disconnect what they call ‘illegal electricity connections’ and what every one else calls ‘lifesaving community connections’ and threatened to shoot anyone that resisted.

The Municipal Official is known to be a friend of local gangster landlord Ricky Govender and often drinks in Govender’s bar. When the official was challenged he told the community that “you are living on Ricky’s land and you must go.” Municipal officials are always saying this but in fact AbM went to the City deeds office in 2006 and it is clear that the settlement is on government land. In a democracy government land should be the peoples’ land. In fact all vacant land should be the people’s land. During the attack Bongo Dlamini, the Chairperson of the Abahlali baseMjondolo youth league whose shack burnt down on 31 July, was injured when the security guards deliberately rammed him with their car.

Immediately after the attack the entire community marched on Ricky Govender’s offices to protest against the attack on the settlement, the injury to Bongo and the disconnection of electricity at gun point. Govender was informed that neither he nor the Municipality has any right to enter the settlement without the permission of Abahlali baseMjondolo. He agreed to this demand.

The Motala Heights Abahlali baseMjondolo branch will call a mass meeting of all residents in the area to discuss this latest attack and will issue a more detailed press statement after that. But right now it is important to note that:

1. The last time the City attacked Motala Heights was in 2006 when their security guards, clearly acting under the direction of Ricky Govender and many of them drunk after drinking in Govender’s bar, came to demolish the settlement. That attack was stopped by legal action because the City had no court order and

were illegally destroying the peoples' homes. In the end the police chased the Municipal Security out of the settlement.

2. It is a disgrace that the Municipality chooses to make its self the servant of a well known gangster who is trying to drive all the poor, African and Indian, out of the area rather than to work to develop the area with and for all the people of the area.

3. It is a disgrace that in the middle of all the shack fires the City, the same City that is responsible for the shack fires because it decided to stop electrifying shacks in 2001, continues to send men with guns to disconnect people who have done the work of making their communities safe themselves.

4. It is a disgrace that the City sends out armed security guards to attack its poorest residents rather than negotiating with them to solve their problems.

For background information on Motala Heights please see: <http://abahlali.org/?p=2377>

For information on recent armed attacks on other settlements to disconnect the people from electricity see:

Kenned Road: (Clare Estate): <http://abahlali.org/?p=3342> eMagwaveni (Tongaat): <http://abahlali.org/?p=3490>

To see the recent Abahlali baseMjondolo call for a City Wide Shack Fires Summit see: <http://abahlali.org/?p=3882>

For more information please contact the following residents of Motala Heights

Bongo Dlamini, Chairperson, AbM Youth League

Louisa Motha: Treasurer, AbM

Shamita Naidoo, Chairperson, Motala Heights AbM Branch

Bheki Ngcobo, Deputy Chairperson, Motala Heights AbM Branch

24 AUGUST 2008

Press release · Abahlali baseMjondolo

## AbM Statement on the Cornubia Development

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*Why are Shack Dwellers Excluded from the Discussions About the Cornubia Development?*

Nothing for Us, Without Us!

There has been much discussion about the Cornubia housing development in the press. The City and the political parties have had their say. Tongaat-Hulett, the company that owns the land, have had their say. The technical experts have had their say. Shack dwellers' organisations have not had their say. We who live with the rats in the mud and the fires have not had our say. We who were publicly promised houses in this development in November 2005 have not had our say. We who have been beaten and arrested while defending our right to speak for ourselves, defending our communities from eviction, and defending our right to decent housing in the city have not had our say.

When ever we have asked the eThekweni Municipality to fulfil the promise to house the poor they have told us that they want to build houses but that land, not money, is the problem. They have always told us that there is nothing that they can do because there is no land left in the city. But everyone can see that there is lots of land. The real problem is not that there is no land. The real problem is that the land is privately owned and that most of the land is owned by one big company – Tongaat-Hulett.

The Freedom Charter said that South Africa belongs to all who live in it. The Freedom Charter said that the land should be shared. These were clear goals of the peoples' struggles against apartheid. We are still committed to these goals.

It is clear that building democratic cities where everyone has a proper space and real hope for a better life will require the end of the private ownership over huge lands. Some of our members believe that God made the land as a gift for everyone and that is a sin for one company to own so much land. We all agree that there can be no justice in this city, no safety and no hope for a better life for



the poor while one company owns so much land. Everybody in the city needs to be matured and to face this reality.

The Kennedy Road Development Committee (KRDC) first demanded the expropriation of Tongaat-Hulett land to house the poor on 13 May 2005 when the KRDC organised a mass march to bury Councillor Yacoob Baig. After Abahlali baseMjondolo was formed on 6 October 2005 this demand was placed at the centre of our struggle. We made this demand because Tongaat-Hulett is the largest land owner in Durban. We also made this demand because it was never right for Tongaat-Hulett to own that land and because many generations suffered on their plantations. We also made this demand because Tongaat-Hulett has continued to separate the rich from the poor after apartheid by building a separate gated world for the rich on the old sugar cane fields. In 1994 that land should have gone for housing for the poor. That would have been real democracy.

The Cornubia development was first announced in November 2005. That was just before the 2006 local government elections and just after the world's media reported that the eThekweni Municipality had illegally banned our march on Obed Mlaba from the Foreman Road settlement and then sent in the police to shoot at us when we marched in defiance of the ban. The Mayor clearly stated that the announcement was due to pressure from Abahlali baseMjondolo. He said in the New York Times that we were being used by agitators and that we would not still be here in 2007. We are still here. We are still agitated by the conditions that we live in. Now that the 2009 elections are coming Cornubia is back on the agenda.

The debate goes on but it excludes us. Who are the 'stakeholders' in the discussions about Cornubia? Just the landowner, the government and the technical people! Where do the poor fit? We find that if we talk about history we are seen to be launching an offensive. We are not supposed to talk about history but we have to reclaim what is our own, what has come out of our efforts. This announcement is the fruit of our struggle and the struggles of all the communities across South Africa that have been rejecting forced removals to rural human dumping grounds since 2005.

We want to say some things very clearly:

1. We welcome the statements by government that they are considering meeting our demand that they expropriate land from Tongaat-Hulett. We also

suggest that they issue a moratorium on any sale or development of Tongaat-Hulett land until everyone in the city has been housed. That would show that they are serious about justice for the poor because there will not be justice for the poor until the social value of land is put before the commercial value of land.

2. We welcome the fact that government is now talking about integrated developments where the rich and the poor can live together in the city instead of building more of the notorious rural human dumping grounds like Parkgate and Delft.

3. However if shack dwellers are not included in the planning of this project it will fail like the N2 Gateway Project failed in Cape Town. Top down planning has been completely rejected by shack dwellers all over South Africa. Those days are over. We reject top down control of our struggles by NGOs and we reject top down planning of housing development by government. Everybody thinks. We are poor, not stupid. Planning must not just be a technical talk that excludes the people. Democracy is not just about voting. Democratic planning is the way forward.

4. The government is talking about building low-cost housing at Cornubia but shack dwellers need no-cost housing. We cannot afford low-cost housing. No bank will give us a bond. There must be negotiations resulting in a public commitment to build a fixed number of no-cost houses. We must all remember that the N2 Gateway Project in Cape Town began as a project for the poor. But it was quickly taken over by politicians and companies who saw an opportunity to exploit the development for their own profit. Bank bonded houses were built for the rich instead of no-cost houses for the poor. In the end the poor were driven out of the project that was started in their name and the whole project failed.

5. This project must not be used as an excuse to claim that shack settlements are now 'temporary' and that they will soon be 'eradicated' because Cornubia is being built. The settlements are established communities and in most settlements most residents want upgrades and not relocations. We must all remember that most shack dwellers will not be able to fit in Cornubia. Cornubia can be a solution for some but not for all.

6. This project must not be used as an excuse to continue to deny collective and secure rights to the land for long established communities. The legal ownership of the land that has been occupied by communities must be transferred to those communities so that the fear of eviction can be permanently put to rest.

7. This project must not be used as an excuse to continue to deny life saving basic services to shack settlements. Each settlement needs these services immediately. They include water, toilets, electricity, fire extinguishers, refuse removal, homework areas and access roads for emergency vehicles.

8. This project must not be used to make promises to people that cannot be kept, to divide the poor or to keep everyone waiting and not struggling. Before the end of the year there must be exact and public clarity on how many no-cost houses will be built, how they will be allocated and who they will be allocated to.

9. The allocation of the no-cost houses in Cornubia must not be corrupt or driven by party political interests. The houses must go to those who need them most. There must be no discrimination against people born in other countries.

10. The City must upgrade all settlements where they are. The no-cost houses in Cornubia must be for those who genuinely can't be accommodated in upgrades. Cornubia must not be used as an excuse to evict people from areas where they have lived for a long time and where they want to stay. No one must be forced to go there at gunpoint like we have been forced to go to Parkgate at gun point. People must choose to go there.

11. The City needs to provide one house for each family not one house for each shack.

12. The government must accept that shack dwellers and other poor people have a right to organise and to represent themselves independently of party politics. All democratic membership controlled shack dwellers' movements must be fully included in all planning for shack dwellers. Each community must be fully included in all planning for that community.

For comment on the Cornubia project

S'bu Zikode

Mnikelo Ndabankulu

Fanuel Nsingo

Zodwa Nsibande

For comment on the crisis caused by top down planning across South Africa

Mzonke Poni, Abahlali baseMjondolo, Cape Town

Ashraf Cassiem, Western Cape Anti-Eviction Campaign, Cape Town

Mzwanele Zulu, Joe Slovo Task Team, Cape Town

Maureen Mnisi, Landless Peoples' Movement, Johannesburg

8 SEPTEMBER 2008

Press release · Abahlali baseMjondolo

## A Big Devil in the Jondolos: A report on shack fires

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### *A Big Devil in the Jondolos*

Abahlali baseMjondolo Launches a Report on Shack Fires in Advance of the City Wide Shack Fire Summit on 22 September 2008

Today we are launching an important report on shack fires. We asked for this report to be written and we worked closely with the writer at all stages. We are releasing the report today so that it can be widely discussed in the lead up to the City Wide Shack Fire Summit called by the movement for Monday 22 September 2008. We will launch the isiZulu version of the report soon. We call on all organisations that are concerned with justice and that want a city in which everyone is safe to read and discuss the report. The report is on our website in word and in pdf. Printed copies are available from the Abahlali baseMjondolo library in the Kennedy Road settlement.

Rural fires are declared as disasters. This is right. Shack fires are taken as normal. This is wrong. It cannot be normal for the poor to burn and to reburn. People should not be burnt while waiting for houses. Shack fires are a crisis. It is time to acknowledge that crisis. It is time to take that crisis seriously.

Promises made to us have been broken. We have suffered a lot. We are still suffering. We will continue to suffer.

We really exist to live.

We have done amazing things to fight for simple things.

Some rich people and some people in government think that we do not know our place. They feel that we are in the wrong place. They are trying to chase the shack dwellers out of the cities – to put us back where they think we belong. It is like a second xenophobia.

We are not willing to remain in the shadow of darkness. We are not willing to remain silence. We need to define ourselves before someone else defines us. We need to reflect on our lives and then put our version into the world.

Politics often becomes about those with names, the celebrities of struggle. Our politics is one of equality. Everybody matters. We need to celebrate those that are ignored and forgotten as we shape and reshape this world into a new world where everyone is respected.

We have discussed the fires in our movement. We have come to some conclusions. We have noticed that everybody talks about the mistakes that we make. Nobody talks about the reckless mistakes that the middle classes are making. They also get drunk. But they don't burn because they are not forced to use paraffin and candles and because they are not forced to have walls made of plastic and cardboard. We do not have all the answers to the problems of shack fires. However we can create a platform for more discussion. That is our cleverness.

We are inviting all shack dwellers' organisations as well as social movements, trade unions, NGOs, churches, academics, students' organisations, the Municipal fire department and the Municipal housing department to the Shack Fire Summit.

We are not inviting the councillors because they are paid to lie and to make sure that we keep quiet. That is their job. They are not to be trusted. Their role is division. We do not have to rely on them. But the enemy is more than just the councillors. They are small parts in the whole system. It takes a very courageous councillor to align themselves with the poor and the working class. Most of them are being remote controlled.

On Saturday 20 September we will have a meeting with the Western Cape Anti-Eviction Campaign, the Landless Peoples' Movement, the Rural Network and Abahlali baseMjondolo from Durban, Pinetown, Pietermaritzburg, Cape Town and Kimberley.

On Sunday 21 September we will have a prayer meeting. We are inviting all the churches – the Nazarenes, the Zionists, the Catholics, the Anglicans, the Hindus, the Muslims – everyone. We need to ask for our struggle against the fires to be blessed. We need to honour everyone who has died in the fires. We need to take the spirits of the people who died in shack fires to their homes. The prayer meeting will start at 9:00 and run to 12:00 at the Kennedy Road Hall. At 14:00 we will have the third University of Abahlali baseMjondolo graduation, also in the Kennedy Road Hall.

On Monday 22 September we will have the City Wide Shack Fire Summit at the Foreman Road settlement. The Summit will be a chance for us to all learn

to think together, to plan democratically, to let ideas move up instead of down. In the morning we will discuss the causes of fires. We will start by hearing from the victims of fires. We will hear from the unsung heroes and heroines of the shacks. Then everybody will be able to have their say. In the afternoon we will discuss the solutions. In our discussions we have come to our own views. But we will take the views of everyone at the summit. Everyone that comes will have the same right to shape the summit.

If people say that the problem is the drunkenness of the poor then we will have to shut down the shebeens.

If people say that the problem is the ignorance of the poor then we will have to bring in the NGOs to workshop the people.

If people say that the problem is that the poor are denied electricity, that we are forced to build our shacks close together and that we are not allowed to build with bricks then we will have to electrify the shacks and provide land and housing.

We will not be embarrassed if some people don't want to accept our invitation and don't want to take the opportunity to think and discuss and plan together. The embarrassment will be on those who continue to think that you can only think in the ICC, that it is impossible to think in the shacks.

People in government and some NGOs often tell us that we must talk development and not politics. They say that to oppose is to be out of order, or backward or unprofessionalized. But we can't stop to struggle. Development is politics. Shack fires are not just accidents. There is a politics behind the fires. This comes through strongly in our report on shack fires. Our lives and the lives of our children require that we struggle. We don't want to be workshoped. We don't want to be trained to learn how to live without electricity and toilets and enough water. We want to meet and discuss and to make a plan for us to get what we need to be safe.

We do not count to any part of this world other than our movement. We have always resisted all attempts to remote control our movement. We will always resist these attempts.

We salute Tata Matt, the writer of this report. Like Antonios who was living in Motala Heights in 2006 Matt is from London where he is also a squatter. He is a humble man. He has lived with us in shacks in the Kennedy Road and Foreman Road settlements. He has seen what we have seen, felt what we have

felt, touched what we have touched, tasted what we have tasted. He has lost his shack in a fire and helped to fight two fires. He has shown us that he is our equal. This is a living solidarity.

Join us to work together for a new, safer city.

S'bu Zikode  
Mashumi Figlan  
Louisa Motha  
Mnikelo Ndabankulu  
Zodwa Nsibande



13 SEPTEMBER 2008

Press statement · Foreman Road Branch

## Foreman Road Fire

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*Foreman Road Abahlali baseMjondolo Branch*

### Massive Fire Devastates the Foreman Road Settlement

A fire started at the bottom of the Foreman Road settlement at around 3: 00 a.m. this morning. There is only one tap in the settlement and it was impossible to fight the fire. Most of the settlement, at least a thousand shacks, burnt very quickly. Our neighbours called the fire brigade and they came and put the fire out. In 2004 the Municipality said that they would install fire hydrants. They started the work but never finished it. We have been left to burn.

So far we have found one body in the ashes and debris but there may be more. It is still smouldering and we can't clear it all till it cools down.

We called an assembly of all the residents this morning and we have decided that:

1. Foreman Road must be declared a disaster area. It is not right that shack fires are treated as a normal thing while other fires are taken seriously, taken as disasters. Our lives count the same as other peoples lives.

2. We will not accept to be put in a transit camp. We do not want government shacks (the tin shacks). We have seen what happened in Jadhu Place. We will rebuild Foreman Road ourselves. We have already started the work. The Municipality must support the community with building materials like they supported the Kennedy Road community after the recent fire there.

3. It is good to provide tents while people are rebuilding but they must be a temporary emergency measure. People cannot live in tents for months.

4. Home Affairs must come to the settlement to register all the people that lost ID books. Many of them have no money and only the clothes that they were wearing and can't go into town now. Also, they have to rebuild as quickly as is possible.

5. We need support to get school uniforms for the children. Schools must accept children without uniforms until this can be resolved.

6. We need emergency food.

7. The Municipality must install more taps, fire hydrants, a proper access road for the fire trucks and electricity with maximum urgency.

Abahlali baseMjondolo had planned to hold the City Wide Shack Fire Summit in Foreman Road on Monday 22 September 2008. Now, it seems, we will have to hold the summit in the ashes of Foreman Road.

Shack fires are a crisis. They are not something normal. The government must stop blaming the victims every time there is a fire. We have to treat the fires as a crisis. We have to act against the real causes of the fires. The main cause is that people don't have electricity. Other causes are that people don't have enough taps or any fire hydrants to fight the fires. The short term solution is to electrify the shacks and provides taps, fire hydrants and access roads. The real solution is to upgrade the settlements with proper brick houses.

We are busy taking the full details of all the people that have lost their shacks and will soon have the exact numbers of homes lost and people left homeless.

We note that this time last year residents of Foreman Road were amongst those beaten and arrested by the police for marching against the fires and demanding the right to safety.

We encourage everyone to read and discuss the AbM Report on Shack Fires before the summit.

We thank our neighbours, the fire department and everyone who has come to offer what support they can.

George Bonono, Foreman Road Abahlali baseMjondolo Branch Chairperson  
Mnikelo Ndabankulu, Abahlali baseMjondolo Spokesperson

14 SEPTEMBER 2008

Statement · Abahlali baseMjondolo of the Western Cape

## Power to the Poor

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Even if our whole settlement burns down, the reality is the land on which our community lives will remain our home. A fire, like the devastating one yesterday at Foreman Rd, will not change the way we view our homes. No matter how disadvantaged our communities are, we will not allow individuals who are on power to label our homes as slums because once we allow that they'll want to eliminate our homes and throw us in unsuitable asbestos filled temporary relocation areas.

These unnecessary fires can be prevented if our government was caring and democratic. But this government is only democratic and caring about issues that matter to their pocket book. Whatever we, as shack-dwellers, say to them does not matter. Only our votes matter so that they can attain more power and enrich themselves further.

But there is one thing politicians know how to do very well: they know how to sit in local, provincial and national government offices and talk about us instead of to us. Then, later on, they will claim that they have delivered services. In reality, however, the only thing they are able to do from their offices is to deliver corrupt tenders to their political friends in the private sector.

Abahlali baseMjondolo Western Cape says Aluta Continua, where there is a will there's a way. Let us not be threatened by these shack fires and allow tsotsi developers to steal our land so that they can build shopping centers and unaffordable bond houses. We've already seen them stealing the land of abahlali (residents) from informal settlements such as Joe Slovo in Cape Town, pushing them out of well located areas to unlivable dumping sites such as Delft. Property developers, with their allies in government, are making business off of our land and entering into partnership with big monopolies in order to push the poor out of the cities.

Still, even though we are poor we are not stupid. Let us not allow this corrupt government to shift the blame about shack fires away from themselves. They want to discredit our communities instead of developing them; they want to

force us to condemn ourselves for the poverty they have created; they want to create division in our communities so that they will be able to enter in between us and pit us against one another.

ABM WC supports the demands of ABM KZN:

1. The South African Government must prevent fires in our communities by electrifying all the informal settlements at South Africa.

2. We also call on the South African Government to release the land which is occupied by Abahlali living informally so that the land can be managed and owned by our communities. We need to be recognised as legal occupants of the land so that we can develop our own communities.

Along with the Anti-Eviction Campaign and the Joe Slovo Task Team, ABM WC will be attending the first ever City Wide Shack Fire Summit on Monday 22 September 2008 to find new ways of preventing fires in our communities.

In solidarity,

ABM Western Cape

Mzonke Poni (ABM WC chairperson)

17 SEPTEMBER 2008

Press statement · Siyanda Branch

## Siyanda Crisis: Evictions, Police Intimidation, Unjust Housing Allocation etc.

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### *Siyanda Residents March*

Breaking News: Siyanda shack-dwellers, facing eviction from the MR577 Freeway site, are staging ongoing marches to halt building and allocations at the Kulula Housing Project. The contractors have just been stopped from proceeding with the patently unfair allocation of housing that has been undertaken without any form of meaningful consultation. There is a heavy police presence again today and the situation is tense. (There is an article in yesterday's *Isolezwe* here.)

### **Forced Relocations in Siyanda to Make Way for New Freeway**

DURBAN – Shack-dwellers in Siyanda, KwaMashu, have been threatened with forced relocation to make way for construction of the MR577 Freeway. The eThekweni Municipality has demolished at least 50 shacks in the area this year, without notice or a court order. These demolitions are illegal and criminal acts. Street marches by residents, peacefully protesting against relocation, have been met with violent police action and intimidation.

According to the eThekweni Municipality, all those displaced by the new freeway would be moved to the adjacent Kulula Housing Project, concurrently under construction and facilitated by Linda Masinga & Associates (See: <http://www.ethekwini.gov.za/durban/government/munadmin/media/press/506>) (See also: <http://www.ethekwini.gov.za/durban/government/munadmin/media/press/521>).

Residents have since been informed that an unspecified number of families affected by the freeway construction will be relocated to eNtuzuma and placed in “transit camps” – government-built shacks or temporary structures, ordinarily used for emergency relief, which are increasingly supplied by municipalities in lieu of formal housing.

As those in Siyanda undergo or await eviction – without knowing how, when and where they would be relocated – further controversy has erupted

over the decision to move families from other parts of the Durban-metro, as far away as Umlazi and Lamontville, into the finished Kulula houses.

Siyanda shack-dwellers point out that those made homeless by the illegal Municipal demolitions earlier this year still have not been provided any alternative accommodation – in the Kulula houses, or elsewhere. Not only were these evictions carried out without notice or a court order, occupants were prevented from removing their personal belongings from the shacks before the demolitions began.

In marches and memorandums submitted to state and corporate partners in the Kulula Project, Siyanda shack-dwellers have stated that they do not want to move to eNtuzuma, away from jobs, schools and farther on the periphery of the city, where transport costs are much higher. They have moreover refused to accept any relocation to “transit camps,” which cannot be considered suitable alternative accommodation.

Metro police have responded violently to peaceful marches by Siyanda residents. On Monday, 15 September, approximately 60 residents gathered to protest further allocation and occupancy of finished Kulula houses by those who are not affected by the freeway construction. Amid heavy police presence, a metro police officer reportedly brandished a loaded weapon at the crowd, shouting that he would shoot them with live ammunition if they did not disband.

Following shack demolitions earlier in May this year, residents marched to the Kulula Project contractor’s office to submit a memorandum, where they were fired upon with rubber bullets by police and sprayed with water canons. Five people, including a pregnant woman were shot, injured and rushed to hospital. These five were arrested by police at hospital, upon charges of “public violence.” All charges were subsequently dropped.

In addition to concerns over relocation, the allocation of houses and police brutality, residents in Siyanda say that the Kulula houses are unsound, unsafe and have not built with substantive consultation from the community, despite claims to the contrary by the Municipality.

Siyanda launched a new Abahlali baseMjondolo branch on Sunday and residents are determined to oppose state intimidation and to demand genuinely democratic planning.

For up to the minute information and comment on the crisis in Siyanda  
Thembi  
Mzo

24 SEPTEMBER 2008

Joint press statement · Joint statement

## AbM & AEC Statement: Floods Rock The City

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### *Floods Rock the City*

Gugulethu — About 50 residents from Thambo Square informal settlement have been displaced from their homes to a local community hall as a result of flooding in their shacks (Cape Town's heavy rain this winter has left a lot of people homeless in the City).

The devastated group early this morning marched to the office of their local Department of Social Development seeking immediate relief or intervention such as building material for their shacks, plastic to put over their roof, blankets and a temporary sleeping place. However all they were able to get from Social Development was an unpleasing response. People were told that the ANC government had nothing to do with their situation and they must go to DA. When trying to question the unpleasing response by government, instead of receiving a proper report, the police were called to intimidate and threaten the residents. Residents then went back to their flooded homes in Thambo Square informal settlement.

'We don't want their soup and bread we are not hungry maybe the reason why they ill treat us they think that we are here to demand food, we only need alternatives such as relocation to better suitable land or BNG houses, not desperate for food as they think' said frustrated Libo Meyi.

Unemployed Neliswa who has been staying at the area for the past 10 years said 'we need distribution of roof sails and building material only'.

Noluseko is a mother of three children, and the floods left her with nothing (all her valuable furniture had been damaged by the rain): 'I don't talk about my hi-fi, TV and DVD they are dead as talking to you' she said. 'We don't need food and blankets, we've got them and they are flooded even if they can give us blankets they'll still be affected by water like our blankets, what we need from them we need houses, even if its wendy houses as they are provided to people at

other areas such as Philippi, people at their areas do received R500 for disaster at other areas but not at this area why?', she asked.

According to Zoliswa Fuyani who has been staying at the area for more than 20 years the Ward Councilor does not want to listen to people who put her where she is today. When the ward counselor is called to listen to peoples grievances she will tell the people that she does not have anything to do with them.

A 55 years old lady who only wanted to be identified as Makhulu (who has been staying at Thambo Square for more that 11 years) commented: 'my house is flooded and I had to go to families members asking a place to stay for my three grandchildren, they don't have anything to eat and their clothes is wet and they only left with the ones that they are wearing'. Her only wish is for the current MEC for housing (who lives in Gugulethu) to visit their area so that he can see the appalling conditions that people are living under. 'When Whitey Jacobs come here I want him to tell me when am I going to receive my house key' she said.

According to Vinus Nogqala, the problem at Thambo Square lies with community leaders who enjoy the power and playing politics with people's plights. She had lost her son in the early 90's because he was involved in politics. She was only compensated with R30 000 which she described as sweets. She is currently under TB treatment and is living with her 7 years grandson who had undergone a serious stomach operation at Grootteschuur hospital 3 years back. 'I know how politics works and how people are exploited by politicians and I am tired of lip services and empty promise, what I desperately need is a proper place to put a head under' she said. 'We don't need soup or bread we've got plenty at our places, the only thing that we need is a proper place to live at, and toilets.'

'We don't need anything from them as they always response with soup and blankets, we'll make sure that we'll reject them' said devastated Silindile Mvambo who is 23 years old.

'People have passed away here because of double pneumonia who occurred as a results of their living situations, early his week one person died at this area and I want government officials to come and see themselves this things that I am talking about. We need proper houses and if they can't at least they must try to alleviate the ground level as the area is below the ground level which makes



it prone to flooding' said 24 years old Siphokazi Bushman who is a community leader.

After 2 hours of engaging, community members decided to go to occupy the local community hall. Just 30 minutes after occupying the hall the Ward Councilor finally showed up to engage with the residents. Due to the high tension between the residents and the Ward Councilor, the Chairperson of newly formed Western Cape branch of the shack dwellers movement Abahlali baseMjondolo, Mzonke Poni, was asked to facilitate the meeting between the residents and the councilor. After 3 hours of engaging with the counselor the solution was found where it was agreed that:

1. The community hall will be available to community members until the rain is over.
2. The Ward Councilor will seek other disaster relief packages such as blankets and sleeping mattress.
3. The Ward Councilor needs to report the city of Cape Town so that a generator can be provided to pump the water out of the area
4. City of Cape Town needs to be pressurized to identify dry land to relocate people to. The land needs to be in Gugulethu or nearby, not outside the city in dumping sits such as Delft and 'unhappy valley' [Happy Valley]

The residents of Thambo square are receiving unlimited support from Gugulethu backyard dwellers who affiliate to Western Cape Anti-Eviction Campaign.

Mzonke Poni from Abahlali baseMjondolo  
Mncedisi Twalo from Gugulethu Backyard dwellers  
Zubenashi who is a community leader

Or any other people who contributed at this press statement, their numbers are available next to their comments.

8 OCTOBER 2008

Statement · Joint statement

## A State of Emergency – Statement After the Fire Summit

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*City Wide Shack Fire Summit, 22 September 2008*

Abahlali baseMjondolo (KwaZulu-Natal & Western Cape)

Landless Peoples' Movement (KwaZulu-Natal & Gauteng)

Rural Network (KwaZulu-Natal)

Western Cape Anti-Eviction Campaign (Western Cape)

South African National Civics Organisations (eThekweni region)

The City Wide Shack Fire Summit called by Abahlali baseMjondolo was initially scheduled to be held in the Foreman Road settlement. It had to be moved to the Kennedy Road settlement after the Foreman Road settlement burnt down on 13 September leaving thousands destitute and homeless and Thembelani Khweshube dead.

The Summit was attended by shack dwellers from all over Durban and from various organisations. It was also attended by Abahlali baseMjondolo members in Cape Town and representatives from our comrades in the Poor People's Alliance – the Landless Peoples' Movement, the Rural Network and the Western Cape Anti-Eviction Campaign. SANCO also participated in the event. This statement was written and approved by the four organisations united in the Poor Peoples' alliance and is also supported by the eThekweni region of SANCO.

A State of Emergency

Statement after the City Wide Shack Fire Summit on 22 September

The day before the shack fire summit we held a mass prayer to mourn all those who have died in the fires. We mourned our comrades from Kennedy Road, Foreman Road, Cato Crest, Isipingo, Clairwood, Sea Cow Lake, Kimberly, Ermelo, Cape Town and Johannesburg.

Our struggles start from the fact that we are all human beings. We cannot allow the experts to define us, we define our own status. We define the situation that we face and how we choose to face it. Our summit was held so that we could

define ourselves and our situation and then begin an open and public discussion amongst all shack dwellers' organisations on how to defend ourselves and our communities from the fires.

The Abahlali baseMjondolo report on shack fires shows that there is an average of ten shack fires a day in South Africa and a fire almost every other day in Durban. Last year 20 people died in shack fires in Durban alone. In the five biggest cities in South Africa an average of 200 people die in shack fires every year.

If the rich were being burnt like this in their suburbs it would be taken as a crisis for the whole country. But because it is the poor that are suffering this crisis is taken as if there is no crisis, as if it is just normal for poor people to burn.

People lose everything in shack fires. They lose money, clothes, documents, medicine – everything. Children that lose uniforms can't go to school. People that lose ID books can't get grants and pensions. People that lose HIV treatment are sometimes considered to have defaulted. People sometimes lose jobs and have to drop out of studies. Children are haunted by nightmares. They can no longer feel safe in their own homes. Sometimes parents have to move to out-buildings that they can't afford or to accept relocation to the human dumping grounds outside the cities because their children are too scared to sleep in the shacks.

We are human beings. Our lives matter as much as anyone else's life. Our communities matter as much as anyone else's community. Therefore these fires are a crisis for the whole country. They are a state of emergency. They must be stopped by all means possible. If the government and the rich are not willing to recognise our humanity and continue to fail to recognise that shack fires are a crisis for the whole country then we will have to force the government and the rich to recognise the humanity of the poor.

The causes of the fires are clear. The fires happen because shack dwellers live close together in small shacks made of plastic and cardboard and because we are forced to rely on candles for light, paraffin stoves for cooking and braziers for warmth.

The politicians who say that we burn because we are drunk or that we burn because we set the fires ourselves so that we can be prioritised for housing insult our intelligence and dignity. Their failure to spend even one week living in a

shack so that they can start to learn something about the conditions in which the poor must live indicates their contempt for the poor. It is clear that they know nothing about our lives and communities. You cannot be pro-poor if you are not with the poor – finished and klaar.

We reject those government officials like the notorious Lennox Mabaso who say that the solution to shack fires is that shack dwellers must be educated. This is no different to those who say that the poor get cholera because they have not been educated to wash their hands when of course the real problem is that the poor do not have access to safe water. The solution to shack fires is not the education of the poor – it is the education of the rich so that they can learn to recognise the humanity of the poor. The long term solution to shack fires is land and housing for all. The short term solution is fire hydrants, access roads for fire trucks, more taps, better building materials, fire breaks in the settlements, good support from the fire brigade and, most of all, electricity.

Fires are also a major problem in the rural areas. They are just one of the many problems that come from the fact that democracy has not reached the rural areas.

The situation is different in different cities. In Durban shack dwellers now, after a long struggle and many arrests and beatings, get very good service from the fire brigade. In Johannesburg they must still fight the fires on their own. In Durban shack dwellers have been denied legal access to electricity since 2001 when a decision was taken to stop the electrification of shacks. In Cape Town and Johannesburg shacks are still electrified.

But everywhere all communities connect themselves to electricity in order to ensure their own safety. Everywhere the government considers community organised connections to be illegal. Everywhere they send in the police to de-electrify people. Often this is violent and people are arrested. Everywhere people just reconnect themselves the next day. It is clear that if the government cannot or will not give poor people the electricity that they need to be safe then the poor will have to do it themselves. It is clear that the people are already doing this and that they will not stop until the government gives them electricity.

It is clear that the 2001 decision to stop electrifying shacks in Durban is unacceptable and completely inhuman. Many people feel that shack dwellers are deliberately being left to burn in Durban so that they will be forced to accept relocation to the human dumping grounds outside the city.

Everywhere people are connecting themselves to taps in order to ensure their own safety and to respect their time, especially women's time. People will not stop this unless the government gives them enough taps.

In Durban Abahlali baseMjondolo is negotiating with the Municipality to get access roads and fire hydrants. These negotiations are very much welcome but we need these things for everyone.

In Cape Town people have often got building materials from the government after fires. In Durban this happened for the first time after the Kennedy Road fire. All settlements need to get good quality building materials after fires.

Everywhere it is clear that shack fires, and floods too, are being misused to force people into the notorious 'transit camps' or 'temporary relocation areas'. This started in Joe Slovo in Cape Town but now it is happening everywhere. This is a way of exploiting the suffering of the poor, a suffering caused by government neglect, in order to force the poor out of the cities. It must be resisted.

Everywhere government comes with top down ready made solutions after fires. This is unacceptable. Each community must decide its own future. Councillors do not speak for communities. Communities must be able to think and speak for themselves.

In Durban there are many reports that support provided to communities after fires are being allocated on a party political basis. This is not democracy. This is unacceptable.

It was noted that the eThekweni Municipality failed to attend the City Wide Shack Fire Summit. It is clear that they are not yet serious about shack fires or democratic development.

It was noted that some big and very rich NGOs that like to talk for the poor but are very scared to talk to the poor failed to attend the City Wide Shack Fire Summit. It is clear that they are not really serious about partnerships with democratic poor people's organisations that are only accountable to their members.

It was noted that everywhere the councillors are undermining the people and doing nothing but trying to build their own power over the people.

It was noted that some left NGOs and academics continue to behave like councillors.

It was noted that some pastors like power too much.

It was noted that middle class people also drink and knock things over.

It was noted that the government will have to be forced to recognise the humanity of the poor.

It was noted that capitalism is a war on the poor.

It was noted that a living solidarity between poor people's movements can strengthen the struggle of the poor.

Two suggestions were made for a way forward:

1. All of the movement present organise one march every month until the fires are recognised as an emergency and the settlements electrified.

2. All of the movements present engaged on a country wide defiance campaign in which people openly connect to electricity and taps in the name of dignity, safety and justice until the government admits that the poor are also human beings and should also be safe from fire.

Delegates will take these suggestions back to their movements where they will be discussed. Once everyone has had a chance to discuss these proposals, or if necessary to suggest new ones that should be discussed further, the way forward will be announced.

Abahlali baseMjondolo: S'bu Zikode

Landless People's Movement: Maureen Mnisi

Rural Network: Rev. Mavuso

SANCO (eThekweni Region): Mabuyi Nhlumayo

Western Cape Anti-Eviction Campaign: Ashraf Cassiem

To Hell With Shack Fires!

Sekwanele!

Alone we are weak. Together we are strong. All together we are the flood.

22 OCTOBER 2008

Memorandum · Abahlali baseMjondolo of the Western Cape

## Memorandum to the Mayor of Cape Town

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*Abahlali baseMjondolo of the Western Cape*

**Dear Madam Mayor**

We (the shack dwellers of Khayelitsha) would like to bring our concerns into your attention and we note with great concerns that people who are living at informal settlements within the City of Cape Town are ignored and undermined by the City and we therefore call on the City of Cape Town:

1. To scrap its comprehensive plan for informal settlements (i.e. City's Master Plan) as we believe that this is a top down approach and it undermines people's right to participate meaning fully towards their development, and we oppose to one size fits all approach as carried by the plan.

2. To recognize all people that are living at informal settlements as legal occupants not as illegal occupants, as this does not give people a security of tenure and it allows Government to forcibly remove people to the dumping sites.

3. To upgrade all the informal settlements where they are, and we oppose DA housing policy/approach of one plot one house, this strategy is apartheid based and it forces lot of people outside well located land instead of keeping more people within the City

And we further demand that:

- All the bucket system must be phased out and Power flash toilets must be upgraded to pure flash system before 2009 elections.
- All the informal settlements must be electrified
- All the informal settlements must be serviced with water, toilets and with access roads
- City must directly talk to us not about us

Last but not least we call on City of Cape Town to release a detailed report of walk about informal settlements of Khayelitsha (which were: CH site C, DT opposite fire station at Site C, TR section Site B, VT Site B, VV Site B, WA Site B, WB Site B, TT Site B, UT Site B, XA Site B) which were conducted on the 16th of August 2008 with Dan Plato who is a Housing mayco member and his officials.

Abahlali baseMjondolo of the western Cape declares that:

No House! No Land! No Vote!

3 NOVEMBER 2008

Press statement · Abahlali baseMjondolo Youth League

## AbM V Government on the Slums Act in the Durban High Court on 6 & 7 November

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*Durban High Court, 6 November 2008*

Abahlali baseMjondolo Case Against the KwaZulu-Natal Eradication and Prevention of Re-Emergence of Slums Act to be Heard in the Durban High Court on 6 and 7 November 2008

Across the country the government is chasing the poor people out of the cities. Across the country we are mobilising to defend our right to the cities.

We are in the cities for good reasons – we need work, education, clinics, libraries and more. Pay is higher and prices are lower in the cities. Therefore we need land and housing in the cities. But the government only want our votes. They do not want us in the cities. Therefore we have said ‘No Land! No House! No Vote!’

In Joe Slovo, in Cape Town, the people say “Asiyi eDelft!”.

In Makause, in Johannesburg, the people say, “Stop the ‘Eradication and Prevention’ of our homes!”.

It is the same everywhere. The government want to make it so that if you are inside you are inside and if you are outside you are outside. The poor struggle to stop this business of putting some people to one side and other people to the other side.

In Durban we have said that we are Durbanites and that we reject reruralisation. We have held our ground. We have refused to go to the human dumping grounds like Parkgate. Years ago the councillors and the Land Invasions Unit said that we must go back where we came from. They said that whether we agreed or not we would be gone very soon.

We are still here. We are not going anywhere.

But people are still being evicted in places like Siyanda and Bottlebrush. People still come home to find the red crosses on their doors or the yellow poles on



either side of their houses. Although evictions continue there are now negotiations on the future of 14 of the Abahlali settlements that are in the eThekweni Municipality – we welcome these negotiations and we have hope in these negotiations. After a year of talking there are now some important breakthroughs.

Poor people must be allowed to stay in the cities. We need upgrades and not relocations. It is the Slums Act that must go. It is evictions that must go. It is the Land Invasions Unit and the Red Ants that must go. It is the hatred of the poor that must go. It is the rule of money over the lives of people that must go. It is the selling of the land that should be for the people that must go. It is the shooting and the bulldozers that must go.

When Umkhumbane was destroyed in 1956 the government said the destruction was for ‘development’. But actually they wanted to divide the people living there into four kinds of people and to take them to four kinds of different places – Africans to Umlazi, Indians to Chatsworth, Whites to Umbilo and coloureds to Wentworth. Now when they come to destroy our settlements they still say that it is for ‘development’. But it is still really to divide the people into different kinds of people that must live in different places – but now it is the rich on side, the poor on another side.

From the beginning we said very, very clearly that we did not want the Slums Act. We said it at the Public Participation meeting. We were told that we were out of order. We put out a very clear statement. We were ignored. We went to parliament to say that we did not want the Slum Act. We were ignored. We invited everyone opposed to the Slums Act to join us and build a coalition against the Act. We marched against the Slums Act – we were beaten, shot at and arrested and our demands were ignored. So now we are going to the High Court. We are confident that here we will not be beaten, shot at, arrested or ignored. We thank the Centre for Applied Legal Studies at Wits for their support – on every step along this road they have talked to us, not for us. This is a living solidarity.

We will continue to build the power of our movement outside the court. The newly formed Abahlali baseMjondolo branch in Siyanda will be marching on Mike Mabuyakhulu to protest against evictions and corrupt housing allocation on 10 November 2008. The newly formed Motala Diggers have just launched a women’s community garden in Motala Heights. The struggle goes on.

Mike Mabuyakhulu is responsible for the internationally notorious Slums Act. He seems to think that eradicating the homes of the poor will magically eradicate the housing crisis. He says that the growth of shack settlements is a matter for the National Intelligence Agency and the South African Police Services. Will the NIA and the SAPS investigate and arrest the lack of jobs, good schools, clinics and hope for a better life outside of the cities? Will they investigate and arrest the lack of affordable decent public housing in the cities? No, they will arrest the poor people that decide to build their own houses in the cities. We note that Mabuyakhulu has never said that all the illegal evictions by government and business are a matter for the NIA and the SAPS. He wants to make being poor a crime while making it acceptable for government and business to make poor people even poorer.

For the rich vacant land is an investment. It is an investment that can make them richer. Sometimes they are pushing for shack dwellers to be evicted so that they can cash in.

For the poor vacant land is a waste. It is wrong to waste when people are suffering. That land can help us to survive.

The government has worked very well with business and they have succeeded in working together to make the rich richer. However the government has failed to work with the poor to make things better for ordinary people. In fact the government is working with the rich to attack the poor and drive us out of the cities.

We are not surprised that all over the world the organisations of the poor say that if their government is failing to house them then they must occupy vacant land and buildings so that the poor can house the poor.

Building shacks can only be a crime if being poor is a crime.

Mabuyakhulu is not the only one who is trying to make poverty a security issue. The City of Tshwane spends more on private security companies to keep the poor out of the city than they do on providing life saving basic services for the poor. This is what happens when poverty is criminalised. It is clear that the Municipalities would rather keep us out of the cities, keep us poor and even make us poor, than let us into their cities and have to give us services.

Mabuyakhulu says that there is no land for housing the poor in the cities. But everyone can see that there is land for shopping malls, office parks, gated communities and even golf courses. Every day the government is choosing to

allow the land to be used by the rich so that they can make themselves richer. Where are our children going to access good education and good work if there is no land for the poor in the cities?

We are not only demanding that the Slums Act be scrapped. We are demanding the all levels of government implement the Breaking New Ground Policy – a progressive housing policy that stresses participatory upgrades but has never been implemented. We are also demanding that a new Act be discussed with the people and then passed into law. We need an Act that will open the cities and protect the poor. We need an Act that will emphasize on upgrading. We need an Act that will follow the example of the Brazilian government that passed the City Statute in 2001 after years of struggle by poor people's movements. The City Statute says that the social function of land must come before the commercial function of land – the needs of the poor must come before private profit.

We have very serious concerns about the government shacks which are also called tin houses, temporary structures, transit camps and temporary relocation areas. People do not want the government shacks. There is no life in the government shacks. Sometimes there are no shops. People are scared – they have seen that in Cato Crest people have already been staying in the government shacks for three years. People do not see any guarantee that the government shacks will be temporary. They are too small and this is breaking up families. There is no freedom there. The councillors and not the communities control the allocations. The government shacks are breaking up communities – communities of support, communities of struggle. Sometimes it takes twenty years to build a community. But everywhere relocation is destroying communities leaving people poorer and weaker.

In the Protea South settlement in Johannesburg the government built temporary structures in 2005. They did not consult the residents and after they were completed residents refused to settle there. Since then the government has been wasting money to guard the structures and to pay rent for the private-owned land on which they were built.

Everyone knows that the government shacks are being built to hide the poor for 2010. All the money being wasted on these shacks could be used for upgrades.

When we complain about the government shacks the councillors say that we are uneducated. When we complain about all the huge corruption and party

political dirty tricks they say that we are uneducated. We will not be educated to accept our own oppression.

Anyway the educated and the uneducated are all saying one thing on the Slums Act – shack dwellers, NGOs, university professors and even Miloon Kothari who came to visit Abahlali baseMjondolo when he was the United Nations Special Rapporteur on Housing are all saying one thing about this Act: it is a disgrace.

Mabuyakhulu says that the Slums Act is aimed at Slum Lords. It is true that there are shack lords in some places and that they charge the people rent. We are against shack lords. They are against us because we are for democracy and against rent. But we notice that everywhere the government works with the shack lords to keep political control over the people! They push the slum lords to the media as if they can speak for the people! And who are the lords of the government shacks? Who controls allocation? Who is paid to build these shacks?

A world class city is not a city in which the poor are hidden away in rural dumping grounds. A world class city is a city where there is space, dignity and respect for all.

Stand with us in our struggle for the right to the cities. Join us in the struggle to democratise our cities from below. Work with us to resist the new war on the poor.

Iyolala ibonene Nomphathiswa!

This statement is issued by the Abahlali baseMjondolo Youth League who have organised discussions on this court case in all Abahlali baseMjondolo affiliated settlements and branches in Durban and Pietermaritzburg. This statement draws on the experiences of the Youth League in this series of meetings. It is endorsed by all the organisations in the Poor People's Alliance which are:

Abahlali baseMjondolo (KwaZulu-Natal & Western Cape)

Landless Peoples' Movement (KwaZulu-Natal & Gauteng)

Rural Network (KwaZulu-Natal)

Western Cape Anti-Eviction Campaign (Western Cape)

For further information and comment contact the following members of the Abahlali baseMjondolo Youth League

Bongo Dlamini

Lindo Motha

Zodwa Nsibande

Mazwi Nzimande

For general comment on the Slums Act and the struggle against it in the streets and in the courts you can also

S'bu Zikode, Abahlali baseMjondolo

Louisa Motha, Abahlali baseMjondolo

Mnikelo Ndabankulu, Abahlali baseMjondolo

Maureen Mnisi, Landless People's Movement

Reverend Mavuso, Rural Network

Ashraf Cassiem, Western Cape Anti-Eviction Campaign

Stuart Wilson, Centre for Applied Legal Studies

For a full background on the Abahlali baseMjondolo struggle against the Slums Act, including the court papers, newspaper articles and previous press releases visit: <http://abahlali.org/node/1629>

10 NOVEMBER 2008

Press statement · Siyanda Branch

## Abahlali baseMjondolo March in Siyanda

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Abahlali baseMjondolo will march against evictions, corruption, dictatorship and abuse by the state in Siyanda (between Newlands East & KwaMashu) at 9:00 a.m. on Monday 10 November 2008.

The marchers will proceed from the Siyanda settlement to the magistrates' court where Mike Mabuyakhulu has been asked to accept the memorandum.

An attempt by the police to unlawfully ban this march was overturned yesterday after intense counter pressure. Abahlali baseMjondolo was prepared to go the high court at 2:00 p.m. yesterday afternoon to interdict the police against the unlawful march ban if they did not back down.

This march will be supported by Abahlali baseMjondolo members from settlements across Durban and Pinetown.

Thembi  
Mzo

10 NOVEMBER 2008

Memorandum · Siyanda Branch

## Memorandum of Demands by the Siyanda Abahlali baseMjondolo Branch

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### *Siyanda Abahlali Branch*

Demands addressed to Mike Mabuyakhulu, the MEC for Housing in KwaZulu-Natal, by the Siyanda Abahlali baseMjondolo Branch

1. We demand adequate land and decent housing in the city.
2. We demand one house per family and not one house per shack.
3. We demand that the city (eThekweni) comply with the laws of the country.
4. We demand an immediate and permanent end to forced evictions and demolitions.
5. We demand that there must be an independent commission of enquiry to investigate the rampant and blatantly corrupt sale of government houses by government officials. There must be action against all the corrupt government officials. This is not only a problem here in Siyanda. All Abahlali members are aware of the situation in the Joe Slovo settlement where one of the founders of that settlement, Busisiwe Gule, remains in a shack while with all the papers to her house while Nomaxabiso is still living in Mrs Gule's house. All complaints about this corruption, right up to the national minister, have just been ignored.
6. We demand fair and transparent allocation of government houses.
7. We demand safe, quality houses built on proper foundations.
8. We demand that there must be inspectors to make sure that all houses are of a quality standard. A certificate must be issued for each house by an independent evaluator that guarantees its quality and safety.
9. We demand compensation to those who have been forcefully removed for the construction of the MR 577 freeway.
10. We reject the current situation where people are only given orders as if in a dictatorship and we demand proper consultation and full participation in the discussion and decision making with regard to all issues affecting the shack dwellers.

11. We demand the creation of job opportunities and that first preference for local jobs to be given to the poorest people in local communities.

12. We demand that the Slums Act be immediately scraped and its notorious transit camps be immediately shut down.

13. We demand that our shacks be upgraded where they already are through the use of Chapter 13 of the Housing Code and not demolished via the notorious Slums Act which is hated by the poor because it is an attack on the poor.

14. We demand that all people of 21 years and older be entitled to a house as they are all expected to vote.

15. We demand compensation as we were exploited to guide the development of the houses that were later corruptly sold to people who do not live in Siyanda.

16. We demand an end to abuse by government officials and we demand that government officials who abuse the people must be investigated and that appropriate action must be taken. For instance there is the case of Npuphuko who offered a family RDP house keys at midnight in exchange for their daughter. She is the daughter of all of us and therefore Npuphuko is the abuser of all of us.

17. We further demand that a meeting be scheduled with us within two weeks so that a way forward can be discussed on these demands.

Contact Mzo Dlamini the March Convener and Mxolisi Mtshali, Mamu-Nxumalo and Thembi Zungu



7 DECEMBER 2008

Statement · Siyanda Branch

## Bheki Cele Threatens 61 Siyanda Families with Forced Removal

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### *Siyanda Abahlali baseMjondolo Press Statement*

Transport MEC Bheki Cele Threatens 61 Families in Siyanda with Forced Removal to one of the Notorious “Transit Camps”

On Saturday the Sheriff of the Court served a letter from the State Attorney on 61 families in Siyanda, KwaMashu. This letter instructs us to leave our homes by 16h00 this Tuesday, 9 December. More than 300 hundred people in our community are now at risk of forced removal to the notorious ‘transit camps’.

The letter states that our homes will be demolished after Tuesday and that we will be moved to “temporal houses” or “transit camps” to make way for the new MR 577 Freeway. The letter warns us that should residents “refuse or resist the relocation in any manner, whatsoever, the MEC for Transport will bring an application on an urgent basis to evict them from the road reserve and further seek costs against them.”

This is pure intimidation. Bheki Cele has no court order demanding our eviction and if he tries to have us evicted without a court order he will be guilty of a criminal act. If he tries to evict us legally he will have to make an application to the court and we will have the right to defend our community in the court – this is due process as laid out in the law. We have a right to oppose any eviction and this is not something for which Cele can claim costs against us.

As the Siyanda Abahlali baseMjondolo branch we state clearly that we know our rights with regard to the Prevention of Illegal Evictions from Unlawful Occupations Act, and the protections afforded to us by the Constitution. We are well aware of the victories won in court against attempts by the eThekweni Municipality to evict our comrades in settlements like Motala Heights and Arnett Drive. We are working closely with our comrades from these settlements who have experience in these matters.

We also know and insist on our rights as human beings.

We state clearly that we consider any forced removal from a shack to a transit camp as an eviction because it is clear that “transit camps” – what the people call *amatins* – are not decent accommodation and that they can not be considered as an acceptable alternative to our shacks.

We state clearly that we refuse to comply with the notice of eviction and that we will always refuse to accept any relocation to any “transit camps”. The office of the state attorney will be informed of this in writing first thing on Monday morning.

The main reasons for our refusal to allow our shacks to be demolished so that we can be moved to “transit camps” are as follows:

- We have lived on this land for many years. In 1994 Inba Naidoo, the first councillor after apartheid, allocated plots of land to us. We were given signed certificates indicating that the land was ours. We still have these certificates. These certificates were a promise from the government to the people, a promise that we would be able to live in safety and without fear of eviction after apartheid. We intend to insist that this promise is honoured.
- We never even put our names on the list for RDP houses. We were happy how we were living on our land. The government approached us saying that they needed us to move us for the freeway but that they would give us houses in the Kulula project here in Siyanda. They came to us to promise us the RDP houses. We also intend to insist that this promise is honoured.
- The houses in the Kulula Project that had been promised to us were allocated to families not affected by the freeway construction and not from Siyanda. Promises made to us were broken – and it is clear that there was fraud left, right and centre in the allocation of the houses.
- Now, after the houses promised to us have been given to other people, we are told that we have to move to a ‘transit camp’. A ‘transit camp’ is not a house. This is the third promise to us that has been broken. We will refuse to accept that the promise of a house can be downgraded to a promise of a place in a “transit camp.”
- There has never been proper consultation with the community. Some sections, such as eNande, have never been included in meetings with consultants and developers of the freeway. Those in the community selected to meet with consultants and developers, they were promised that the entire community – not half, or only certain sections – would be given houses in

the Kulula Housing Project adjacent to the land on which they currently reside. This promise has since been withdrawn, without consultation.

So called “transit camps” are unacceptable for the following reasons:

- Transit camps are not houses.
- Transit camps are not an acceptable alternative accommodation to our shacks.
- Transit camps are government-built shacks.
- We are not prepared to move from one shack to another.
- In fact the government shacks are worse than the shacks that we have built for ourselves.
- Government shacks are too small for family life
- Government shacks do not have electricity.
- Government shacks are too hot when it is hot and too cold when it is cold, because they are made entirely of tin.
- Government shacks do not have toilets, which is a concern especially for women.
- Government shacks are allocated to a single household, without any consideration for the size of the family.
- The allocation of government shacks is decided by the government, without consultation from the community. That means the government decides who should be your neighbours.
- “Transit camps” are not safe. Siyanda residents that have already been relocated to the government shacks were attacked and chased by those living in the surrounding area.
- Once people have been put in the government shacks there is no guarantee that they will ever get out.
- Government shacks take away people’s dignity.

As we stated our last press release, those made homeless by the illegal and criminal Municipal demolitions earlier this year still have not been provided any alternative accommodation – in the Kulula houses, or elsewhere. Not only were these evictions carried out illegally but the residents were prevented from removing their personal belongings from the shacks before the demolitions began.

We will not accept removal from our own shacks to government shacks.

We are only prepared to accept houses.

We wish to send a strong warning that we will not accept anyone coming to our settlement – not the government, their lawyers, their security or other representatives. From now on all documents and communications with our community must take place through the Abahlali baseMjondolo office or through the Abahlali lawyers.

Bathengisa Ngathi!

Mamu Nxumalo

Thembi Zungu from the Siyanda Abahlali baseMjondolo branch

Louisa Motha

Abahlali baseMjondolo co-ordinator

12 JANUARY 2009

Statement · Siyanda Branch

## Siyanda, Report Back from the High Court

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### *Siyanda Abahlali baseMjondolo Press Release*

#### Bheki Cele Seeks the Forced Eviction of 50 Families

- Agreement on Negotiations
- Court Battle Set Down for 27th January 2009

On 19 December 2008 Bheki Cele, MEC for Transport in KwaZulu-Natal, had the sheriff serve an application to evict 50 families from the Siyanda shack settlement, which lies between Newlands East and KwaMashu. Abahlali baseMjondolo is the 51st respondent to the application. The court date was set down for Friday 9 January 2009. Abahlali baseMjondolo attended court and was represented, pro bono, by Advocate Juliet Nicholson. Advocate Nicholson was briefed by Elco Geldenhuis from Shanta Reddy Attorneys.

The movement secured an adjournment until 27 January and, most importantly, an agreement that the legal teams for both sides, representatives from the Provincial Department of Transport, the eThekweni Municipality, the Abahlali baseMjondolo Secretariat and the Siyanda Abahlali baseMjondolo branch will meet before Friday 16 January to try and negotiate a settlement. As the Siyanda Abahlali baseMjondolo branch we have never had a chance to put our views on this matter to the Province and we have never been listened to. We welcome the chance to meet and engage with the Department of Transport so that we can discuss these issues.

#### Background

On 6 December the 50 families received an eviction notice from the state attorney, acting for Bheki Cele, demanding that we leave our homes and accept relocation to the so called “transit camp” at Richmond Farm on 9 December. We were given no guarantees as to how long we were expected to live in the “transit camp” or where, if anywhere, we would be moved on from there. We were given no answers to our questions. But we do know that when our comrades in the Jadhu Place settlement asked the same questions they were told

that they shouldn't worry because "transit camps will last 30 years". This answer makes us to worry very much. We did not spend Christmas well.

All but 2 of the families resolved to resist the forced removal and this was communicated to Bheki Cele via the state attorney. We gave clear reasons for our refusal to accept the forced removal and we requested mediation but said that if the Department of Transport continued to refuse to negotiate with us then we would continue our struggle in and out of the court.

The key reasons why we refused to accept the forced removal were and are as follows:

1. So called "transit camps" (known by the people as amatins or government shacks) are not an acceptable form of alternative accommodation to our shacks. In the amatins there is only one small room per family whereas now some of us have 5 roomed shacks. Also, we have not been given any guarantee as to how long we must stay in the amatins and where, if anywhere, we will be made to go next.

2. All the residents had been promised houses in the Khalula housing project in Siyanda but the houses built for the 50 families have been corruptly sold off to outsiders. We never applied for government houses. We were living in our shacks with written proof of tenure security. We were offered government houses as a compensation for the demolition of our shacks to build a freeway. We agreed to move only because we were promised the houses. A promise of a house can not now be suddenly changed to forced removal to the amatins.

3. Our houses have been corrupted. The houses that were promised to us and then built for us were corruptly sold to outsiders. The people who bought our houses corruptly were brought here in trucks and they were protected by private security – even the ward councillor was threatened by the private security. Duke Ngcobo from the eThekweni Municipality organised the trucks and the private security. Ntuthuko Zulu, the community liaison officer at Linda Masinga and Associates was the one giving out the keys. Linda Masinga was taking her mandate from Duke Ngcobo at the Municipality. We are very surprised and disappointed that Linda Masinga and Associates have allowed this corruption. We are very surprised that they have never been called to answer for this corruption. Why are those criminals so respected and protected? Why are we not respected and protected?

4. There has not been proper consultation with the community. We agreed to accept relocation to the houses in the Khalula Project. The issue of the am-  
atins was never discussed with us. We were only told that we must go the am-  
atins when we complained that our houses had been corruptly sold to other peo-  
ple. For this reason we reject the whole argument by the MEC's legal team that  
the 'transit camp' is adequate alternative accommodation. In terms of the right  
to consultation it is irrelevant whether or not the amatins are good for people or  
not. The fact is that we were promised 4 roomed houses in the Khalula Project.  
The promise made to us must be kept.

Full details of the reasons for our refusal to accept the forced removals are  
available on the Abahlali baseMjondolo website at <http://abahlali.org/node/4642> and <http://abahlali.org/node/4649>.

On 11 December the police arrived in Siyanda. They were armed with batons  
and pistols and went door-to-door with a representative from Linda Masinga  
& Associates. With bulldozers and transport trucks standing by, the evictors  
asked each family if they would be willing to be relocated to the so called "tran-  
sit camp". They knew that the families had all been promised a 4 room house  
in the Khalula housing project and not a one room government shack in a so  
called 'transit camp'. The MEC had already been informed that only two fami-  
lies would accept the relocation and that is what happened – all but 2 families  
refused the forced removal. The rest of us stayed in our shacks despite all the  
intimidation.

On 19 December the remaining families were served with an application  
for a court order for our eviction. The papers are straight forwardly dishonest.  
Nandi Mandela, a director at Linda Masinga and Associates, claims that Abahlali  
baseMjondolo threatened the lives of the eviction team on 11 December. She  
gives no details – she just makes an empty lie. We did no such thing. Nandi  
Mandela drove past in a police car on that day. She did not even get out of the  
car. She probably thinks that we are short minded and violent because that is  
what most rich people, including many who say that they are on the side of the  
poor, think about shack dwellers. Or maybe she is one of those many rich people  
who think that it is automatically criminal for the poor to think and speak for  
ourselves. Either way she is lying to the judge in the papers.

## Way Forward

We will not accept that the promise of a house has now been downgraded to a room in a tiny government shack with no guarantees of how long we will have to live there or where we will be taken next. We will not accept that the government will vandalise our dignity and our humanity and just move us around the city without discussing our future with us in an open, honest and respectful manner.

We will do our best to make the negotiations work. But if they fail we will continue our struggle.

Abahlali baseMjondolo has been to court to stop evictions quite some few times now. The movement has never lost a case. But in all those cases private landlords or the eThekweni Municipality were trying to evict our members without an order of the court. Because the landlords and the Municipality were acting illegally and criminally it was easy to get interdicts from the court preventing the evictions. But the last time that the Municipality tried to evict any of our members was in January 2008.

This case is more complicated because Bheki Cele is, after we refused his first attempt at intimidation, trying to evict the Siyanda residents legally by asking the court to order our eviction. However if the negotiations fail we are confident that we have a good case.

It is true that our living politics and our demand for the dignity of every person are too big to fit into the law and human rights. They go far beyond the protections offered by the law and human rights. But the protections of the law and human rights have kept us safe when the state has come for our members with guns and dogs and teargas to destroy our homes, force us out of the city, stop our protests and try and break the spirits of our leaders. Without that protection we would spend our lives running and have no time to think. Over the last four years we have learnt a lot about the law.

The law clearly states that people cannot be evicted if adequate alternative accommodation is not provided. It is clear to everyone that the amatins are not adequate alternative accommodation. They might be ok for chickens but not for human beings. Yes it is true that some people, even in some of the settlements affiliated to our movement like Foreman Road and Jadhu Place, chose to accept the amatins because they believed it when they were told that the amatins are a step on the road to houses. But even the people who accepted them for this



reason are clear that it is worse to live in the amatins than in the shacks that the people build themselves. The international human rights organisations agree that the amatins are unacceptable. The Centre on Housing Rights & Evictions in Geneva recently wrote a letter to Mayor Obed Mlaba about Siyanda. They said that they “condemn the existence of so-called transit camps, which are found to be highly inadequate and serve to destroy the already fragile socio-economic fabric of people’s lives.” The Constitutional Court is currently considering the adequacy of the so called “transit camps” in relation to Lindiwe Sisulu’s attempt to forcibly remove people from the Joe Slovo shack settlement near the Cape Town airport to the “transit camps” in the notorious human dumping ground of Delft. We will ask the judge to rule that forced removal to ‘transit camps’ is unacceptable.

The law is also clear that the government has a duty to consult with people. We have been lied to, tricked, intimidated and treated with complete contempt. This is not adequate consultation. We will ask the judge to rule that a neutral mediator must be appointed to facilitate open and honest negotiations between Bheki Cele and the Siyanda residents.

Everyone knows that corruption of the sort that has happened in Siyanda is criminal. In this case the corruption is not political – it is just about money. We believe that the corruption stated with Ntuthuko Zulu from Linda Masinga & Associates. Linda Masinga has admitted to us that there were corrupt allocations but she has not done anything about it. We do not believe that Ntuthuko Zulu could make this corruption on his own. It is clear that this has been an organised crime. We will ask the judge to rule that there must be a commission of inquiry into the blatant corruption in Siyanda. This investigation must include Linda Masinga & Associates.

We are calling on the government to take us seriously as positive citizens. They must never again send heavily armed police when we want to talk to them. This must stop. From now on they must accept that we have a right to talk to them and that they have an obligation to talk to us and to talk to us respectfully and honestly. Many things are negotiable but our dignity is not negotiable. On this point we stand firm.

We are very much happy for the meeting that has been agreed to. We know that once our shacks are destroyed and we forced into the government shacks we will never see Linda Masinga and Associates again. Now we can finally say and

show what we know and feel. We have pushed the presence of the community at these negotiations. We have elected people that the community can trust. We are happy that they will be able to make sure that the discussions will not just be technical.

If the negotiations fail we will continue to insist, inside and outside of the court that:

1. Everybody has a right to dignity.
2. Everybody has the right to decent housing.
3. Everybody has a right to be protected from corruptions.
4. Everybody has a right to be consulted about everything that affects their life.
5. Promises made must be kept.

For further information or comment please contact the following ladies who have been elected to represent the 50 families in the negotiations

Bongekile Zama

S.B. Nxumalo

Dorothy Jwile

20 JANUARY 2009

Press release · Abahlali baseMjondolo

## The Dlamini King Brothers Release their Début Album Hlis'uMoya

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The Dlamini King Brothers, an isicathamiya choir with 12 members all of whom live in the Kennedy Road settlement, have released their début album Hlis'uMoya. The choir was formed in 1999 and over the last few years has become an important part of the cultural life of Abahlali baseMjondolo.

On 27 September last year the Dlamini King Brothers beat 108 other isicathamiya choirs to win the 11th Annual Isicathamiya Competition held at the Playhouse Theatre in Durban. This is the biggest and most important isicathamiya competition in South Africa.

After winning this competition the Dlamini King Brothers were able to record their first album. The album is called Hlis'uMoya which means that the spirit of God must come down.

The Dlamini King Brothers were inspired to create an album in which some songs fall under Christianity and some under what is happening in the community, the land and the world because people are killing each other and killing each other's spirits. AIDS is also killing people and people's spirits are being vandalized by rape. The Dlamini King Brothers say that the poor have to survive under the conditions where the government ignores the people who live in shacks. Yet we are human like everyone.

People are created by God and in the image of God and yet they feel so unstable. The Christian songs on Hlis'uMoya request the spirit of God to come down to the people to encourage and strengthen them. The political songs encourage people to climb the mountain.

The Dlamini King Brothers say that the biggest mistake was made when it was decided to establish what is known as money. Money is what has made people to turn on each other. We have to defeat the power of money and see that each person is made in the image of God. People can find spiritual strength in God, their culture and their movements.

They also say that Abahlali baseMjondolo encourages and strengthens the people and so their music also tries to encourage and strengthen Abahlali baseMjondolo. They say that what they are today is because of Abahlali baseMjondolo. In the song called 'Abahlali' they call for a partnership between the government and Abahlali baseMjondolo that can affirm the dignity of the poor and

create justice for the poor. They have also written a song about S'bu Zikode because he has had the courage to handle all the situations troubling the community and he has the respect and love of the people. This song is called Thole Lesilo.

The Dlamini King Brothers were formed in 1999 in Kennedy Road. The members of the choir come from Bizana in the Eastern Cape and Port Shepstone in KwaZulu-Natal. They are working in various aspects of the construction industry including laying down tarmac, installing granite tops in kitchens, landscaping, plumbing and working on the new airport.

Over the years they have participated in numerous competitions and performed at many events and in many communities including their home towns of Bizana and Port Shepstone.

The Dlamini King Brothers are passionate about isicathamiya and say that it is the music of gentlemen, the people who behave themselves and do not want to do wrong to other people. It is music that encourages spiritual strength and dignity in a world of suffering and it has a very strong and clear message. It can deal with all the issues facing the community and although it requires years of regular practice for a choir to become respected it costs not one even cent because no instruments are required. They say it is a non-perishable music that is just running through their veins.

The Dlamini King Brothers would like to thank the Kennedy Road, Bizana and Port Shepstone communities and all the members of Abahlali baseMjondolo for their support, including spiritual support which has been very much encouraging.

They would like to say that they are always willing to travel to perform but that they often find that the cost of transport to places like Cape Town and Johannesburg is a problem.

They want to say that the souls of the members of the choir that have passed away must rest in peace and that their spirit is always with the choir all the time.

To buy a copy of the album at R70 or to book the choir for a performance please contact the Abahlali baseMjondolo office in the Kennedy Road settlement. For comment on the choir and their debut album contact the choir leader Tomorrow Mkhethelwa.

Songs from Hlis'uMoya

27 JANUARY 2009

Media statement · Abahlali baseMjondolo

## Amandla is Still Awethu – Statement on the Slums Act Judgment

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### *ABAHLALI BASEMJONDOLO MOVEMENT*

Durban High Court, 27 January 2009

Case no. 1874/08 Abahlali baseMjondolo Movement SA.

Abahlali baseMjondolo have been to the Durban High Court this morning to hear the judgment being handed down by the KwaZulu-Natal President, Judge Vuka Shabalala. On the 6 November 2008 the Movement had applied to the Durban High Court for the KwaZulu- Natal Elimination and Prevention of Re-Emergence of Slums Act 2007 to be declared unconstitutional. Full details of the Act, and the reasons for our opposition to it, and can be found on the Movement's website at <http://abahlali.org/node/1629/>

The Judge President had decided that the judgment would be handed down today at 9:30 am; however the judge did not come himself and sent another judge to give his judgment.

The judge has dismissed the Movement's Application arguing that:

"The province of KwaZulu-Natal must be applauded for attempting to deal with the problem of slums and slum conditions. This is the first province to have adopted legislation such as the Slums Act. The Slums Act makes things more orderly in this province and the Act must be given a chance to show off its potential to help deal with problem of slums and slum conditions. This Court can not strike the Act down before it has even being (sic) properly implemented."

Our view is that shack settlements are communities to be developed and not slums to be eradicated. Our view is that the Slums Act is a clear return to colonial and apartheid style attempts to turn poverty into a security problem instead of a question of justice. Our view is that this Act is a clear attack on the poor and on our right to access the cities. Our view is that this Act is an attempt to develop the country in the interests of the rich by banishing the poor from the cities instead of doing the right thing which is to democratize the cities.

We are not alone in our views.

Our comrades in the Poor People's Alliance have expressed their deep concern about this Act. The United Nations have expressed their concern about this Act. The international human rights organizations have expressed their concern about this Act. Progressive NGOs and academics have expressed their concern about this Act.

When we first decided to oppose this Act in the courts we were well aware that this matter would be resolved in the Constitutional Court. Our approach to the Durban High Court was just the first step in the journey to the Constitutional Court. We respect the judicial process and have already instructed our lawyers to prepare our appeal of this judgment. We are ready to take the next step on our journey to the Constitutional Court.

However we do fear that those in government who seek to complete the removal of the poor from the cities, those who wish to sentence us to the prisons known as 'transit camps', will take this judgment as a greenlight for massive evictions – like those planned for Joe Slovo in Cape Town which are currently being contested in the Constitutional Court, and the smaller and better hidden evictions, like those in Siyanda here in Durban, that will now be contested in the Durban High Court on Friday.

The Movement still believes that Amandla is still Awethu and that there is no one that can take that away from us. We will continue to protest against the government's ongoing attacks on the poor, against evictions called 'delivery', against government shacks called 'transit camps', against rural human dumping grounds called 'housing opportunities', against the failure to provide services to settlements resulting in fires, endless water queues, sickness and attacks in dark nights. We will continue to encourage discussion of these issues at all levels of our society. We will continue to form alliances to take our struggle on these issues forward.

Now that this judgment is out we can take the next step in the journey to the Constitutional Court. We are confident that the Constitutional Court will protect the rights of shack dwellers, rural and farm dwellers and the poor in general. We are confident that the Constitutional Court will give us a judgment prepared with elegance and grace.

We thank the Centre for Applied Legal Studies and all those who have supported us in the struggle against the Slums Act for their living solidarity.

It is the Movement's mandate to fight for the right to the cities. This is why we exist. The order that we are living under does not accept our humanity. It does not accept our presence in the cities. It does not accept our presence in discussions about the future of the country or even in discussions about our own future. Therefore we are determined to create a new order from below. We realize that this makes us out of this order. We accepted that long ago when we determined to be out of any order that excludes us from discussions about our future and evicts us from the cities. Aluta continua.

S'bu. Zikode  
Zodwa Nsibande  
Louise Motha  
Bongo Dlamini

30 JANUARY 2009

Press release · Siyanda Branch

## Durban High Court Delays Bheki Cele's Attempt at Forced Removal from Siyanda to the Richmond Farm Transit Camp

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*Hand written on Friday 30 January*

Digitised late on Tuesday 3 February (due to no electricity in Kennedy Road)

The judge has adjourned this matter to the 6th of March 2009. We, the remaining residents of the Siyanda shacks, welcome the outcome of today's hearing.

Everybody, rich or poor, has a life to live.

The Department of Transport has continued to reject our request for a negotiated solution. They have continued to argue that our refusal to accept that the houses promised to us should be corrupted to other people is costing them hundreds of thousands of rand a day. They have continued to argue that our refusal to move to their government shacks, what the people call the amatins, (the Richmond Farm transit camp) is costing them hundreds of thousands of Rands a day. They have continued to say that the demolition of our homes and our forced removal to their government shacks is an urgent priority and that there can be no further delays.

We continue to say that everybody, rich or poor, has a life to live.

We continue to demand that we should be given the houses promised to us. We continue to say that if the Department of Transport continues to fail to give us what they have promised us then we should be allowed to remain in our homes. We only agreed to their demand to demolish our homes because they promised to replace our shacks with houses.

Promises made must be promises kept.

Transit camps are big tin cans and human beings are not fishes. No person should be put in the undignified accommodation of the transit camps.

Everybody, rich or poor, has a life to live.



We have been lied to and we have been robbed. We have been to meetings and been disrespected, we have marched and been beaten. Now we are going to the High Court. We strongly believe that, unlike Bheki Cele, Nandi Mandela or the police, the judge will recognise our humanity.

We thank our lawyers again. In this system the poor cannot approach the courts without the solidarity of lawyers who work for God. In this system we always eventually run into tear gas and rubber bullets when we try to insist on our dignity outside of the court. The police are waiting at the end of every path. But everybody, rich or poor, has a life to live. Therefore we have to change this system so that everyone, rich and poor, has the same access to the courts. But, in the meantime, we thank our lawyers again.

Zodwa Nsibande  
Mamu Nxumalo  
Buzani Cele

6 FEBRUARY 2009

Press release · Abahlali baseMjondolo

## Once Again Our Children Are Being Evicted from Schools

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Every child has a right to a decent education. Every child has a right to dignity in school. These principles are not negotiable.

Abahlali baseMjondolo has a yearly calendar. The last struggle of the year is usually against evictions because Christmas is always the worst time for evictions. Every year the first struggle is to get our children into schools. Before the movement was formed each family waged this struggle alone. Since 2006 we have run an annual back to school campaign. We run workshops informing people of their rights, we provide parents with fee exemption forms and help them to complete the forms, and we negotiate with schools and school governing bodies. We have to confront all kinds of discrimination against poor people and we have to confront racism. The first challenge is to get our children into schools. The second challenge is to ensure that our children are treated with dignity once they are in the schools.

There are laws and policies that are there to secure the right of all children to access schools and to be treated with dignity in schools. But, just as with the right to occupy land unlawfully without arbitrary evictions, and the right to march and speak freely against the government, these laws and policies are usually just ignored when it comes to the poor. Some principals – like some police officers, the land invasions unit, politicians and even some lawyers at the legal aid board seem to believe that the poor are beneath the law.

The first problem at our schools is that poor people can't afford to pay the fees or to buy uniforms and stationery. Some schools will not accept children without fees, money for text books, a full set of stationery and full school uniforms. Some schools demand that fees are paid for the whole year instead of by term.

At the primary school in Motala Heights in Pinetown lots of children from the shacks have been turned away and the secretary won't let their parents speak

to the principal. When they asked to meet the principal security drove them away. The security often chase poor parents and African parents away. In Motala Heights the schools only go to grade ten and this year when the older kids went on the bus to the high school in Wyebank the people in Wyebank stoned the bus and pulled the driver out. The driver took the children to Wyebank and then brought them back. He was threatened not to return to the area with the children from Motala Heights.

In KwaMashu the high school in Castle Hill refuses to take the children from the shacks. When the poor parents ask for fee exemption forms they are told to 'top up' the exemption with R300 a month. Here the issue is not race – it is just a question of class because every one is African.

Shack dwellers in Joe Slovo (Durban) are facing the problem that the wealthy parents at Chatsworth High School have dominated all the meetings and so the issues of fees and safety are influenced by the rich parents. The same thing happens in Motala Heights. There the poor parents did attend the meetings of the School Governing Body but the principle looked so badly at the poor parents and always put them down. This is why the poor parents stopped attending the meetings.

This issue of money has created conflict between communities and teachers. We recognise that the government is highly irresponsible and wastes hundreds of millions of rand on luxuries like stadiums but fails to give schools enough money to pay teacher's salaries, buy chalk and books or pay water and electricity bills. We recognise that this is not the fault of teachers. Where ever possible we will work to unite communities and teachers and principals to work together to pressurise government to give enough money to schools.

We know that teachers are under pressures in other kinds of ways. Sometimes teachers have to be security guards as well as teachers. We are happy to support the teachers with these kinds of problems so that they can focus on being teachers.

However some teachers, secretaries and principals are exploiting the good will of communities to force the poor to pay what the government should be paying. It is easier to intimidate and bully a poor person than to stand up to the government. But this is not right.

In some schools poor parents are forced to come in and clean the schools because they cannot afford school fees. In some schools the children are humiliated

and punished because their parents cannot afford school fees. In many schools the end of year results are not released to families that have outstanding fees. This forces many families to use all their December money, often also borrowing, to pay their debts to the schools. They then have to spend Christmas with nothing.

Children are often excluded from schools because their first language is not English.

Some children don't have parents and therefore don't have documents. It often happens that even if we get a letter from social workers to say that they are undocumented orphans they are still not accepted.

Some children don't have documents because of the xenophobia of the Department of Home Affairs. They can also be refused access to schools.

However the law clearly states that no child can be denied access to a school on the basis of race, class, or language. The law clearly states that it is the principal's responsibility to facilitate access for every child. It is illegal for a principal to ask for a registration fee to secure a place for a child, to withhold results for fees, to humiliate or punish children whose parents have not paid fees or to make parents who cannot pay fees to clean the school.

The law clearly states that orphans cannot be charged fees, that foster parents are exempt from paying fees, that everyone getting a grant or pension is exempt from paying, that schools must make provision for children whose parents can not afford stationery, and that schools cannot charge loan fees for text books.

The law clearly states that parents who earn less than ten times the school fees for a year do not have to pay anything and that parents who earn between ten and thirty times the school fees for a year can get a partial fee exemption.

In all the areas we are encouraging the poor parents and, where there is a problem of racism, the African parents to attend the school meetings. We recognise that parents are often afraid to attend meetings after being humiliated by secretaries and chased away by securities in the past. Therefore we work to build the courage of parents against hatred of the poor and hatred of Africans. We do this by showing parents that they are not alone and that together they can be strong.

When the principals show this hatred we always start by trying to educate them about the laws and policies that protect the rights of the poor. We always start by trying to negotiate. But when principals refuse to obey the law

and refuse to respect poor people and African people we will march on them and picket their schools. We will report their behaviour to the Department of Education and when necessary we will take them to court.

In order to prepare ourselves so that we can lead our leaders we need to educate ourselves. We are fully aware that education does not stop at the school gate. We all need to keep learning all the time. This is why we always try to get our members into adult education programmes. This is why we always strongly support the Socialist Student's Movement in their struggle for free university education.

But we also need to learn independently of forms of education that are really teaching us to know our place in the world. As a movement that is moving out of the places in which the poor are supposed to be kept, and moving out of the order that the poor are supposed to obey, we have to think for ourselves. This is why we started our own library. This is why we started the University of Abahlali baseMjondolo where we have formal classes and graduations and where we also create places to think, together, about our lives and our struggle. Everyday we learn together through discussions about our struggles. Right now, as another school year starts, we are relearning the lesson that as the poor we are still foreigners in our own country. Just as we are driven out of the cities and into government shacks in rural human dumping grounds our children are driven out of the schools.

As Abahlali baseMjondolo we stand firm for the right of every child living in South Africa to access decent education without regard to the financial status, race, language or country of origin of their family. This principle is not negotiable.

All parents who are having problems with accessing their schools, or with ensuring the dignity of their children in schools, or who need to get fee exemption forms or who need help in completing the fee exemption forms can contact:

Abahlali baseMjondolo  
The Education Rights Project  
The Paulo Freire Institute

For more information or comment on the ongoing and illegal evictions of poor children from government schools

Ivor Baatjes, Paulo Freire Institute

Shamita Naidoo, Chairperson of the Motala Heights Abahlali baseMjondolo branch

Zodwa Nsibande Abahlali baseMjondolo General Secretary

Mazwi Nzimande, President of the Abahlali baseMjondolo Youth League (and grade 12 learner)

Britt Sable, Paulo Freire Institute

S'bu Zikode, Abahlali baseMjondolo President

16 FEBRUARY 2009

Press statement · Abahlali baseMjondolo

## Abahlali baseMjondolo Files for Leave to Appeal Judge Shabalala's Judgment in the Slums Act Case

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Today Abahlali baseMjondolo has filed papers indicating that we intend to apply for leave to appeal against the whole of Judge Vuka Shabalala's judgment on our application to have the KwaZulu-Natal Elimination and Prevention of Re-emergence of Slums Act of 2007 declared unconstitutional. Our application for leave to appeal is online at <http://abahlali.org/node/3680/>

This move has been taken after KwaZulu-Natal Judge President Vuka Shabalala dismissed the application made by Abahlali in the Durban High Court on the 27th January 2009. Abahlali had accepted the judgement stating that we will abide by the judicial process due to our confidence that it will, in the end, protect the rights of shacks dwellers to cities. However Abahlali did vow that it would appeal the judgement to the Supreme Court of Appeal and the, if necessary, take it to the Constitutional Court.

While debating Zodwa Nsibande, Abahlali General Secretary, on SAFM the MEC for Local Government and Traditional affairs, Mr Mike Mabuyakhulu, said that his Department was happy with the judgement but did not have any pride in it. He said that they were humble in victory and that they were going to meet with the leaders of the movement to discuss the way forward. But he has not come.

This broken promise comes after several broken promises from his office that his Department is prepared to meet with Abahlali leaders. We remembered how his spokesperson, Lennox Mabaso lied to millions of listeners of iGagasi FM, and also to Daily Sun readers, that he would visit and sleep in the Kennedy Road settlement in 2007. We have still not seen Lennox Mabaso in the Kennedy Road settlement. However we still have a shack waiting for him.

Abahlali have honestly waited for the MEC to come but in vain. Even when our office called the MEC's office on Thursday(12-02-09), last week, Mabaso

was 'in a meeting' 24 hours a day. We had no choice but to proceed to appeal the judgment and to take the next step towards the Constitutional Court of S.A. Here we are confident that in no way will the Court consider contradicting and undermining existing laws that regulates the occupation of land. We are confident that the Constitutional Court will protect the Constitutional rights of shacks dwellers and every citizen.

For more information about the notorious Slums Act and the reasons for our opposition to it please visit: <http://abahlali.org/node/1629>

Mnikelo Ndabankulu, Abahlali baseMjondolo Spokesperson  
Zodwa Nsibande, Abahlali baseMjondolo General Secretary  
Sibusiso Zikode, Abahlali baseMjondolo President



19 FEBRUARY 2009

Press release · Abahlali baseMjondolo

## Electricity Disconnected and Three Women Arrested in Arnett Drive

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Yesterday at around 10am ten cars of Sydenham SAPS and Securicor Security Guards came with their guns to the Arnett Drive settlement to disconnect electricity from 200 households. The private police came into Gertrude Cele's house and said "Can you please turn on your radio." She turned it on. Then, they said "The electricity is working so now we are arresting you". She said "You can't arrest me because I am just a visitor here, and I don't know anything." They said, "We found you in this house, so we are going to arrest you." This is how the police and private security make it a criminal offence to be a poor person in South Africa.

Gertrude Cele is 60 years old. She told them that she is sick and is taking some high blood pressure medication. The police said you will do that in the police station. While she was at the police station, she collapsed, went unconscious and when she woke up the police asked her, what is wrong? She told them that the high blood pressure is high now, and that she needed to take her medication. Then they said they were going to bring her back to the settlement, and that they would not arrest her. While she was at the Sydenham police station, they asked her if she could pay R500 bail. She said she does not have that money. They brought her back. The other two ladies remained in police custody. The names of the two ladies are Sisi Ndlovu, who is 18 years old, and Nozolile Khathi, who is 30 years old. Nozolile is also sick and was a visitor in the house where she was arrested. She was supposed to go to hospital today. When they told the policemen that she is sick and is supposed to go to the hospital, the police said, there are also hospitals at the police station, and then they took her.

Yesterday the whole community mobilized and went to the Sydenham police station to demand their release, and they were told to come back today. They were denied the right to see to see them. While they were still at the Sydenham police station, Mr. Mtshali, who is the owner of the shack that Nozolile was

at, said that at least they should arrest him instead of her, the police refused. They insisted that they were arresting the person they found inside the shack. When today they went back again and they were told they were at the Pinetown Magistrate Court. Today, they appeared at the Pinetown Magistrate Court. They were released on R500 bail. The case is adjourned until 2 April 2009 at the Pinetown Magistrate's Court.

The police and security officers first began disconnections at the road near a generator. They then proceeded to go house to house, arresting those who they could find inside. In some houses, they not only pulled out the electrical wires found inside, but also people's possessions, breaking household items.

While in custody, none of the three women – despite the fact that two were known to be ill by the arresting officers prior to arrival at the police station – were able to see a doctor. After being kept in jail overnight Nozolile was not able to see a doctor.

At no point during the arrests were the women told what they were being officially charged with.

Most of those at Arnett Drive during the police and security official raid were women.

Three months ago the same security company came to the settlement to disconnect electricity, and they shot Thokozani Mkhlotli through the thigh as he was coming from the toilets. Still, nothing has happened about that case. These are the same police who have often violently attacked Abahlali baseMjondolo marches and who have tortured our leaders.

We need to emphasize that while the city is still denying shack-dwellers to electrify their shacks, community connections will continue because it is not us who needs electricity, but it is our lives that need electricity. We are tired of getting burned in the shacks. Therefore we will continue to connect ourselves to electricity for as long as the government refuses to allow us to have access to electricity. If they disconnect us we will reconnect the same day. If they arrest us we will all put money together so that the bail costs are shared. We will welcome our comrades home as heroes.

Electricity is the answer while we are waiting for houses that we are being promised since 1994 and we are still living in shacks with no toilets, with no electricity, with one standpipe that caters to 600 families. These armed disconnections and arrests raise a question if this is the kind of democracy that we were

all being promised when we were going to the voting station in 1994. Is this the better life for all that the ANC is always talking about in their manifestos?

Viva Operation Khanyisa!

Your Criminals Are Our Heroes!

No Land! No House! No Electricity! No Vote!

Ntombifuthi

Thobekile Magwaza

Abahlali baseMjondolo Office

6 MARCH 2009

Press statement · Abahlali baseMjondolo

## Siyanda Win in Court: The Struggle Against Corruption and Transit Camps Continues

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Today eight orders were granted in favour of Abahlali baseMjondolo in the Durban High Court. The orders that have been granted are a breakthrough. We can call this a landmark judgment because the orders provide for judicial oversight of the new and entirely notorious phenomenon of the transit camp – also known by the government as decant areas in Jo'burg, as temporary relocation areas in Cape Town and as amatins, blikkies and government shacks by the people. However while it is progress to get judicial oversight over the transit camps our aim is to eradicate them entirely. We will not claim victory until this has been achieved.

The background to this matter is that residents of the Siyanda settlement had been told that they would have to be moved for the construction of a new free way. They were promised houses in the nearby Kalula development and they agreed to accept relocation on the basis of this promise. However the houses promised to them were corruptly allocated. Transport MEC Bheki Cele then sought the forced removal of the Siyanda shack dwellers to the nearby Richmond Farm transit camp. Residents were offered no guarantees about conditions in the transit camp, about the duration of their stay there or where, if anywhere, they would be sent next. They were also subject to ongoing and armed intimidation by the state.

Transit camps often look like concentration camps with razor wire fencing, spot lights, single entrances and 24 hour police guards. Residents are often highly controlled in these places as if they were in prisons. In most cases these camps are far from the cities where people live, work and school. People are taken there against their will with no guarantees about the conditions there, how long they will have to be kept there and where, if anywhere, they will be taken next.

Transit camps were a key colonial and apartheid tactic for regulating access to cities and criminalising the ordinary lives of poor people. It is an absolute disgrace that a democratically elected government has reintroduced this abomination in to our cities. Abahlali baseMjondolo, and all of our partners in the Poor People's Alliance, will oppose these camps in every way that we can.

The day before yesterday armed police arrived without warning at the (ANC affiliated) Palmiet settlement in Clare Estate, Durban, to try and intimidate residents into accepting forced removal from their shacks to the notorious Welbedacht transit camp in Chatsworth. Some accepted. Others rebelled and burnt a picture of their councillor, the notorious Jayraj Bachu on whom Abahlali baseMjondolo first marched in 2005.

Our comrades in the Symphony Way occupation in Delft in Cape Town are currently resisting forced removal to the notorious Delft transit camp. Our comrades in the Protea South settlement in Jo'burg are also resisting forced removal to a transit camp – the transit camp near their settlement has stood empty for two years now. Everywhere this resistance is met with violence and intimidation from the state.

The transit camps were re-introduced to our country with no discussion. Now the Slums Act, which we continue to oppose, will give legal sanction to this abomination.

We wish to make it clear that neither we nor any of our comrades in the Poor People's Alliance will ever accept transit camps. We will also continue to oppose corruption. Right now in Joe Slovo (Durban) people whose houses were corruptly allocated are also being told that they must go to transit camps. Transit camps can not become the easy way out for government when people complain that officials and councillors have corrupted people's houses. People who have been promised houses must get houses. Corruption must halted and there must be justice for people who have lost their houses through corruption.

The orders granted in court today mark important progress but there is still a long way to go. We always knew that we could not permanently stop the construction of the road and it will now resume. We have not been able to get the Siyanda families immediate access to their houses that were corruptly sold off.

However we have won the following:

- With in one year the Siyanda families that will be moved to the transit camp must be given permanent access to adequate decent formal housing.

- There must be an immediate investigation into the corrupt allocation of houses in Siyanda and, where necessary, restitution made to the victims of this corruption. There will have to be a report back to the court on this in two months time.
- Every three months there must be a report to the court on the conditions in the camp.
- The Siyanda residents have the right to return to the court after two weeks if conditions in the camp are not adequate

We will monitor the state's compliance with the orders very closely. We will also insist that the state does not investigate its own corruption in Siyanda – the investigation must be independent.

We have won major progress – there is now judicial oversight over the camps dealing with the conditions there, how long people will stay etc. There is now also judicial oversight over claims of corruption – claims the government usually just ignores. However we stress that no one is happy to be leaving their homes and no one is happy to be going to a transit camp – even if it is for a maximum of one year.

The struggle to completely eradicate transit camps, as well as the Slums Act and all other attempts to criminalise the poor and to drive the poor out of the cities continues.

We pass our gratitude to all the lawyers who worked on this case including Advocate Juliet Nicholson and the Legal Resource Centre. This was not an easy case but we won everything that we asked for from the court and we say well done to everyone. We also thank the abafundisi from the Rural Network, also partners with us in the Poor People's Alliance, for the strong solidarity in the court and in the community.

Despite all the challenges and hardships that we are facing the movement is growing. We will launch a new branch in Section B of Siyanda tomorrow.

Ya Basta! Zindabad! Qina! Onward!

S'bu Zikode  
Mashumi Figlan  
Zodwa Nsibande  
Mama Nxumalo

9 APRIL 2009

Press statement · Joint statement

## Siyanda A and B to March on Housing MEC Mike Mabuyakhulu on Tuesday 14 April 2009

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At 8:00 a.m. on 14 April 2009 we will march from Garrupa Park (next to the V.N. Naik School for the Deaf) in Newlands to the Metro Police Station in Kwa-Mashu.

We have been marching on Councillor Madondo, for quite long now. He has never answered our memorandums. We have confronted him and he has made it clear that he cannot answer our questions. In February last year we marched on Mayor Mlaba. We have received no answer to our memorandum. Late last year the Abahlali baseMjondolo branch in Siyanda Section C marched on Provincial MEC for Housing Mike Mabuyakhulu. They received no reply to their memorandum. Now Siyanda Section A and B, those living in self built shacks and those living in government shacks, will march on Mabuyakhulu.

We will issue the following demands to Mike Mabuyakhulu:

1. We demand houses for all in Siyanda.
2. We demand water for all in Siyanda.
3. We demand electricity for all in Siyanda.
4. We demand toilets for all in Siyanda.
5. We demand an immediate end to the amatins (i.e. the so-called 'transit camps' which are really just government shacks) and to forced removals to amatins.
6. We demand an end to government corruption and an independent and credible investigation into all the corruption that has already happened in Siyanda.
7. We demand roads that serve our community, not just the freeway that is destroying our community.
8. We demand lighting throughout Siyanda. (The police say that they cannot help us with crime at night because it is dark and there are no roads. Last year the

Abahlali baseMjondolo membership fees were even stolen from our treasurer in an armed robbery. He was shot in the shoulder. This crime has to stop.)

9. The MR577 freeway is the road that has cut our community in half and resulted in forced removals to ama-tins. We demand that work on the fence along this road be immediately stopped. The fence will prevent our children from being able to walk across the road so that they can get to school. We will not accept a fence without a bridge. Everybody knows that Abahlali baseMjondolo has long experience in taking down fence poles. The bridge must be built before the fence.

10. We demand that in future all development is planned with the people and for the people and not by government (and NGOs and consultants) for the people.

Our struggle for the right to live in this city and to have a dignified and safe life in this city goes back many years. The land in Siyanda was first opened to the people in 1988. We occupied it without government permission and had to struggle to stay on this land. Eventually we all collected R20 for a lawyer who could talk for us in the court. We won our case and in 1996 the government bought the land for us and promised to build us houses.

They started with RDP houses in 2001. But already there was corruption. Already our lives and our community and our struggle became a chance for politicians and officials to get rich. In 2003 they started with the Khulula project. The corruption was huge. The corruption was just as bad with the ama-tins built for the people that were evicted for the MR577 freeway but could not go to the houses promised to them because those houses had been corrupted.

Now Namandla construction says that the job that they have been given in Siyanda is finished. But 1 500 families are still in their own shacks. Forty five families are still in the government shacks (ama-tins) which are much worse than the people's shacks. Councillor Madondo says that he doesn't know how the job can be finished when so many people are left without houses. Mlaba does not answer our questions. So now it is time for us to confront Mabuyakhulu.

There is no need for us to go and vote in this election because we haven't received anything from government for the past 14 years. We don't want empty promises about a better life. We want a clear discussion about the crisis in our community and clear plans to resolve that crisis with decent housing for all. We want Mabuyakhulu to come to Siyanda and to sit down with us so that we can



plan when and where and how our houses will be built. We have been staying in shacks for 21 years. We cannot continue to stay in shacks any longer and we do not accept and will never accept the ama-tins. The conditions are so bad that many of us are getting sick.

Power to the people, not politicians!

No Land! No House! No Vote!

Mrs. N. Nxumalo

Mr. B. Ngwenya

Mr. N. Ngcobo

17 APRIL 2009

Press statement · Abahlali baseMjondolo

## John Minto to Visit Abahlali baseMjondolo on Saturday, 17 April 2009

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In January 2008 John Minto, a militant anti-apartheid activist from New Zealand, shocked the ANC by announcing, in an open letter to Thabo Mbeki, that he would refuse, on principle, to accept an award from the ANC. John stated clearly that:

Receiving an award would inevitably associate myself and the movement here with ANC government policies. At one time this may have been a source of pride but it would now be a source of personal embarrassment which I am not prepared to endure.

John's open letter to Thabo Mbeki is online at: <http://abahlali.org/node/3248>

Abahlali were deeply impressed by John's decision, a decision which very few people would take for the benefit of shack dwellers, the poor and all those who were meant to benefit from the struggle waged by the Halt All Racist Tours movement against apartheid South Africa. We salute that struggle as we salute John's refusal to accept an award from a small black elite who only enrich themselves at the expense of the poor.

The question of honour is very important. While so many rush to be honoured by a system of oppression, often as a reward for silence or complicity, John took a clear position that such honour is in fact shame. We have often said that our struggle has to put the last first. At the very practical level this means that the needs of those who suffer the most must be given the most urgent priority – we need toilets, and houses and clinics before stadiums. It is a kind of madness to build an unnecessary stadium in a city where children still die from diarrhoea and in shack fires.

But the need to turn the world upside down so that it stops being mad is not only a question of practical priorities. We also need to turn the meaning of honour upside down. Sometimes there is real honour in being arrested, beaten,

being fired from your job or slandered. Sometimes there is real honour in earning the respect of the most humble people, the forgotten people, those who do not count in the eyes of the system. This was true when people like John stood up to apartheid. It is still true now.

John Minto recognised that it would be a shame to be honoured by the same ANC that has betrayed the poor. We appreciate and recognise his initiative in denying the award from the ANC in solidarity with the poor and with the struggles of the poor. In Cape Town he has already been welcomed and honoured by the Western Cape Anti-Eviction Campaign. He spent a night on the pavement with the shack dweller's of Symphony Way who are facing eviction to one of the notorious 'transit camps'. In Durban he will be welcomed and honoured by Abahlali baseMjondolo. We are told that in Johannesburg he will be welcomed and honoured by the Anti-Privatisation Forum.

In this world we must all make choices. Sometimes those choices are hard. Sometimes they carry a heavy price. John has made a clear choice. He has a clear position on which side he is on in the struggle for a world where honour and shame are turned the right way round.

John will attend the regular Abahlali Saturday meeting in the Kennedy Road settlement at 12:00 noon. This meeting, like all of our meetings, is open to all, including the media.

(Our comrades who are not in Durban and cannot attend this meeting might like to know that at 2:00 p.m. on the same day Abahlali baseMjondolo will be featured in an Irish radio programme. It can be heard online at <http://www.rte.ie/radio1/saturdayview/>)

For more information and comment on John Minto's visit to Abahlali baseMjondolo

S'bu Zikode

Zodwa Nsibande

Short Bio on John Minto

John Minto is visiting to South Africa for two weeks from 12 to 26 April.

John is a political activist who was spokesperson for HART – the New Zealand Anti-Apartheid Movement during the 1980s and was the public face of the campaign to stop the 1981 Springbok tour to New Zealand. (He was arrested numerous times during the protests and has a medium-sized criminal record!)

Early last year there was public controversy when he wrote a letter to Thabo Mbeki rejecting a nomination for the Companion of OR Tambo Award as he said the anti-apartheid campaign was not waged simply to enrich a few black millionaires but to bring economic and social change to benefit all South Africans (M&G article).

He is very critical of the economic policies of the ANC, in particular it's reliance on free-market strategies which wherever they have been applied bring wealth to the few at the expense of the many.

After completing a physics degree John trained as a high school teacher and has taught most of the last 25 years. However he currently works for Unite Union – a trade union for low-paid workers in New Zealand. He is a spokesperson for Global Peace and Justice Auckland and the Quality Public Education Coalition.

It is John's first visit to South Africa. The main purpose of the visit is to see first hand the development of post-apartheid South Africa and meet with groups struggling for a better deal under ANC policies. For example he will visit groups such as Abahlali baseMjondolo (the Durban-based shack-dwellers movement), Western Cape Anti-Eviction Campaign, the Anti-Privatisation Forum and meet with union representatives and activists in Ditsela (Development Institute for Training, Support and Education for Labour). He will address two university-based seminars – in Durban and East London.

He will also be meeting with South African activists from the sports boycott era. John is 55 years old with two teenage boys and lives in Auckland.

21 APRIL 2009

Press statement · Motala Heights Branch

## Six Families Under Threat of Eviction in Motala Heights

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In 2006 the eThekweni Municipality illegally and violently tried to evict all the shack dwellers from Motala Heights. Abahlali baseMjondolo repelled this eviction and the shack dwellers remain in their homes today.

In 2007 and 2008 the most notorious of the local landlords, Ricky Govender, tried to illegally evict two families from the tin houses. Abahlali baseMjondolo repelled these evictions and those families remain in their homes today.

Now six families, living in rented backyard shacks and tin houses in Motala Heights, face eviction by local landowners. Those subject to eviction include pensioners and women-headed households with young children, all who have lived in Motala all their lives. They have nowhere else to go.

### Lot 35

The first eviction case involves three families residing in tin houses: a single mother with two daughters, an elderly husband and wife, and a married couple with four children.

The Legal Aid Board in Pinetown is representing the landowner in court. Legal Aid's mandate is to provide legal representation for the poor, those who cannot afford access to private lawyers. The three families have raised questions about the landowners' representation by Legal Aid; court papers disclose that she owns not only a large lot of land in Motala, but also 15 houses.

Yet, in the course of representing the landowner, the Legal Aid Board in Pinetown sent letters to the families, which read: "NOTICE OF EVICTION": "Kindly take note that you that you are hereby requested to vacate our clients' premises with immediate effect." The letters only were delivered recently, but are dated September 2007. Another letter is dated May 2006. When the families went to the Legal Aid Board in Pinetown for an explanation, they were turned away.

The residents then approached the Legal Resources Centre (LRC), which declined to take their case, but agreed to send a letter to Legal Aid inquiring why the Board, aimed to assist those without the funds for private attorneys, was acting for a landowner with 15 houses. Thus far, Legal Aid has not responded to the LRC letter.

The families under threat of eviction raised additional questions about the legal standing of the eviction notices, which must be delivered by the sheriff. These notices came by post. No PIE (Prevention of Illegal Evictions Act) notice has been issued.

It seems that the Legal Aid Board is not only representing the rich (for free) against the poor but is also attempting an illegal eviction.

Two of the families are paying R650 per month. The other family is paying R450 per month. Their backyard dwellings are dilapidated. The families must make all repairs at their own cost.

The residents are not in arrears; they have paid their rent consistently. The local pastor, as well as the landowner's nephew, who collects the rent, testified in writing to the court that the families were respectful tenants and paid their rent on time.

Last week, one of the families was hauled into court on a civil matter. The landowner claims that she has been harassed and threatened by the occupants. The residents have made a similar counter-claim. Now, the landowner is seeking their eviction via the civil case.

The one family in question has secured a postponement in the Pinetown Magistrate's Court on 8 April 2009 with the support of the UKZN Legal Aid Clinic. Their case will return to civil court on 29 April. The other two families' eviction matter is still pending.

## Lot 25

The second eviction case concerns three families from Lot 25 in Motala. They live in self-made shacks in the backyard of a large house, where the landowner lives. The families in the backyard shacks entered into a verbal lease agreement with the landowner, at the cost of R500 per month.

Last February and July, the landowner raised the rent to R800. The seven families living on his property share one outdoor standpipe. The landowner charges R100 per person per month for use of this standpipe. Even the youngest child, of two years old, is charged R100 per month for water.

On one occasion, the landowner arbitrarily switched off the water from the standpipe, leaving the families without water from early morning until late at night. The police instructed him to return the flow of water for the sake of the children living there.

The landowner now seeks to evict three of the families, and collect their arrears in addition to a 15.5% interest fee. According to the landowner, the families – one supported by an old-age pension and the other two by casual work – are required to pay between R6000 and R10 000 in addition to his legal costs.

The residents are angered by the actions of the landlords and these latest eviction threats.

The Motala Heights Abahlali baseMjondolo branch has resolved to break the power of the landlords over the poor and to force the eThekweni Municipality to expropriate the empty landholdings in the area so that houses can be built for all of the poor of Motala in Motala.

Bongo Dlamini  
Shamita Naidoo

24 APRIL 2009

Press statement · Abahlali baseMjondolo

## Abahlali baseMjondolo to Mourn UnFreedom Day on 27 April 2009

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*Walala Wasala, Wavuka Usuhlala ema-Thini*

Monday 27 April will mark the 15th anniversary of the first democratic elections in South Africa. Once again the poor will be herded into stadiums so that the politicians can tell the people to celebrate their freedom. Once again Abahlali baseMjondolo will be decelebrating. We will be holding our fourth annual UnFreedom Day.

On the Sunday before unFreedom Day we will launch the beautiful new crèche that has been built in the Motala Heights settlement. The Motala Diggers have already been running a large community garden for sometime and the community have now decided to take the initiative and to build and run their own crèche.

On unFreedom Day a major announcement will be made about the next step in the movement's ongoing struggle with the KwaZulu-Natal Department of Housing and their notorious Slums Act.

The unFreedom Day event will begin at 9:00 a.m. and will be held in the Kennedy Road settlement in Clare Estate, Durban. We will be joined by comrades from all of the organisations that make up the Poor People's Alliance – Abahlali baseMjondolo in KwaZulu-Natal and the Western Cape, as well as the Rural Network from KwaZulu-Natal, the Landless People's Movement from Gauteng and the Western Cape Anti-Eviction Campaign. The eMacambini Anti-Removal Committee will also attend the event and participate in all the discussions leading up to it.

Bishop Rubin Phillip has been invited to address the gathering. There will also be performances from the famous Kennedy Road isicathamiya choir the Dlamini King Brothers, the maskhandi group Cupha Mbonambi from Taflekop, the Motala Gospel Group as well as the Vibe Jammers, a dance group from Siyanda, and new isicathamiya and hiphop groups from Joe Slovo.



unFreedom Day has been organised by the Abahlali baseMjondolo Youth League. While others were voting on Wednesday we were planning unFreedom Day. The day before the election some of us attended a small University of Abahlali baseMjondolo seminar on the idea of a living communism. Our hands are clean.

Nobody can come with any facts to condemn unFreedom Day. The fact is that we are not free. Everyone can see that. Even on Election Day, where everyone is supposed to be equal as voters, the poor stand in the queues while the politicians are rushed to the front. Even on Election Day there is no equality. There is a constant oppression that promotes inequality in its simplest forms.

We are never given a platform to say what is inside our hearts. Therefore we have provided the platform for ourselves so that we can speak for ourselves and speak freely. It is up to us to tell the truth about our suffering and our struggles.

How can we be free when the system has completely excluded us? How can we be free when:

- we do not matter, we do not count?
- we are given not a platform and when we make our own platform we are not heard?
- we don't have land and we don't have houses?
- evictions continue?
- a promise of houses for all is changed to 'housing opportunities' for all and a 'housing opportunity' means forced removal to a government shack (i.e. a so-called 'transit camp')?
- we still lack adequate access to water, toilets, electricity and refuse removal
- our children live and die with running stomachs (diarrhoea)?
- instead of jobs we get free food before elections?
- our children are still forced out of the good schools?
- women are still not safe in our cities?
- people continue to be oppressed by ward councillors and BECs?
- we get no reply to the memorandums that we hand over at marches?
- what development does happen is always top down and is always corrupted?
- the government only assists those that are close to them and that uphold their authority?

- street traders are still being forced out of the cities and people born in other countries are still being taken to Lindela?
- ten thousand families in eMacambini face forced eviction at the hands of S'bu Ndebele and Ruwaad holdings?
- our comrades in Symphony Way face eviction?
- the Legal Aid Board joins the police in openly and blatantly working for the rich in Motala Heights?
- the system lies – the government's papers say that development was completed in New eMmaus in 2003 but people are still living in poverty there, even dying from the poverty?

The politicians tried various strategies to get the people to vote in these elections.

In Reservoir Hills the ANC councillor is Jayraj Bachu. He is strongly supports the eviction of all shack dwellers from Reservoir Hills and he has withheld basic services from shack dwellers and said nothing when people are shot by private securities for connecting electricity. On the Sunday before the election Bachu slaughtered 16 sheep and sent buses to the Pemary Ridge, Arnett Drive and Shannon Drive settlements to fetch people to come and eat the sheep. Those that went had no toilets to go to after they had digested Bachu's sheep.

In Joe Slovo the strategy to force people to vote was to cut off the water the night before the election. People were told that it would only be switched back on after they had voted. It was made clear that services will only be provided in exchange for loyalty. It is not surprising that there was a road blockade in that area.

In Motala Heights there is a long record of people denied access to pensions and grants if they do not have a voter's stamp in their ID book. In Foreman Road people were told that child support grants would be stopped if people did not vote. Again the message is clear.

Yet all these politicians that want our votes continue to treat us with contempt. Nigel Gumede said, in a public election meeting, that the people in Kennedy Road are eating from the dump. He must apologise. Terror Lekota said on Ukhozi FM that people are staying in shacks because they are uneducated and yet they are demanding to get tenders and contacts despite being uneducated. He must also apologise.

Nigel Gumede also publicly offered a house to Nonhlanhla Mzobe in the same meeting. Some years ago Nonhlanhla was the deputy chairperson of the Kennedy Road Development Committee. She played a big role in the beginning of our struggle in 2005. She has taken the house and moved out of her shack. This is also a corruption, a political corruption, an attempt to buy off our movement.

Over the years many people in our movement have been offered houses and jobs by politicians wanting to buy off the movement. Almost all have said no. The NGOs have also offered many people money and travel. Almost everyone has said no. There was a reason why one of our earliest slogans was 'Phanis Breyani!'.

We are not fighting with Nonhlanhla. We do not judge people who decide to do what they think that they must do for their families. Everyone has the right to make their own choices. But once you decide to become a breyani chower you are no longer an Umhlali. Politics is about choices, sometimes hard choices. But we are making it clear to the politicians that we note the deep corruption of the system and that we have always been clear that when we struggle we struggle collectively. We will always insist that the fruits of our struggle must be shared collectively. From time to time the politicians or the NGOs will succeed in persuading an individual to take their houses, or their money or their fancy trips. But from the moment that person agrees to take the breyani their membership in the movement ends so the movement is never for sale.

Delivery according to political loyalty must end. All forms of corruption must end. Some of us have corrupt relatives in government. We condemn their corruption with no reservations. State money is the people's money. A thief is a thief.

There have been many clear demonstrations of dissatisfaction from poor people's organisations in recent days. All the organisations in the Poor People's Alliance decided to boycott the election. The Anti-Privatisation Forum in Johannesburg and Sikhula Sonke in Cape Town took the same position.

In Gugulethu and Alexandra people demonstrated next to polling stations. In Durban people organised road blockades from Kennedy Road (21 April & 23 April), Lamontville (20 April) and Siyanda (14 April).

We are still warning that the anger of the poor can go in many directions.

We are issuing a clear warning to those who wish to remote the world that we will not be silent. We will not be good boys and girls. We are men and women who have resolved to take our place in the world. We are determined to participate in the construction of this country.

John Minto's refusal of the O.R. Tambo award, and his decision to reject the 5 star hotels and red carpets offered by the politicians and to instead visit the organisations of the poor, shows that the progressive world is watching South Africa and taking a clear side with us.

We are not alone in our struggle to break the power of the rich, and their money, over the use and distribution of land. We are not alone in our struggle to build the power of the poor and to reduce the power of the rich.

Abahlali baseMjondolo has a long way to go in our struggle to overcome inequality. On UnFreedom Day we will strengthen ourselves for the long road ahead.

Mazwi Nzimande  
Lindo Motha  
Mnikelo Ndabankulu  
Zodwa Nsibande

30 APRIL 2009

Press statement · Motala Heights Branch

## Police Support for Landlord Intimidation Continues in Motala Heights

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Three families from lot 35 in Motala Heights are facing a plainly unlawful attempt at eviction. Yesterday some of them went to court, with the support of the UKZN law clinic, as part of the process of contesting their eviction.

When they returned home from court they were subject to severe harassment from the landlord's family. It started with verbal abuse – a lot of it highly racist. People were threatened that they would be beaten out of their homes if they tried to 'be clever' by 'running to the court.' After some time the verbal abuse escalated into physical violence. The nephew and then the pregnant daughter of one of the women facing eviction were both assaulted.

The police were called. When they came they said that they could not help tenants and they just walked away. One of the women replied that: "My mother is in Abahlali baseMjondolo and last year we interdicted the Pinetown police to force them to follow the law and to protect everyone in this community. The court has said that you are not allowed to only see for the rich in this community." But the police refused to help.

A relative of the landowner who works for the Pinetown Police then arrived. He was in his normal clothes. He said to the tenants: "You can't stay here. We are in charge here. You people are just like animals. Fuck off from here." He is notorious in this community for using his position in the police to intimidate people.

After some discussion Abahlali baseMjondolo advised the people to go the station to open an assault charge. At the same time all the Abahlali members in Motala were alerted to try and organise collective self defence.

As soon as the Pinetown police heard the name of the family that had been insulting and assaulting the tenants they just refused to open a charge. This has happened many, many times before. All over Durban the police refuse to open charges against other polices. But here in Pinetown they just refuse to allow a poor person to open a charge against a rich person. In Pinetown the police will only see for you if you have a contact. The name for this is corruption.

A local Abahlali activist went to the police station this morning. She demanded to see the Station Commander or the Station Director. She explained to numerous police officers that:

1. This attempted eviction is clearly unlawful.
2. Everyone has the right to go to court to contest an eviction.
3. There is already an interdict forcing the Pinetown police to obey the law and to offer support to everyone in Motala Heights, including poor people.
4. The harassment of the tenants is unlawful.

She tried the whole day to see the station commander or the director but they were both always 'in a meeting'. But she was able to get case number. The Pinetown Police station is so deeply corrupted that for a poor person to actually get a case number in a situation like this is very unusual. But there was no real co-operation. In fact the behaviour of the Pinetown Police is disgusting.

For many years shack dwellers in Sydenham, Clare Estate and Reservoir Hills struggled against the Sydenham Police station. After many, many marches and some court cases the Sydenham Police Station is finally starting to treat poor people like human beings. But no one was surprised when polices that were brought in from Pinetown to try and ban UnFreedom Day in Kennedy Road, in Clare Estate, on 27 April were bought from Pinetown. It seems that the movement will have now have to shift its focus of struggle to the Pinetown Police.

The Pinetown police have a long history of working for the rich and against the poor without regard to what is lawful and what is unlawful. They will never arrest a landlord for an illegal eviction or an assault on a tenant. In fact landlords continue to take rent and build on property that they don't even own! Ricky Govender continues to dump toxic waste where ever he feels like. The police do nothing. Even journalists are blatantly intimidated in Motala Heights.

Tomorrow Abahlali will continue to try and meet with the Station Commander or the Director of the Pinetown SAPS. We will also continue to mobilise the community for the purpose of self defence. We will also look for a pro-bono lawyer that can:

1. Interdict the landlords and their families from insulting or assaulting the tenants that are opposing evictions.
2. Ask a judge to order the arrest of the Pinetown Police officers if they continue to refuse to protect the poor from the open criminality of the rich in Motala Heights.

Shamita Naidoo  
Bongo Dlamini

6 MAY 2009

Press release · Abahlali baseMjondolo

## Abahlali baseMjondolo Will Challenge the KZN Slums Act in the Constitutional Court on 14 May 2009

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### *The Shack Dwellers' Road to the Constitutional Court*

Abahlali baseMjondolo will once again climb another high mountain for the first time when our struggle for the safety, dignity and equality of the poor ascends to the Constitutional Court of the Republic of South Africa. In 2005 when we formed our movement we committed ourselves to do whatever it takes to protect the rights, lives and future of the shack dwellers and the poor in South Africa. We are determined to defend our children, without compromising our future generation.

Most of the new people and communities that are joining our movement do so when they are threatened with an eviction. We build and run crèches and gardens in the settlements, we educate ourselves through our own university, we fight to democratise this society from the bottom up by building the power of the poor against the rich and the politicians, we do what we can to support people after fires, we fight for water, electricity, toilets and access to schools. We oppose xenophobia. This list is long. But the fact is that most people join our movement because they do not want to be evicted from the cities where they already have some access to work, education, health care, libraries, sport facilities and so on.

The struggle for the right to the city, for democratic cities for all, is therefore at the centre of our struggle. Our struggle for the right to the city has never been easy. It has been a long journey with many obstacles to overcome and many small victories along the way. After some time and many battles, sometimes in court and sometimes in the streets, we stopped all evictions in all our settlements. But other settlements continue to face evictions. And when they are confronted with evictions they often come to us and we have to begin the struggle all over again.

But at the same time as we have made progress in stopping evictions and even negotiating with the eThekweni Municipality to upgrade some of our settlements the ama-tins or governments shacks have been imposed all over the country. They are called transit camps in KwaZulu-Natal, Temporary Relocation Areas (TRAs) in Cape Town and Decant Camps in Gauteng. They are nothing but a way for the government to evict the poor, to force people out of the cities, in the name of providing so called 'housing opportunities'. The government uses these places to say that it is 'housing' people. Anyone can see that these places are for no purpose other than oppressing the people. These are places for people that do not count in our society, people who are unwanted. Some of them are like prisons. Many do not have even basic services. How can a family live in one room? The transit camps must come to an end. We have joined with our alliance partners in all of these provinces to call for an end to all oLindela.

And then in 2007 the KwaZulu-Natal Elimination and Prevention of the Re-emergence of Slums Act was imposed by the KwaZulu-Natal Department of Housing. This Act was imposed against the will of the poor who the government is meant to serve. It is a clear attack on the poor. It is an attempt to give legal support to the transit camps and to evictions and to criminalise our movements. It is an attempt to turn the forgotten people into the deliberately excluded and deliberately oppressed people. We cannot accept this.

Abahlali baseMjondolo have made it clear from the onset that we will not accept any attempt by the KwaZulu-Natal Department of Housing to undermine our struggles, our lives and those rights that are protected by the constitution. The road from the shacks to this court has never been an easy one. It takes a very strong shack dweller's organisation to stand firm for what we believe is right for the future of our cities. It takes a very humble, democratic and a caring government to understand the will of its citizens. A caring government would rather engage its citizens than turn them into its rivals.

We believe that there was no need in the first place for the Slums Act. The only need was for the Department of Housing to table its worries to the shack dwellers themselves. If they had concerns why didn't they call a housing summit with all shack dweller's organisations? Abahlali baseMjondolo are determined to be part of the solution of any problem associated with the lives and communities of our members. But this can only happen when shack dwellers are accepted by government as profitable members of our society. But in the Slums Act we are presented as criminals whose homes must be destroyed, whose organisations must be criminalized and whose lives deserve the transit camps instead of



the accepted house with dignified material. When the politicians try and justify this Act they always talk about freeing the people from Slum Lords but while we fight Slum Lords they work with them to try and control communities and to try to force them to accept oppression! The MEC for housing in KwaZulu-Natal always says that people need proper houses. We say the same. But while we struggle for decent housing they are forcing the people into the government shacks – the notorious Transit Camps, oLindela.

We still have solutions to our own problems. We still believe that the Breaking New Ground policy must be implemented. We still believe that settlements must be upgraded, with democratic planning at every step of the way, where they are. If this is genuinely not possible then houses must be built nearby. We still believe that while people wait for the houses they must get free basic services such as water and sanitation, electricity, collection of refuse, access roads for emergency vehicles, and that fire hydrants, community halls and crèches for our children must be provided in all our settlements. We still believe in a moratorium on all evictions.

We will all, together with our partners in the Poor People's Alliance, as well as Bishop Rubin Phillip and many other church leaders, journey to the Constitutional Court to ask the judges there to protect our rights. We are convinced that we have good case, and that we have a good legal team, which takes our instruction quite seriously. We are sure that there will be much national interest in this move by our organisation as this Act, which the National Department of Housing has asked other provinces to copy, will have a devastating impact on millions of forgotten shack dwellers in our beautiful country if it is not challenged.

We call upon all Abahlali friends, all progressive organisations, church groups and passionate individuals to join us in this journey. Abahlali baseMjondolo in KwaZulu-Natal and Western Cape, the Landless People's Movement in Gauteng, the Rural Network in KwaZulu-Natal and the Western Cape Anti Eviction Campaign have all confirmed that they will join the march down this historic road from the shacks to the Constitutional Court.

Mnikelo Ndabankulu ABM-KZN  
Mbhekiseni Mavuso Rural Network KZN  
Mzonke Poni ABM Cape Town  
Ashraf Cassim AEC Cape Town  
Maureen Mnisi LPM-Gauteng

18 MAY 2009

Press release · Abahlali baseMjondolo of the Western Cape

## Macassar residents occupying empty land as we speak

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As we speak, members of Abahlali baseMjondolo of the Western Cape from Macassar Village are occupying the land that they've been clearing for the past week.

Abahlali are taking the land because, as backyard dwellers, they've been clear victims of high rents which are resulting in their collective eviction. Residents say that they have no choice. In order to protect the livelihood of themselves and their families, they have to take this unused and empty government land for their community.

For an update on the current situation  
Mzonke Poni

For updates and photos tomorrow, visit [Khayelitsha Struggles](#).

19 MAY 2009

Press statement · Abahlali baseMjondolo

## Siyanda – Mpola – Macassar Village: The War on the Poor Continues

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*The Elections Are Over – The War on the Poor Continues*

Four Shot in Siyanda with Rubber Bullets, Illegal Demolitions in Mpola, Martin Legassick Arrested in Macassar Village, Mzonke Poni on the Run, Others Arrested and Shot at with Rubber Bullets

Siyanda: More Illegal Evictions, Rumours of More Forced Removals and More Police Violence

Four people were shot with rubber bullets at close range after the police attacked protesters in C – Section of Siyanda, Durban, this morning. The four people are all in hospital. The doctors say that one person is very badly injured.

The protest was aimed at halting construction of houses in the notoriously corrupt Khalula Housing Project. The C-Section community took the decision to halt the construction in protest against the ongoing unlawful demolition of people's homes and rumours that people from C-Section will be forcibly removed to amatinis (also known as government shacks or transit camps) in Red Hill.

All requests by the community for clear information and negotiation have been refused. After lots of pressure municipal official Bongi Hlengwe eventually agreed to meet the community to discuss their concerns about unlawful demolitions and the rumours of more forced removals at 3:00 p.m. yesterday afternoon. However he cancelled the meeting without explanation following which the decision to stop construction was taken.

For more information on the crisis in Siyanda

Mama Kayiyaki

Magama Makhanyi

Mama Nxumalo

Mpola: Illegal Evictions

Seven shacks were illegally demolished in Mpola, Marianhill (near Pinetown), this morning. The Municipality is knocking down shacks to build houses – but the houses are being given to outsiders. There is no consultation. There is no

court order for these demolitions and they are, therefore, like the demolitions in Siyanda, illegal and criminal acts.

For more information on the crisis in Mpola

Lindiwe Ndlovu

Macassar Village: Demolitions, Arrests and Shootings

Backyard dwellers occupied vacant government land in Macassar Village last night after being forced out of their backyard shacks due to extremely high and exploitative rents. Early this morning the police arrived in very large numbers to attack the occupation and proceeded to unlawfully demolish the new shacks (they had no court order). While a meeting was being held to inform the new community that any police attack on it would be completely illegal the police went ahead and attacked the people.

One woman and her baby have been shot with rubber bullets. Four people have been arrested. So far we only have the name of one them – Professor Martin Legassick was arrested while taking pictures. The police are currently doing a door to door search in the area looking for Mzonke Poni. The protest in Macassar Village is continuing. The occupiers still hold the ground. The press are urged to rush to the scene.

For more information on the crisis in Macassar Village

Mzonke Poni

Now that the election is over and the politicians have finished hunting for positions they are running away from the people. It is impossible for a poor community to get a meeting with a politician. They only send in the police to break the people's homes and to beat and shoot and arrest the people. This is the reality of our so called democracy. This is what development really looks like – people's houses broken down, people shot with rubber bullets, people in jail, people on the run.

22 MAY 2009

Press release · Abahlali baseMjondolo of the Western Cape

## The Macassar Village land occupation continues

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Tonight we spend our fourth night on this land. It is cold and rainy tonight but we will stand where we sleep! We will rebuild once again! We will not leave this land. This is our land, not because we are greedy, but because everyone needs some land and housing to provide a permanent home for their families. Backyards are not permanent nor adequate. They are oppressive.

If they arrest us again, beat us again, demolish our shacks again and steal our building materials again, we will return to the land and we will rebuild – again!

For updates on the Macassar Village occupation of unused land – our struggle to build community and democratise this city from below, call

Qina Mhlali, Qina!

25 MAY 2009

Press release · Abahlali baseMjondolo of the Western Cape

## Macassar Village: Application for interdict against the City of Cape Town likely to be heard on Wednesday

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There were delays with the legal process this morning. We apologise to those journalists and comrades who were waiting in court. However we should be in court by Wednesday with the aim of securing an interdict against the Cape Town Municipality that prevents them from continuing with their unlawful actions against the people that have now been living on the disputed land in Macassar Village since 19 May 2009.

Everyday our shacks are demolished and our building materials are confiscated. Every day we rebuild. The occupation continues. Tomorrow we will have held the land for one week.

How can the occupation not continue when people are paying as much as R600 a month to rent a backyard shack? How can the occupation not continue when people have been on housing lists for 30 years? How can the occupation not continue when there is a backlog of 400 000 houses in Cape Town and that backlog increases by 20 000 a year while only 8 000 new houses are being built? How can the occupation not continue when many of those 8 000 houses are too small for family life and built in places where people can't survive?

The politicians are complaining that the occupation is 'organised'. Since when is it a crime for the poor to organise? The organisation of the poor by the poor and for the poor is our only hope. We have nothing but our will.

Our struggle to democratise this City from below continues.

Mzonke Poni

27 MAY 2009

Press release · Abahlali baseMjondolo

## Another Illegal Demolition in Siyanda – call for the immediate arrest of Municipal Official

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Yesterday Mr. Bonginkosi Hlengwe, an official in the eThekweni Municipal Housing Department, went to the home of Mpume Nompumelelo in Siyanda Section B, Durban with Municipal Workers and the police. The municipal workers demolished her toilet. Today they returned and demolished her home. So far only one shack has been destroyed but they may destroy more soon.

The municipality want to build RDP houses, for other people, in the area – i.e. the people that have lost their home will not benefit from the construction of the new houses. The eThekweni Municipality had no court order and therefore the demolition was another illegal and in fact criminal offence on the part of the municipality. It is a sad fact that the police are being used to protect the municipality's criminality rather than to follow the law and to protect the people from the municipality's criminality.

No alternative accommodation has been provided for the family that have lost their home. They have just been left homeless.

As a movement we are calling for the immediate arrest and prosecution of Mr. Bonginkosi Hlengwe and all government officials, in all cities in South Africa, that give orders for these sorts of criminal attacks on the poor.

We are also calling for the legal community to take this state criminality seriously and to offer pro bono legal support to people and communities that are being victimised in the state's illegal and criminal war on the poor. Most times poor people that are victims of state criminality in Durban are unable to find lawyers. It is the same in Cape Town.

Finally we are also calling for all municipal workers' unions to refuse to carry out any orders from their bosses to unlawfully demolish people's homes.

Mpume Nompumelelo

30 MAY 2009

Urgent press release · Abahlali baseMjondolo of the Western Cape

## Macassar Village Secured an Urgent Interdict Against the City of Cape Town Last Night

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*Abahlali baseMjondolo of the Western Cape*

Last Night We Secured an Urgent Interdict Against the City of Cape Town that Prevents them from Continuing with their Criminal Harassment of the Macassar Village Occupation

We have secured an urgent interdict against the City of Cape Town. The interdict prevents them from demolishing any shack or structure at the Macassar Village Occupation without an order of the court (and the due process that obtaining such an order requires). It also compels them to return to us all the building materials that they have stolen.

This is an important victory against state criminality in Cape Town. Municipalities across the country regularly engage in criminal behaviour towards the poor because they are confident that we will not be able to secure legal support. But ten days after we first occupied the land we were able, with church support, to secure a lawyer and to succeed in forcing the City of Cape Town to engage with us in terms of the law. The City wanted to resolve this crisis with violence. We have now been given an opportunity to resolve this crisis politically.

Mzonke Poni



31 MAY 2009

Press statement · Abahlali baseMjondolo of the Western Cape

## Urgent Interdict against Municipal Criminality to be Served on the Cape Town City Manager First Thing on Monday Morning

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*Abahlali baseMjondolo of the Western Cape*

The urgent interdict awarded to the Macassar Village Occupation on Friday evening against the ongoing state criminality by the City of Cape Town will be served to the Cape Town City Manager, Achmat Ebrahim, by the Sheriff of the Court first thing on Monday morning.

The interdict prevents the City from demolishing any shacks in the Macassar Village Occupation without an order of the court. It also compels them to return the building material that they have stolen.

Once the interdict has been served any further claims by city officials and politicians that their ongoing demolitions and confiscation of building materials from the Macassar Village Occupation are and have been lawful will be a clear case of deliberate dishonesty.

However we need to be clear that the interdict was binding from the movement that the court issued it on Friday and that the demolitions and confiscation of building materials on Saturday morning were carried out in criminal violation of the law and in contempt of court. The police were presented with a copy of the interdict, and its contents were explained to them by us and then by our lawyer, yet they still went ahead and demolished two shacks and stole building materials in blatant contempt of the interdict. Their response was that they only take instruction from the City Manager and the Mayor. The police are being quite open about the fact that they will follow the orders of their political masters and not the law or the courts. This is rule by decree and not rule by law. The Cape Town City Council appears to remain determined to continue to ignore the rule of law when the law offers some protection to the poor. It seems that they are determined to continue to, instead, implement the arbitrary and violent rule of the rich through the barrel of the guns wielded by the police and the Anti-Land Invasions Unit.

The land at Macassar Village was first occupied on 19 May 2009 and the first demolition happened on 20 May 2009. Since then the occupiers have rebuilt and then had their shacks demolished and building materials stolen again almost every day. However after the demolition and theft of building materials on Saturday morning it was not possible to rebuild as there were no more materials available. They had finally taken everything that we had. The occupiers spent this bitterly cold and wet weekend sleeping on the ground under bits of plastic sheeting. Many of us are now sick.

In 2006 the Tshwane Municipality demolished shacks in Moreleta Park in Pretoria in violation of a court interdict preventing any demolition without an order of the court. The court responded by ordering (1) the arrest of the Minister of Safety and Security and (2) that the police must themselves rebuild the shacks that they had demolished. Perhaps the time has come to approach the courts to seek the arrest of Achmat Ebrahim and Dan Plato as well as the police officers who follow their orders rather than the law? It is certainly clear that someone should be arrested for the crimes committed on Saturday, and every day since 19 May. It is certainly clear that the police have an obligation to return what they have stolen and to rebuild what they have broken.

We will continue to use the courts to discipline the police, and the politicians and officials that give them their orders to protect the colonial order and the rule of money over the lives of the poor. But will also continue to occupy the land in Macassar Village and to build political support for the occupation. As part of this process we are working towards a major march on the City of Cape Town and in defence of the Macassar Village Occupation. Abahlali baseMjondolo now has 15 vibrant branches in Cape Town and we will, working together with our comrades in the Poor People's Alliance, take the suffering and struggles of the poor into the heart of the territory of the rich – the same territory from which they order the police to attack us.

We have nothing but our will but our will is strong.

Despite the assaults, the arrests, the day to day intimidation, the relentless and criminal demolitions and the theft of our building materials in the cold and the rain we remain determined to democratise this city from below.

Mzonke Poni

**15 JUNE 2009**

Press statement · Abahlali baseMjondolo of the Western Cape

## June 16th Commemoration to be Held at the Macassar Village Occupation

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Every year since 2005 Abahlali baseMjondolo has de-celebrated Freedom Day by holding UnFreedom Day in Durban. Now that tradition will continue in Cape Town and Johannesburg as the Poor People's Alliance organises to begin the process of taking back our history of struggle from the politicians. This history belongs to the people and tomorrow the Poor People's Alliance will be retracing the route of the 1976 June 16th protest in Soweto, Johannesburg. Here in Cape Town we have been focussing on mobilising other communities to support the Macassar Village Occupation. During these meetings we have discussed what would should do to take forward the programme of the Poor People's Alliance on June 16th.

We have decided to hold our event on the site of the Macassar Village Occupation and with the brave comrades who continue to hold the land there. We will discuss the meaning of June 16th for us today and how to take that spirit of resistance forward today. We will also discuss how we can support Mzonke Poni when he appears in court again on a trumped up charge on 17 June 2009 while the government officials who break the law by demolishing shacks illegally, even against court interdicts, and assaulting and intimidating people remain free.

For further information on tomorrow's June 16th event at the Macassar Village Occupation  
Theliwe Macikiswana

16 JUNE 2009

Press statement · Kennedy Road Development Committee

## Fire Devastates the Kennedy Road Settlement – At Least One Hundred Homes Destroyed

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### *The Red Devil Must be Defeated*

Today is the 16 June, Youth Day, the anniversary of the 1976 Soweto Uprising. In Johannesburg and Cape Town our comrades are struggling for the people to take this day back from the politicians.

Here at the Kennedy Road settlement we are burning, again. At about 1:30 last night a fire started after a paraffin stove was left unattended while a couple argued. Before it was put out around 100 shacks had burnt. At least 300 people have been left homeless. One woman has been very badly injured and has, only just now, been taken to hospital.

By the end of last year the Kennedy Road settlement had burnt 9 times. Since 2005 we have lost 5 people to fire in Kennedy Road. And it is not just Kennedy Road that has had to confront the plague of fires. In his 2008 end of year speech to the whole movement S'bu Zikode declared last year as the year of fire.

We have marched against fires and been shot at and arrested for marching against fires. We have organised a City Wide Summit on Shack Fires. After that summit we declared to the world that to live with constant fires is to live in a constant state of emergency. We have prepared and circulated a carefully researched report on shack fires. Bishop Rubin Phillip has said very clearly that the fires must be stopped and that our struggle against the red devil is just.

But the response from the City is always the same.

When we connect ourselves to electricity in order to make ourselves safe they send in their men with guns to disconnect us. They arrest us. They beat us. Sometimes they even shoot us. The result of this is more fires.

The first thing that happens after a fire is that government officials rush to blame the victims. They will say that we burn because we are drunk or because we are uneducated. They want to do this so that it seems that the oppressed are responsible for our own suffering. But as we have said so many times the

rich also get drunk, they rich also get distracted by a child and the rich also have arguments. Some of us work in their houses and we know that this is true. They are not different to us. The only difference is that the rich have electricity and so leaving a stove unattended for a moment or knocking over a lamp doesn't cause a fire.

When the fires happen a community will get very little support from the City. If the community is weak or divided the fire will be used as an excuse to force people into transit camps. The power to allocate the government shacks in the transit camp will be given to the people close to the councillor so that they get power over the settlement. Sometimes people who are critical will be left homeless. This has happened in Foreman Road and in Jadhu Place.

The government will say that people must accept the transit camps, which often means relocation, because they will be safe there. But in fact it is perfectly possible to electrify the settlements where they are and it is perfectly possible to electrify shacks as they are. Everybody knows that until 2001 the eThekweni Municipality used to electrify shacks. They stopped this at the same time as they started their notorious 'Slum Clearance' programme.

People are getting desperate, very desperate. After today's fire some people wanted to attack the woman who had left her stove unattended. We had to protect her – we had to request the help of the police to keep her safe. It is not surprising that some shack dwellers are responding to armed electricity disconnections by disconnecting the rich.

We need to be very clear about the fact that across the country there is a war on the poor. Everywhere shack dwellers are under attack. Everywhere street traders are under attack. Everywhere the state does not see any need to follow the law when attacking us. Everywhere we are being driven out of the cities and dumped in transit camps. It is clear that we are being left to burn because we do not count. But it is also clear that we are also being left to burn because the fires assist the state in bringing us under their control and driving us out of the cities.

Enough is enough. The fires must stop.

Our demands are simple and they are clear.

1. The state must immediately electrify all shacks with the same urgency and speed with which they built the stadiums for 2010. While people wait for electrification they must be allowed to electrify their own shacks themselves.

2. The settlements must be upgraded where they are with democratic development methods and this must be undertaken with the same urgency and speed with which the state built the stadiums for 2010. When the state is not able to house the people they must be allowed to build their own structures and in fact supported to do this.

3. There must be a moratorium on the sale or private development of all urban land until the people are housed.

We wish, again, to thank the Fire Department for their support. For some time now they have given us excellent support. They treat us as if we are people that do count. They come when we call them and they risk their lives for us. We deeply appreciated it.

However we note that it is now more than 12 hours since the fire started. The media have all come. But there is still no word from the City. Perhaps they are too busy evicting and shooting at street traders to help us.

In fact certain officials in the Housing Department of the eThekweni Municipality have made it quite clear that they intend to punish us for organising ourselves and speaking for ourselves. They consider this to be a very serious offence, a crime. They are determined to make sure that we must suffer because we have not accepted the policies of the ruling party. In South Africa there is no distinction between the party and the state. If you offend the party by speaking the truth then you offend the state and you will be punished by the state.

We have 300 people who are homeless. We need support. Any donations of food, clothes, blankets and building materials will be highly appreciated.

Thina Khanyile, Deputy Chairperson, Kennedy Road Development Committee (and one of the Kennedy Six)

Bheki Simelane, Member of the Kennedy Road Development Committee

8 JULY 2009

Emergency press statement · Kennedy Road Development Committee

## Kennedy Road is Burning Again – The Fires Must Stop, the Settlements Must be Electrified Immediately

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Our settlement is burning again. More than twenty shacks have been lost. It's too early to say if anyone has been hurt or killed in this fire.

The cause of the fire was, again, a paraffin stove which means that, in reality, the cause of the fire was again the eThekweni Municipality's inhumane refusal to provide electricity to shack dwellers or to allow us to access electricity on our own.

Why are we left to burn like this? Why do our lives count for nothing? Why are we shot at when we march against the fires or take direct action on our own and electrify our communities ourselves?

Tokyo Sexwale, you say that people struggling for decent and safe houses in the cities are trying to 'render the country ungovernable' and that there will be 'zero tolerance for anarchy'. You yourself have said that one of the reasons why you took up arms against apartheid was that apartheid's matchbox houses were unacceptable. But now that you live in a R56 million house you say that our protests must be crushed by the police. The conditions in our shacks are much worse than those in matchbox houses. The conditions in the transit camps to which we are being evicted all over the country are much worse than in the matchbox houses. Will you have the decency to come and live with us in a shack settlement for even just one week, and then in a transit camp for even just one week, before you so recklessly decide that shack dweller's demands for decent housing are a threat to society?

Obed Mlaba and Mike Sutcliffe we read in the newspapers that you shouted with joy and that your eyes filled with tears last Friday as you stepped on to the top of the new football stadium. We have never heard you shout in anger or weep in pain when we have burnt. You showed no emotion when your police shot at us and beat us. You were not even moved when a frail elderly lady was

shot 6 times in the back with rubber bullets or when a priest was beaten by your police when we were marching against the fires in 2007. Where is your humanity? Why can't you see that your stadium has eaten money that could have built us houses and electrified our settlements? You might think that your stadium is beautiful but all that we see as we go past it are the children that wake up screaming in the night because of the relentless fires that your greed and lust for power have caused. All that we see are the lives that have been broken and all the funerals that we have attended. Will you have the decency to come and live with us in a shack settlement for just one week before you so recklessly decide to waste the people's money on the vanities of the rich while the poor burn and burn and burn?

Shack fires are not accidents. They are a politician-made national emergency. We refuse to accept that it is normal for us to burn.

We must and will do what ever it takes to make our communities safe.

We invite all movements, trade unions and churches in South Africa and around the world to join us and our comrades in the Poor People's Alliance in refusing to accept that it is normal for the poor to burn. Read our report on shack fires. Struggle with us against the fires and for safe cities for all. Do not allow Sexwale, Mlaba or Sutcliffe to ever appear in public without having to answer for the fires that they are causing.

Mashumi Figlan



15 JULY 2009

Press statement · Tin Town Settlement, eShowe

## eShowe: Death Threats, Ban on Political Meetings, Mass Evictions, Corruption, Water Disconnected

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*Serious Crisis in Tin Town as Residents Confront Mass Illegal Evictions, Death Threats, A Ban on Political Meetings, Rampant Corruption and Denial of Basic Services Including Water*

On Saturday, a woman in the Tin Town settlement, King Dinuzulu township, eShowe was threatened with necklacing by the Community Liaison Officer (CLO) for Ward 13 if she held a community meeting in her home to discuss shack demolitions with representatives from Abahlali baseMjondolo in Durban.

Families are being illegally evicted every Thursday and a total of two thousand families face eviction.

Residents in Tin Town are living in fear. Political meetings have been banned by the local councillor and when the CLO heard that the meeting with Abahlali baseMjondolo was to go ahead on Sunday he threatened the woman that had offered to host it that she would be necklaced and her home burnt to the ground, with her children inside. Other Tin Town shack-dwellers, seeking to attend the meeting, were also threatened. The CLO said they would be tied up, thrown in the boot of a car and left to starve or suffocate.

In the past threats of violence against political activities and any attempt at community organising have been issued directly from the councillors' office.

The councillor's office recently cut off the water to the settlement, affecting an estimated 200 households, in efforts to chase residents from their shacks.

Women in the area have been making telephone calls to Abahlali baseMjondolo day and night. They fear the councillor and they fear the demolitions issued by the Umlalazi municipality that have already left 8 families homeless.

Council officials have been going door-to-door, telling residents they must tear down their shacks themselves, or else an eviction team will return at any

time to carry out the job. Evictions are being carried out every Thursday. On 9 July 2009, 8 families were ejected from their homes and their shacks and all their belongings destroyed by the eviction team. They were not issued with a PIE notice or given warning of the demolition. These evictions were therefore illegal and criminal acts.

The evictions in Tin Town began upon the completion of the first houses in Sunnydale, a nearby Umlalazi Municipality housing project, constructed by Umpheme Development Pty (Ltd).

The agreement between the developer and the municipality was that those allocated new houses were to demolish their own shacks. However, the families currently living in Tin Town shacks are renters, and have not been allocated houses. Those who are being allocated houses are shack lords who are not living in the shacks that they own. They are renting out shacks in Tin Town for R130 per month, and living in homes outside the area.

Therefore the shack lords are collecting their allocated houses, while their renters are being illegally put out on the street with nowhere else to go.

Residents also say that, while shack-dwellers are being left homeless in Tin Town, families from as far as Pietermaritzburg have moved into the new housing project along with the shack lords.

In spite of threats by the councillor, a small community meeting, with Abahlali baseMjondolo, went ahead this Sunday. It was held secretly in a nearby forest. It could not be a proper mass meeting because of the death threats. Community representatives at this meeting decided to issue this press release but to do so anonymously because of death threats that have been issued against anyone speaking up against the evictions. Since the meeting residents have been calling the Abahlali baseMjondolo head office to say they wanted to attend the meeting but were too scared or had not been informed about it as open mobilisation was not possible.

The councillor is a former war lord. He remains a very dangerous man.

Following the meeting, Abahlali baseMjondolo contacted the Umlalazi municipality and the development agency working on the housing project. They say they were unaware that those living in the shacks were renters and were being left homeless in the demolitions.

The municipality has accordingly suspended all demolitions in order to investigate the matter. Abahlali baseMjondolo commends the municipality on this action.

Representatives from the municipality and the development agency are scheduled to visit Tin Town this week. Abahlali baseMjondolo is hopeful that these meetings will prevent any further evictions and homelessness in Tin Town and that shack-dwellers may be granted houses in the new project.

Currently, in Tin Town, there is only one source of water for 200 families. A pipe sprays water up from the ground, which then must be fitted with a hose to fill a bucket (See photo). There are no toilets and no electricity. This is unacceptable.

The demolition of homes in Tin Town is part of a provincial effort to rid KwaZulu-Natal of shack settlements in accordance with the notorious Slums Act. Abahlali baseMjondolo has challenged the Slums Act in the Constitutional Court. This is a clear case where demolitions and evictions are benefiting shack lords, and not the people of Tin Town.

Abahlali baseMjondolo has fought against political repression and threats of violence against residents by councillors and shack lords in other communities. We have won many of these battles – for instance in Motala Heights. The movement condemns the actions of the councillor in Tin Town and will stand firm with Tin Town residents against the councillor.

We welcome the promise by the municipality and the developer to suspend the evictions and to visit the community to see the situation for themselves. However immediate action must also be taken against the extreme political intimidation in the area – it is unacceptable that a councillor can ban political meetings and issue death threats against people. It is also unacceptable that people are being denied basic services, especially water.

Problems like this occur when the government and developers negotiate with councillors instead of communities.

At this stage it is not possible for any contact people in eShowe to be listed on this press release. However we urge the media, the churches and all progressive organisations to visit the area and to see the situation for themselves. However please understand that you will probably have to speak to people secretly and anonymously.

Updates on the situation in Tin Town can be obtained from the Abahlali baseMjondolo office.

21 JULY 2009

Memorandum · Abahlali baseMjondolo of the Western Cape

## Demands Presented to Dan Plato on 21 July 2009

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### *List of community demands*

#### ABAHLALI BASEMJONDOLO OF THE WESTERN CAPE.

As people who are residing within the informal settlement we would like to bring the list of our demands to your attention for your immediate response. We are concerned with the conditions at which our people are living under off and with the city's lack of proper intervention. We therefore demand that the city to look at conditions of each area and come up with relevant planning for each an every area. And to come up with a city wide housing planning for all people who are living at informal settlement and backyards. Further more we would like the city of cape town and its anti land invasion unit to adopt a different attitude than the one that they are carrying when it comes to the public land which is unused.

We demand response from your office within 14 days of receiving this memorandum and we want you to convey a meeting with all the relevant city officials and affected communities to further discuss these issue

#### QA

1. Residents of QA demand land.
2. Drains must be cleaned regularly
3. Street in between
4. Municipal waste collection
5. Clean Water
6. Adequate Toilets

#### VV,

VV informal settlement is more than 21 years old, and residents still does not have municipal essential services.

We therefore demands: Proper toilets, clean water, waste collection and we want to know what are cities future plans for VV informal settlement in terms of houses.

K. Mathiwane

T.T.

We want the city to recognize the number of years that we have been staying here at Tt section, therefore we demand that this area be upgraded where it is, we don't want to be housed elsewhere and we are saying to the city of Cate Town in the meant time people of tt must be provided by basic services.

Bulelani Cornelius Mfaco

Demands for Q.Q SECTION

1. The city must stop fooling our people
2. We want to be relocated as the city promised us with relocation to Bardel Farm

3. We need time frames for relocation

MACASSAR VILLAGE evictees

As people of Macassar village we note with great concern that.

1. The city's demolition of our structures that we have built to shelter our selves was illegal and the city acted in a manner in which was shocking to it's residents.

2. The city's stealing of our building material was out of the question, as a result of that, people at Macassar are homeless due to the city's criminal act.

3. And we are saying Dan Plato must stop undermining people of Macassar village, 4. We therefore demand: our building material (that was stolen by the law enforcement) back as soon as possible

5. That the city must look for alternative accommodation nearby not to the dumping site, Delft TRA.

Andiswa Kolanisi

Theliwe Macekiswa

Nomsa Molongana

MEMORANDUM FROM U.T SECTION EGADINI

1. There is a density of houses in such a way that when there is a fire, fire fighters has no access to do their job so we need streets in order to do that you must remove some residents and allocate them to a serviced land. Another reason we want street is that according to our culture when someone passed away we must take the coffin inside the house before we bury the corpse which is impossible in our area.

2. We need water taps that are strong enough to last long because the one that we have are common when they are broken we fix ourselves nobody is helping us, only four taps is serving four hundred households.

3. We need a tall lamp at the middle of the area so that the whole place can be brighter for our security from the criminals.

4. We also need a proper sanitation because when there are heavy rains the place is full of water.

5. We are the people of U.T Section Egadini we want to know that where do we go from here, Yes we do have light we want to know about the houses.

B. Gumata

M. Mpondo

V. Ntontela

W.A

WA informal settlement was established 1986 and the area is a home to 61 families, and does not have even a single toilet and we all depend at 1 water tap and the area is very dense We therefore demand that if the city cant provide us with essential services because of the area in which we are situated at, then the city must provide us with alternative piece of land with all the basic services within Khayelitsha or nearby Khayelitsha

PHAMBILI NGABAHLLALI BEMBACU, PHAMBILI. PHANTSI NGABANTU ABANGAFUNI KUSINIKA MHLABA, PHANTSI.

Ivy Mbotshelwa

Luntu Mene

RR SECTION

ATTENTION

As RR we are saying people of this city must not only be recognized when it comes to the elections and neglected after them. Political parties must stop using the poor for their own benefits.

OUR DEMANDS:

1. Our houses are flooded because the area in which they are situated at is at flood prone area

2. We don't have electricity

3. We are saying no to city's chemical toilets, we demand proper toilet

4. We want to be relocated

Bobhala Thembelani  
Secretary

29 JULY 2009

Press statement · Siyanda Branch

## eThekwini Electricity Policy Takes Another Life – 16 Year Old Boy Dies in Siyanda

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Sakhephi Emmanuel Zenda, 16, was discovered dead at 7:00 a.m. on Monday 27 July 2009 in B Section, Siyanda. It seems that he had been electrocuted from a badly made connection during the night. He was a grade 8 pupil at Zeph Dlomo High School in KwaMashu.

His grandmother has also passed away and the family will face a double funeral at eZingolweni on Saturday.

The movement will meet in Siyanda at 5:00 p.m. tomorrow to discuss this tragedy. We have invited church leaders to this meeting and we extend an open invitation to all those who do not accept that the poor should die like this. We will discuss a proposal for the movement to hold a memorial service for Sakhephi on the Friday before the funeral.

If the eThekwini Municipality had provided electricity to Siyanda B Sakhephi would be alive today. He is not the only person to have died like this. There have been a number of similar deaths in Mayville.

The eThekwini Municipality took a notorious and deadly decision in 2001 to stop providing electricity to shack dwellers. We have travelled around this country and we know that this is the only municipality that took a decision to stop providing electricity to shack dwellers. Why is eThekwini the only municipality where the poor must burn in the fires or be electrocuted by badly connected wires? Even rural areas are getting electricity these days.

When people don't connect themselves to electricity and continue to rely on candles and paraffin stoves they face fire after fire. They are also forced to live without the benefits of the modern world. It is as if it has been decided that they do not belong in this world, that they have no rights to this world.

When a community is not well organised and their community electricians are not well trained and connections are not well made there is always a risk

of electrocution. But this risk will not stop people from connecting themselves. People connect everywhere and they will continue to do so.

The solution is obvious. The eThekweni Municipality must overturn its cruel and deadly decision to stop providing electricity to shack dwellers. They must then move as quickly as possible to electrify the settlements. They must also apologise for all the deaths that their cruelty has caused.

If they fail to do this then each community must organise itself so that it can arrange connections in a safe and disciplined way. Where a movement has trained its electricians very well and it works in a safe and disciplined way there are no accidents. This has been clearly proven in many places. If the state continues to fail to recognise our humanity, and it remains up to us to recognise and defend our own humanity, then each community and each movement must take the responsibility to ensure that electricity is appropriated in a safe and well organised manner. Until this service is provided to everyone we have no choice but to continue to support Operation Khanyisa so that people can keep themselves safe from fires and benefit and advance their lives.

But not all communities are well organised. In some places each family makes its own arrangements. It is therefore clear that for as long as electricity is denied to the poor there will be more deaths in the fires and there will be more deaths by electrocution.

We will continue to struggle for electricity. We will continue to build unity around our demand for electricity for all. We will continue to explore legal options for holding the eThekweni Municipality responsible for their failure to electrify the settlements and for the deaths that this has caused. We will continue to engage in mass struggle against this municipality until they agree that everyone deserves to be safe and to have the benefits of electricity. We will mobilise across the city against this policy which is really a decision that our children, the children of the poor, should die. We cannot accept this. No decent human being, poor or rich, can accept this.

We note that in many of the RDP houses in Siyanda there is not formal electricity. Even there, in the formal houses, people have to connect themselves. It is clear that we are seen as people who don't really need electricity.

We also note that the municipality rushes to tell the newspapers how much money is being lost by community organised connections. If they are so worried about this why don't they put us on the electricity grid? By denying the people



formal access to electricity they force the people to take electricity. They leave people with no choice.

Electricity could have saved Sakhephi 's life just as it could have saved Mhlengi Khumalo's life, Baba Dhlomo's life, Ma Khuzwayo's life or Thembelani Khweshube's life.

The dying of poor people in the shacks doesn't matter – it is accepted. If the rich were dying like this it would be a big story. This is a moral issue that is the responsibility of everyone.

We are people who do not count in this Municipality. We are people who do not count in this system. We will do what ever it takes to make sure that each person counts. If that means going to court we will go to court. If that means going to the streets we will go the streets. If that means training electricians in each community to ensure safe connections we will do that. If that means resisting disconnections we will do that.

Services must be available to all humans without respect to class.

We send our deep condolences to the family.

Mama Nomusa Nxumalo, Chairperson of the Siyanda B Abahlali baseMjondolo Branch  
Mr Ngwenya, Deputy Chairperson of the Siyanda B Abahlali baseMjondolo Branch

29 JULY 2009

Press statement · Tumbleweed Branch

## Municipality and Inkosi Threaten 61 Families with Illegal Eviction in Howick

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61 families living in the settlement of Tumbleweed, Howick, have been threatened with imminent, unlawful eviction by the municipality and the local Inkosi.

Today, three armed police officers and a representative of the municipality told the community that they had 24 hours to vacate the area, or an eviction team would return tomorrow and on Friday with bulldozers to demolish their homes. All will be left homeless.

The municipality and the Inkosi have yet to secure a PIE (Prevention of Illegal Evictions Act) notice through the courts, which is required by law. There is no alternative accommodation. They have not conducted meaningful consultation with the community. These evictions and threats of demolition, therefore, are illegal and criminal acts.

It is alleged that the families are to be displaced because the Inkosi sold the land to the Department of Education to build a school. Tumbleweed residents have only recently become aware of this changing of hands in land ownership. The land under their feet has possibly been sold, but the deal was negotiated without talking to the 61 families who will be left homeless as a result.

Abahlali supports the building of schools, and has fought for education for all. Abahlali supports development in the area, and in other communities. But this should be done by engaging and speaking with the community, and in accordance with the law. Not by rendering people homeless illegally. Development should improve and not smash the lives of the poor.

Today, when the municipal representative and the police came to Tumbleweed, they shouted at the community. They told residents they must go, and issued threats on the basis of them being Abahlali members. The Tumbleweed-Howick branch of Abahlali was recently launched, and a community committee has been democratically elected.

The Tumbleweed-Howick branch of Abahlali wishes to state that the community is scared. No one in Tumbleweed will sleep, or sleep well tonight. They are uncertain about their future. They wish to say further that it is unacceptable for police and the municipality to threaten to destroy people's homes, and to shout at them.

There have been prior evictions in Tumbleweed. In each case, they have carried out unlawfully, without a court order. Among those evicted in the past, some do not have shelter even today.

Abahlali, as a movement, is concerned about ongoing threats of eviction in violation of PIE. Abahlali is also concerned that the municipality and the Inkosi are not prepared to have meaningful engagement with the community. People there do not know their own future, and this should concern everyone.

In Tumbleweed, the Inkosi is seeking to evict his own people. But it is a betrayal when an Inkosi decides to evict his own people.

Abahlali will not tolerate any abuse of power, or abuse of the law.

The people of Tumbleweed urge journalists and those concerned to rush to the scene tomorrow when police and the municipality are expected to return, to see for themselves what happens when an eviction is unlawfully carried out.

Nana – Abahlali Tumbleweed (Howick) branch

Roni Khanyile – Abahlali Tumbleweed (Howick) branch

9 AUGUST 2009

Emergency press release · Abahlali baseMjondolo

## Illegal Evictions Happening Right Now in Howick

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*11:42 9 August 2009 (Women's Day)*

Police have arrived at the Tumbleweed Settlement in Howick with the notorious municipal official Delani Madondo and are attempting, illegally and violently, to evict people. There is no court order and this is therefore an illegal and criminal act on the part of the municipality. As usual the state has chosen a long weekend to launch an attack on the poor as it is difficult to get legal and media support over a long weekend. Delani Madondo has been threatening this community since 2006 and has now seized his opportunity to attack them. The people are resisting.

Roni Khanyile  
Lucky  
Nana

9 AUGUST 2009

Emergency press release · Abahlali baseMjondolo

## Abahlali baseMjondolo Confronts and Stops Evictions in Howick

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*13:14 9 August 2009 (Women's Day)*

Abahlali are singing and protesting against the bulldozer and the police with courage and commitment. The bulldozer had to reverse. It is about to leave. The Durban comrades have just phoned Delani Madondo from Umngeni Municipality, who says he is in church and will be working on Tuesday. He says that he does not know anything about the eviction that was happening now.

When things are calmer Roni Khanyile will give full details to the media that are now present there.

18 AUGUST 2009

Press release · Abahlali baseMjondolo

## Abahlali baseMjondolo Attacked in eShowe by Councillor Warlords

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*Abahlali Leaders Narrowly Escape Assassination; Councillor Warlords Violently Disrupt Branch Launch in Tin Town, eShowe; Abahlali Members in Exile; Sex for Houses Corruption Allegations at Sunnydale Housing Project*

Breaking News: Warlords returned to Tin Town on 17 August with weapons, searching for two exiled Abahlali members

A delegation of Abahlali baseMjondolo leaders from Durban narrowly escaped assassination this Sunday by local councillor warlords in Tin Town, Dinizulu township, eShowe.

Abahlali have been receiving calls daily from Tin Town shack-dwellers, excluded from an uMlalazi municipality housing project called Sunnydale, constructed by Umpheme Development Ptd (Ltd). Tin Town shack-dwellers are now undergoing mass forced eviction and being left homeless. Evictions have been backed with threats by Ward 13 councillor warlords. These threats have included threats of necklacing, razing people's homes, suffocation and starvation in the boot of cars.

A number of women allege that the councillor has demanded sex in exchange for houses in the Sunnydale Housing Project. Those on good terms with the councillor have been first on the allocation list. It also is alleged that the councillor is inciting shacklords, living outside Tin Town, to eject renting shack-dwellers in exchange for the shacklords been given houses at the Sunnydale Project.

On Sunday Abahlali baseMjondolo launched a new branch in the Tin Town settlement where more than 200 people have joined the movement. The launch of the new branch started with a prayer in an open field. But a warlord arrived in a car and without warning through the crowd of 200 people, at about 120kms/hr. The car was a white and cream Venture, registration number NES12624. People leapt from its path, scattering in terror.

The warlord then jumped from the car, screaming, “Who organized this meeting? These are my people! This is my territory!” He manhandled a Tin Town resident, who answered, “We are here to learn about our rights as shack-dwellers.” Two more cars of warlords suddenly appeared, blocking the single exit and the Durban delegation’s vehicle.

The Durban delegation, including Abahlali President S’bu Zikode and his 4-year-old child, were held hostage. The warlords debated whether to kill the delegation of 10 men, women and children, or to beat them bloody. The warlords assaulted a contributor from the community radio station Vibe FM, who is a member of Abahlali and who was acting as an MC for the launch.

The warlords are reportedly cronies of councillor Reggie Ngema, Ward 13, uMlalazi municipality. Among the seven warlords issuing threats at the scene, one is the Community Liaison Officer (CLO) for Ward 13 named Xolani Biyela, and another is a local taxi boss known as Ntuthuko Dlodla.

After the National Administrator for Abahlali managed to, in secret, call the police, the warlords ordered the Durban delegation to go, saying: “never return, or you will be killed.” The delegation left Tin Town, while two unmarked cars followed closely behind. The delegation went to the eShowe police station to lay a complaint.

Two members of Abahlali baseShowe, identified by the warlords as coordinators of the launch, were forced to flee Tin Town. They are now in exile, staying at an undisclosed location. While the Durban delegation waited in an eShowe restaurant to take the two members to safety, councillor Ngema’s car pulled into the parking lot.

Abahlali have not seen a situation like this since the 80s, not in the 15 years since democracy.

Apartheid was a time when people lived in fear of the authorities. Today, people are no longer oppressed. They must not live in fear, whether of traditional authorities, councillors, or any other leaders or their local thugs.

Apartheid was a time when people went into exile. Today, people are no longer oppressed. They must not have to flee in exile for fear of their lives. This exile in eShowe is the second exile.

Apartheid was a time when people were assassinated. Today, people are no longer oppressed. They must not face politically motivated murder, threats of murder, or violence.

The people of Tin Town are living in fear, and are in fear to talk. The launch of Abahlali baseShowe was an attempt to come out of the silence they have lived for a very long time. People need to come out of this silence. In a democratic society, it is unacceptable that people cannot have political gatherings, talk and associate with each other.

Abahlali do not want to believe that some government spheres ignore their call to protect their citizens against violations of human rights and dignity. We therefore ask government officials, especially the MEC for Human Settlements, to honour the proposed invitation for a consultative meeting with Abahlali, so that we can expose all evil activities that hinder development in our communities. The situation in eShowe looks calm, but is very volatile.

Abahlali stand firm that this is a democratic country, a free country, and that everyone has a right to associate and hold meetings.

All people, whether they live in a shack or a house, have a right to freely speak and express themselves.

Zodwa, National Administrator for Abahlali  
Mnikelo, Abahlali PRO  
Abahlali National Head Office



27 SEPTEMBER 2009

Emergency press release · Kennedy Road Development Committee

## Kennedy Road Development Committee Attacked – People Have Been Killed

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Last night at about 11:30 a group of about 40 men heavily armed with guns, bush knives and even a sword attacked a meeting of the Kennedy Road Development Committee (KRDC) in the Kennedy Road community hall. There was no warning and the attack was a complete surprise. The Abahlali baseMjondolo Youth League was holding an all night camp for the Youth League nearby. The camp was not attacked but the people at the camp were intimidated and threatened. An international film crew at the camp witnessed the attack.

The men who attacked were shouting: “The AmaMpondo are taking over Kennedy. Kennedy is for the AmaZulu.” The KRDC and other community members who rushed to their aid were unarmed but tried to defend themselves as best they could. Some people were killed. We can’t yet say exactly how many.

The attackers broke everything that they could including the windows in the hall. It was later discovered that they had destroyed 15 houses belonging to people on or connected to the KRDC before launching their attack. They were knocking on each door shouting ‘All the amaZulu must come out’ and then destroying the shacks. Some are saying that three people are dead. Some are saying that five people are dead. Many people are also very seriously injured. As far as we know two of the attackers were killed when people managed to take their bush knives off them. This was self defense.

The Sydenham police were called but they did not come. They said that they had no vans available but they didn’t radio their vans to come. This has led some people to conclude that this was a carefully planned attack on the movement and that the police knew in advance that it had been planned and stayed away on purpose. Why else would the police refuse to come when they are being called while people are being openly murdered? When the attack happened one officer from Crime Intelligence was there in plain clothes.

This morning the police arrived under the authority of Glen Nayager and made eight arrests. As far as we can tell only members of the Kennedy Road Development Committee (KRDC) have been arrested and not one of the perpetrators has been arrested. If this is true it indicates clearly that the police are part of this attack on the KRDC. It also seems that the police are only taking statements from the people that attacked us! Some of the people that they have arrested were not even at Kennedy Road when we were attacked. They were in Claremont for an imfene dance. These arrests feel to us like the Kennedy Six scandal all over again but this time with an ethnic side to it because all the people who are arrested are amaMpondo.

We believe that this attack has been planned and organised by Gumede, from the Lacy Road settlement, who is the head of the Branch Executive Committee of the local ANC. He is a former MK soldier and is armed. There has never been political freedom in Lacy Road. Since 2005 we have been told that anyone wearing the red shirt of Abahlali baseMjondolo in Lacy Road will be killed. In 2006 Gumede personally threatened Abahlali baseMjondolo member and Lacy Road resident M'du Hlongwa with death for wearing a red shirt in the settlement. But anyone can wear any shirt of any politics that they like in our settlements. You will see ANC, COPE, IFP and SACP shirts in Kennedy Road and in all Abahlali settlements. We are democrats. Our politics is a politics of open and free discussion – not violence and intimidation.

This is not the first time that our movement has been attacked. Last year both Mzonke Poni, head of AbM in the Western Cape, and S'bu Zikode, head of AbM in KwaZulu-Natal, were attacked and seriously beaten by mysterious groups of well organised and equipped young men. These attacks happened a few days apart although one was in Durban and the other in Cape Town. The men who attacked Zikode said that he was selling Kennedy to the AmaMpondo. Some time after the attacks on Mzonke and S'bu Mashumi Figlan, Deputy President of Abahlali baseMjondolo who was then also the elected Chairperson of the Kennedy Road Development Committee, was also attacked and seriously beaten. Again the attack was very well organised and carried out by a mysterious group of young men who suddenly arrived out of nowhere in a bakkie. During the attack Mashumi, who is Xhosa, was told that the AmaMpondo must leave Durban and go back to the Eastern Cape.

The ethnic politics in the local ANC started with Jacob Zuma's election campaign. Before then it was unknown in the local ANC and unknown in our settlement. People in the local ANC started to say 'now is the time for the amaZulu'. They started to tell their (few) people in Kennedy Road that they 'must take the settlement back from the amaMpondo'. This ethnic politics started with Zuma's election campaign and so it his responsibility to take this politics out of the ANC and out of our settlement. We expect him to immediately condemn it and to immediately act against it.

Gumede, head of the local BEC of the ANC, has been trying by all means to undermine the KRDC and Abahlali baseMjondolo for many years. He has always failed. The membership of the movement continues to grow (we reached 10 000 paid up members at the AGM in November last year). Every year we have open elections by secret ballot in Kennedy Road and every year people vote for who they want to represent them on the KRDC. The ANC is free to nominate candidates for these elections and to test their popularity against the will of the people.

We believe that Gumede, with the support of ward councillor Yacoob Baig, has tried to build a coalition against the KRDC in order to attack it violently. Gumede has recently said publicly that he will turn the Abahlali baseMjondolo office into an ANC office. His coalition is still small but it is dangerous because it is now a militia. They have found 4 types of people that want to attack the KRDC:

1. People who want to follow an ethnic politics: The movement accepts all shack dwellers on an equal basis. We do not care where a person was born or what language they speak. This has caused those who want an ethnic politics to oppose us. We stood with the people born in other countries last year – now we are being attacked in the same way that they were attacked.

2. Criminals: We have a Safety & Security committee and we have been working to get the criminals out of our settlement. In recent months we have been working very well with the local police to get criminals arrested. We have also put a time limit on the shebeens saying that they must close at 10:00 p.m. so that people can sleep properly and that there is no violence, especially violence against women, when people get too drunk. The criminals and some shebeen owners do not like what the KRDC is doing to make the settlement safe for everybody.

3. People who want Gumede's patronage: Every time the movement wins a small victory, like getting toilets built or even just cleaned, Gumede tries to ensure that the jobs go only to his people – to ANC supporters. We are opposed to development becoming misused for party politics and we are opposed to corruption. The movement oppose this in all the settlements where we have members. The people in Kennedy Road who want to get Gumede's jobs are also unhappy with what we are doing. We also think that now that the Abahlali base-Mjondolo has won the struggle against the eviction and eradication of Kennedy Road, and for the up grade of the settlement where it is, these people want to use violence to take over the settlement so that they can get the contracts and the power to allocate houses that they think will come with the upgrade won for the community by Abahlali baseMjondolo. We suspect that Gumede has promised them these contracts and the power to allocate houses. This is how local party politics works across Durban.

4. People who are making money from electricity: Operation Khanyisa, in which we connect people to electricity, is for free. People who were charging to connect people to electricity see it as a threat to the business that they have made out of the Municipality's denial of electricity to shack dwellers.

The next Kennedy Road AGM is coming very soon. Once again the people of Kennedy Road can vote by secret ballot counted by an outsider for who ever they want to represent them. The people who attacked us last night do not want democracy. If they felt that they had support in the community they could just have waited for the AGM and put up candidates. We strongly believe that they attacked us before the AGM because they know that they will not succeed at the AGM.

What Gumede, and Baig are doing is not just an attack on the KRDC. It is also an attack on Abahlali baseMjondolo. And it is also an attack on democracy in South Africa. They have now set up a militia to destroy the KRDC and attack the movement. We have no armed wing. We have never attacked anyone. Our politics is a politics of open meetings and popular democracy. It is a politics of debating and discussing and working things out together. The politics that is being used to attack us is a politics of war. Gumede was always a shack lord in Lacy Road. He has now become a war lord too. Abahlali baseMjondolo will mobilise its members across the city, the province and the country against Gumede and anyone and everyone who supports or tolerates his warlordism.

We will also mobilise our supporters internationally against Gumede and his warlordism.

We see no difference between what is being done to us and what the apartheid regime did with the Witdoeke in the shack settlements in Cape Town in the 1980s.

After what has happened many people are saying to us that they do not trust the police. They are asking for the army to be sent in as the army might be neutral. Certainly no one trusts the Sydenham police to be neutral.

As we write the attacks and threats continue. We are still under attack. A member of the Safety & Security committee, affiliated to the KRDC, was stabbed and killed this morning. He was not there last night. He was doing the imfene dance in Claremont. After he was stabbed the attackers tried to chase the ambulance away.

Gumede and his militia are not just a threat to us and our community. They are a threat to democracy in South Africa. It is very clear that democracy is under attack.

As we are sending this statement a helicopter and many more police officers are arriving. We hope that they will be neutral and follow the law – not Gumede’s politics of war. But as far as we can tell the police that are here are just looking for statements against the KRDC – those who were ambushed in the night! The violence is continuing. Gumede’s people are saying that if Mashumi Figlan returns to Kennedy he will be killed. We do not have confidence that he and others will be protected by the police. None of the perpetrators of the attacks last night have been arrested. We are not armed. People are very scared that there will be more attacks. They are packing their bags and fleeing the settlement. Hundreds, maybe even thousands have already fled. Some of us came to this settlement in the 80s and 90s as refugees from political violence. Now we are being made refugees again for the crime of taking democracy seriously and believing that we could choose our own politics.

Things are still confused. This statement was prepared in this confusion. We couldn’t even get all the contact people together at the same time. If there are any errors or important things left out of this statement we will correct them or add them when we can talk to everyone safely and send out a more detailed statement. Right now our main task is to make sure that people are safe – including those locked in the Sydenham Police station. We will work on that

first. Once everyone is safe we will have careful discussions with everyone and issue a more full and detailed statement.

For more information and breaking news please contact the following members of the Kennedy Road Development Committee

Mzwakhe Mdlalose

Anton Zamisa

Bheki Simelane

Nokutula Manyawo

27 SEPTEMBER 2009

Emergency press statement · Abahlali baseMjondolo

## The Attacks Continue in the Presence of the Police and Senior ANC Leaders

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There are now senior ANC leaders in the Kennedy Road Community Hall. In their presence the homes of the elected Kennedy Road leadership continue to be demolished and burnt by the same small group of well armed people who have been carrying out attacks with impunity for 23 straight hours. None of the people that launched the surprise, unprovoked and heavily armed attack on the KRDC last night have been arrested and yet most of the KRDC is locked up in the Sydenham Police station (including those who were publicly performing the imfene dance in Claremont at the time of the attack).

The police are currently on the scene and are doing nothing to stop the destruction. These are the same police who have, over the years, attacked a number of peaceful and legal marches with swift, shocking (and very effective) brutality. They are very well equipped and armed. They can get the riot police to support them in just a few minutes. They can get water cannons and helicopters in a few minutes. They can call in the army if they need to. It would be supremely easy for them to stop these attacks if they wished too. The police complicity in these attacks is now entirely beyond question. It is a matter of clear and obvious and undeniable fact.

We have just heard that S'bu Zikode's house has been demolished and his goods have been stolen. He personally requested support from the police but received none. Should we be surprised given that these are the same police that tortured him in 2007 for the crime of trying to attend a radio interview? Mashumi Figlan's house has been burnt.

Thousands of people have fled the settlement. They are, of course, political refugees.

There is no democracy for the poor in South Africa. Abahlali have been saying this for years. Now it must be obvious to everyone. It is time that we all stopped pretending that everything is ok in our country.

6 OCTOBER 2009

Press statement · Kennedy Road Development Committee

## Our Movement is under Attack

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We are under attack. We have been attacked physically with all kinds of weapons – guns and knives, even a sword. We have been driven from our homes and our community. The police did nothing to stop the attacks on us despite our calls for help. The attacks, which began on the night of Saturday 26 September, were carried out by local ANC members together with shebeen owners from the Kennedy Road settlement. They were saying that our movement was ‘selling them’ to the AmaMpondo. It is a fact that our movement, at the local branch level and at the movement level, has no concern for where people were born or where their ancestors were born. We are a movement of the poor and that means that we do not make divisions between the poor. We have always been clear about this. This is our politics and we will stick to it.

We have been told that earlier in the day the local ANC branch had a meeting. We are told that there they decided to take up a new operation – Siyabangena (we are entering). We are told that there they decided to kill Mashumi Figlan, Chairperson of the Kennedy Road Development Committee (KRDC) and Deputy Chairperson of our movement. We are told that they decided to cut off his head and leave it in the community hall so that everyone would see that he was dead and not missing.

Some in the community resisted the attacks spontaneously. In the end four people were killed. Every life counts and every death is regretted. There is a long and terrible history in our country of the poor being made to fight each other so that they do not see who the real enemy is. Once again people have died and killed without really knowing what they have died and killed for.

When the police did arrive they only came with one car and one van. They only took statements from our attackers and they arrested eight people linked to the KRDC. They took no statements from us and to this day none of our attackers have been arrested. Some of the people that they arrested had in fact been



performing the imfene dance at a public performance in Claremont on Saturday night. The arrests were clearly political and aimed at destabilising the movement in Kennedy Road. This is not the first time that most of the Kennedy Road leadership have been arrested for clearly political reasons. In 2007 the Kennedy Six, five of whom were elected members of the KRDC, were arrested on false charges and only released on bail after a hunger strike. All charges against them were later dropped because the state had no evidence.

On the morning after the attack ANC officials arrived in the settlement. There were no police to protect us while we were being attacked but many, many police came with them. While the police and the officials were there the same people who had attacked us the night before demolished our homes and looted them. At least 27 houses were destroyed and many more were looted. They all belonged to people elected to positions in the KRDC or AbM. The police did nothing to stop the destruction of houses and the looting from houses. Supt Glen Nayager and Ward Councillor Yacoob Baig were personally at Kennedy while our homes were destroyed. Baig said, on record, that 'harmony' has been restored now that the 'Abahlali criminals' were gone.

After the politicians and the police departed from Kennedy Road the settlement was left in the hands of the local ANC – armed young men patrolled and made it clear, via death threats, that Abahlali baseMjondolo was now banned from Kennedy Road. They also made it clear that independent media were also banned. Looting and various kinds of intimidation continued. The eviction of some of our leaders and the arrest of others was followed by the destruction of our office leaving us without access to email and telephone. When our members arrived from other settlements to try and save our records and banners in the office they were threatened with death.

To this day none of our attackers have been arrested. The ANC has installed them in to authority in Kennedy Road (without holding any elections) and is presenting them to the media as 'the community' or as 'community representatives'. Many of the ANC leaders who have spoken in the community or to the media have attacked us and lied about us while not condemning our attackers. On 28 September Bhekisisa Stalin Mncube, spokesperson for the Provincial MEC for Safety & Security Willies Mchunu, sent out a press release on behalf of Mchunu and the Provincial Police Commissioner Hamilton Ngidi saying that

“the provincial government has moved swiftly to liberate a Durban community (Kennedy Road)”. Mncube added a note to his email threatening that S’bu Zikode may soon be arrested. In this statement it is quite clear that at least some people in the police and the provincial ANC have enthusiastically endorsed the violent attack on our movement.

Following the attacks on our movement Nigel Gumede, head of housing in the eThekweni Municipality, has said, on record, that the government “have a plan to eradicate shacks”, that “anyone coming into informal settlements must accept that plan” and that it will be necessary to “jail people to get development going.” He is clearly trying to criminalise debate about government policy. How can debate about government policy be banned in a democracy? He has also said that the *imfene* dance is part of the problem and must be investigated. How can the cultural expression of a group of people be considered a problem in this way?

Since then there have been all kinds of other attacks on our movements – we have been lied about, slandered and defamed by various people within the ANC. We consider these lies to be a way of trying to justify what was done to us and to our movement. We consider these lies to be a way of trying to make the victims of a terrible attack look as if they are themselves the problem. We consider these lies to be a way to encourage further attacks.

What happened in Kennedy Road was a coup – a violent replacement of a democratically elected community organisation. The ANC have taken over everything that we built in Kennedy Road.

We always allowed free political activity in Kennedy and all settlements in which AbM candidates have been elected to leadership. Now we are banned.

We do not use violence to build support. We use open discussion. Now we are violently banned.

Our members continue to receive death threats in and outside of Kennedy Road. Everyone knows that if you speak for Zikode or AbM in Kennedy Road you will be attacked. And S’bu has received a number of death threats and threats to his family, including his children, via anonymous calls since he was evicted from the settlement by the ANC and shebeen owner’s mob. Last night five men in a white car arrived at his sister’s place looking for S’bu and his family. They asked where S’bu and his wife and children are staying now. We don’t know who they were but they were clearly hostile.

The ANC continue to attack Zikode by all means. They say that he doesn't follow the ANC code of conduct, that he is stopping development, that he has a big house in Umhlanga. The first one is true – that is his right. That is the right of all of us. We make no apology for this. The rest is just wild defamation.

On Sunday Willies Mchunu, Nigel Gumede and others held a big meeting in the Kennedy Road Hall. Our attackers were all sitting there. People from the ANC in Sydenham Heights and the Foreman Road settlement were sitting there pretending to be from Kennedy Road. All kinds of lies were told.

The Kennedy 8 are currently being held in the Sydenham Police station and will appear in court again on Thursday. We are told that the ANC is organising across all wards to get their members to the court to demand that the Kennedy 8 do not receive bail. This is not the behaviour of an organisation committed to truth and justice. They should, instead, be asking for a fair and credible investigation into all the acts of violence, theft, destruction and intimidation that have occurred. This is our demand. They should make it their demand too.

At a time when the Kennedy Road settlement is being targeted all the settlements affiliated to our movement across the country say 'we are all Kennedy Road – if Kennedy Road has committed the crime of organising independently from the ANC and speaking out for justice then we are all criminals'.

At a time when Abahlali baseMjondolo is under attack all the movements that we work with in the Poor People's Alliance, and others too, say 'we are all Abahlali baseMjondolo – if Abahlali baseMjondolo has committed the crime of allowing the poor to organise the poor for justice then we are all criminals.'

At a time when threats are being made on the life of S'bu Zikode, and his family (including his children) and when the ANC are waging campaign of slander and vilification against him we say 'we are all S'bu Zikode – if S'bu Zikode has committed the crime of telling the truth about the lives of the poor and the realities of democracy in South Africa then we are all criminals.'

We want to make some comments about the ongoing and all out attacks on S'bu Zikode from the ANC.

We elected S'bu to represent us. He did not want to be our leader. He never calls himself a leader – people call him a leader. He doesn't live in a fancy house and drive a fancy car to talk about the poor on stages and in hotels. He lives in a shack and works in the community with the community to give us courage to speak for ourselves. Last year he wanted to step down from the Presidency of

the movement. We mobilised for two weeks to persuade him to remain as the President.

We know that two weeks before the attack Jackson Gumede, chairperson of the Branch Executive Committee of the ANC in Ward 25, had said that the Abahlali baseMjondolo (AbM) office would soon be an ANC office. We know that at the same time John Mchunu, chairperson of the ANC in eThekweni accused us of trying to destabilize the country.

We are not a political party. We have never been a political party. We are a poor people's movement – we are looking for justice, not political power. We have never stood in elections. We don't even vote because we don't care about that kind of power. We care about building the power of the community to reduce the gap between ordinary people on the one side and the rich and the politicians on the other side. But the politicians are ignorant. They don't know what a social movement is. They don't understand that there can be a politics outside of party politics. In eShowe the IFP recently attacked us for being ANC. When we first started our movement in Durban in 2005 the ANC attacked us for being IFP. Now the ANC are claiming that we are COPE. The ANC have seen the huge support that we have and they fear that S'bu will stand in the local government elections.

They also fear us because we have exposed so much corruption in places like Foreman Road, Motala Heights, Mpola, Siyanda, eShowe and Howick.

They also fear us because we have stood with many other communities who are opposing injustice, such as people in Umlazi and in eMacambini.

They are embarrassed that shack dwellers, ordinary people like us, took them to the constitutional court. And the judgment is coming this week. The sad thing is that if we find that we have won we will have no place to slaughter a cow.

They see the good relationship that we have developed with city officials during our long negotiations from late 2007 as a threat. They see our good relationship with the provincial HOD for housing as a threat.

We are wondering if democracy still exists.

This is not the first time that we have asked ourselves this question. We asked this question when our march was illegally banned and we were attacked in Foreman Road in 2005. We asked ourselves this question when people who challenged the ANC in local government elections in E-Section of Umlazi were

assassinated in 2006. We asked this question in 2006 when S'bu Zikode and Philani Zungu were arrested, beaten and tortured while trying to attend a radio interview. We were still asking ourselves this question when our peaceful march was shot at by the police in 2007.

The ANC is about comradeship. It is about order and protocol. You must follow the mandate and the mandate always comes from above. AbM can just say 'No!'. The new ANC committee that have been put in place in Kennedy will find that they are just expected to be puppets. They will find that they are just expected to take orders from above. Zikode had the strength to take the side of the people. They will not have that strength. Even they will realise the value of the river when drought comes.

Our movement is growing. When the time is right we will go back to Kennedy Road. We are prepared to go toe to toe with the ANC but we will not use violence. We will use open and free discussion on the realities of our country. We will counter lies with truth. We will counter a living politics with politician's politics.

People who belong to prisons must go to prisons. People who belong to Kennedy must go to Kennedy.

### **Accusations against the Movement**

At a time when we are being attacked our attackers, and those who support them, should be subject to intense public scrutiny. However the politicians are doing everything in their power to make us, the victims of this attack, subject to very critical public scrutiny. The most incredible lies are being told about us and our movement. At the same time our attackers are being installed in power in Kennedy Road and introduced to the media as 'the community'.

Many accusations have been made against the movement by the ANC in recent days. Each day new accusations are made. We will address the main accusations here but we request all journalists to please check with us before reporting any accusation made by the police or the ANC (or people presented by the ANC and the police as 'community representatives' – these people may well be the ones that attacked us) as if it were a fact. We can answer any other questions at the press conference tomorrow.

1. The Safety and Security Committee. It has been said that this is an illegitimate structure that has no right to exist. The truth is that this Committee was

set up in partnership with the police at the time when the state stopped criminalising our movement and we were successfully negotiating with the state on a whole range of demands. One of our long standing demands has been for equal and fair access to policing. In the past we were denied this and we were all treated as criminals. However when the state began to negotiate with us, a process that began in late 2007, we were able to negotiate with the local police too. The Committee came out of those talks. The Committee is a Sub-Committee of the KRDC which is an elected structure. The police were present at the launch of the Committee. Supt. Glen Nayager was there personally, and they attended its meetings. Representatives from nearby settlements that are affiliated to the ANC also attended its meetings such as Majozi from Quarry Road and Simphiwe from Palmiet. This is all detailed in our minutes of those meetings, and it can also be attested to by many witnesses. It was also covered in the local press – for instance there was an article in *The Weekly Gazette of Overport* with a picture of the committee and Supt. Nayager. There is nothing unusual about an elected community organisation setting up an anti-crime committee with the police. The government has asked all communities to do this. In fact on the same day that we were attacked Willies Mchunu called for a ‘people’s war against crime’. The day after we were attacked he called the Committee an illegitimate and criminal structure. This was a lie.

2. The so-called ‘curfew’. It has been said that the Safety & Security Committee imposed a curfew on the settlement which meant that people could not watch TV or cook after 7 at night. This is also a lie. The truth is that the Committee did impose a closing time on shebeens. They had previously been running 24 hours a day. There had been complaints about the noise for years and some of the women comrades in our movement had also argued that alcohol abuse is linked to domestic violence. Also, in a situation where there are so many fires, alcohol abuse can put the safety of the whole community at risk. But the main reason for instituting closing times was that since the national election campaign there have been ethnic tensions in Kennedy Road, and in other nearby settlements too. There have been fights and even murders. These fights were all alcohol related and so for the safety of the community we thought that it was necessary to put limits on shebeen hours. The police were present at the meeting where this decision was taken. They suggested that the closing time should be 8 p.m. We suggested that it should be 10 p.m. and in the end it was set

at 10 p.m. It is true that the shebeen owners did not like this. But anyone who did not like it could elect new people with different views on to the KRDC in the next election in November, or call for an urgent general meeting and see if there was support to recall the people on the committee and have a new election or take up the issue with the police. Some of the ANC leaders have spoken as if setting closing times for shebeens is some sort of terrible human rights violation that justified the attacks on us. They speak as though the shebeen owners rather than the people who have been attacked and driven from their homes are the real victims. They speak as though the right to drink all night is more important than basic political freedoms and basic safety.

3. AbM is stopping development. Our movement was formed to struggle for development. We struggle for development everyday. But development is not a neutral thing. Some kinds of development are in the interests of the rich and against the interests of the poor. Therefore our movement is specifically committed to struggling for development that is in the interests of the poor. This means that we will oppose a forced removal from a well located shack close to schools, work, health care and so on to a 'transit camp' (which is really just a government shack) in the middle of nowhere. This does not make us unique. Poor people's organisations across South Africa, like the Western Cape Anti-Eviction Campaign in Cape Town and the Landless People's Movement in Johannesburg take exactly the same position. Poor people's movements around the world take the same position. Academics and NGOs around the world take the same position. Our achievements in the struggle for pro poor development are a matter of record. In late 2007 the government stopped criminalising our movement and began to negotiate with us. After more than a year of negotiations we signed a memorandum of understating with the eThekweni Municipality in February 2009. That MOU commits the city to provide services to 14 settlements affiliated to the movement and to explore the upgrading of three settlements where they currently are in terms of the government's 2004 Breaking New Ground (BNG) policy. This MOU is not a secret – it has been covered in the media and we can make it available. The MOU is a major break through for pro-poor development in Kennedy Road, in Durban and in South Africa. It is a major break through for Kennedy Road because in the late 1980s and early 1990s the Urban Foundation had agreed to upgrade the settlement where it was and even started the work – this is when the hall was built. But in 1995 the then Durban

City Council cancelled the upgrade and the plan for Kennedy Road was changed to forced removal to a human dumping ground. We won the right to the city for the residents of Kennedy Road. The MOU is also a major break through for Durban because it commits the City to developing settlements in the city instead of forcing people out to rural human dumping grounds. It is a major breakthrough for the country because if followed up it would be the first time that the BNG policy would actually have been implemented. Negotiations on implementing this deal were continuing right up to the attacks and in fact have continued after the attacks. We have also been negotiating for people who cannot be included in the upgrade to be voluntarily relocated to Cornubia which, because it is near Umhlanga Rocks, will have good access to work, schools, clinics etc. We have worked incredibly hard to achieve all these victories for the development of the people of Kennedy Road. The KRDC and AbM signed that MOU. The victory is ours. It came from our blood (when we were being repressed) and our sweat (when we were negotiating).

4. AbM has taken the government to court. This is true. We have often taken the government to court. We have taken the government to court to protect our basic political freedoms such as the right to march, we have taken the government to court to prevent them from illegally evicting us and we have also taken the government to court to have the Slums Act declared unconstitutional. It is being said that this is an attempt to stop development. When the Slums Bill came out we read it together, line by line, and we developed a clear critique of it. We are not alone in our critique of the Slums Act. The Act has been widely criticised as anti-poor, even by the United Nations Special Rapporteur on Housing and our actions against it have been widely supported. We have the same right as everyone else to form opinions about government policy and legislation and to take our views before the courts for their consideration. Taking the government to court is a basic democratic right. It is not a crime – but killing people, chasing people from their homes and their community, destroying their homes and looting their goods and using death threats to ban a democratic political organisation from an area are all crimes.

5. We have travelled overseas. We do not hide anything about these discussions. We have gone overseas recently. We have been invited by churches to visit England and America. We go there to speak the truth. That is our right.



6. We have international support. It is true that we have supporters in other countries. Most of these people are the same people that supported the struggle against apartheid. They are supporting our struggle because our struggle is clearly just. There are also some young people who see that there is injustice in our world, see that we are standing up for justice and want to work with us. Some have come to live in our settlements for a while to see how we make our homemade politics.

7. We Have Money. When we started our movement we had no money. We had nothing but our will. In recent years we have got a little support, mostly from churches. We have always refused money when we have felt that people were trying to buy over movement. We have never been paid to struggle. We are elected to positions and we serve as volunteers. We still have to work for a living. Our movement is not professionalised. The money that we have got in recent years is very small – before the attack we had an office but the phone was often cut off because we couldn't pay the bill. All our records were kept in the office. Anyone could see them at any time. We also have a list of all the people who have supported us materially on our website. We note that unlike us the ANC refuses to be open about its funders.

8. We did not Attend the Meeting at Kennedy on Sunday. Of course we didn't attend the meeting at Kennedy on Sunday. We received no proper invitation to it. And who in their right mind would attend a meeting after receiving death threats from the same people that would be at the meeting? Who in their right mind would attend a meeting where the people who had just destroyed their home would be presented as 'the community'? Who in their right mind would attend a meeting where their supporters would be too scared to attend with them and too scared to speak if they were there. That meeting was like an ANC rally and it would have been used as a kangaroo court if we had gone there. There were people there from Sydenham Heights and Foreman Road who were speaking as if they were from Kennedy! At this meeting the ANC announced all the victories that we have struggled for, and worked for over so many years, as if they were theirs! The ANC has a long history of hi-jacking people's struggles and claiming them as their own.

#### Our Demands

1. There needs to be an immediate restoration of democracy in Kennedy Road. This includes:

- The right of everyone who was chased out of the settlement or displaced by the violence to return to the settlement and to be safe in the settlement.
- The right of Abahlali baseMjondolo to work in the settlement without fear of attack or intimidation or slander.
- The restoration of our office to us and a guarantee that the office will be safe.
- The disbanding of the unelected structures that the ANC has instituted in the settlement and the return to authority of the democratically elected organisation that was running the settlement before the attacks or the holding of genuinely free and fair and safe elections in the settlement. If the democratically elected organisation (the KRDC) that was displaced in the coup is returned to its rightful place the next election will be in November.

2. There needs to be a genuinely independent and credible investigation into the attacks at Kennedy Road (including the demolition of people's houses, the looting, the banning of AbM from the settlement and the ongoing threats to AbM members in and out of the settlement) that includes an examination of the role played by everyone including the police, the local ANC and the comments and actions of senior ANC people in the Municipality and the Province after the attacks. It must include fairness and justice for the Kennedy 8.

3. There must be compensation and support for those who have been injured and traumatised, those who have had to flee the settlement, those whose homes and businesses have been destroyed and those who have lost everything that they own.

4. There must be a crystal clear commitment from the ANC, from the top to the bottom, to the right of all people to organise independently of the ANC, to protest against the ANC, to challenge the ANC's understanding of development and to take the ANC government to court.

5. The ANC must make a public commitment backed up with real action to ensure the safety of S'bu Zikode and all other AbM leaders.

6. There must be genuine and safe negotiation on the way forward between the ANC and AbM. These negotiations should be mediated by someone that we all trust. We know that there are many democrats in the ANC and we hope that they will prevail over those who have cast us as enemies to be attacked and eradicated by all means. Kangaroo courts are not places for real negotiations.

7. In yesterday's Isolezwe the Housing MEC said that she will provide housing for those who have been displaced. We welcome this announcement but

we demand that those who have had their homes destroyed and all their things stolen should be at the top of the list. This includes S'bu Zikode, Mashumi Figlan and the KRDC.

### Solidarity Actions

Many people have contacted us asking what they can do to support us. We want to thank all those who are supporting us – especially the church leaders and all those comrades who organised protests in London and in iRhini. We are making the following suggestions:

1. Affirm our right to exist and our right to be critical of the government.
2. Organise in support of our demands.
3. Support those of us who have lost their homes and all their possessions with material support.
4. Support those of us who are traumatised, including the children, with counselling and spiritual support.
5. Organise serious discussions about the nature of democracy in our country – and include delegates from poor people's organisations in those discussions on the basis of equality.

The Kennedy Road Development Committee

Mzwake Mdlalose

Anton Zamisa

Bheki Simelane

Nokutula Manyawo

Abahlali baseMjondolo Leaders from Other Settlements in Durban

Alson Mkhize

Shamita Naidoo

Mnikelo Ndabankulu

Zodwa Nsibande

Mazwi Nzimande

Ma Shezi

The Poor People's Alliance

Abahlali baseMjondolo of the Western Cape – Mzonke Poni

The Landless People's Movement (Gauteng) – Maureen Mnisi

The Rural Network (KZN) – Reverend Mavuso

The Western Cape Anti-Eviction Campaign – Ashraf Cassiem

11 OCTOBER 2009

Emergency press release · Kennedy Road Development Committee

## The ANC Attack on AbM Continues in Kennedy Road

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*Sunday 10:30 a.m. 11 October*

The ANC is currently holding a meeting in the Kennedy Road Community Hall.

The meeting was called by Ma Mjoli who is from the Foreman Road settlement and is the secretary of the BEC of the ANC in Ward 25. There are also big men from the ANC there in their fancy cars.

A decision has been taken to demolish two more shacks after the meeting. These shacks both belong to AbM members – they are both women. The decision has been justified on the grounds that:

1. They are known AbM activists.
2. They failed to attend today's meeting.
3. They failed to accept pressure to board the ANC buses to protest for denial of bail at the bail hearing for the Kennedy 8.

The meeting will shortly move on to hold an election for a new committee in Kennedy Road. Clearly an election held under these circumstance (i.e. in which the first order of business is to take a decision to demolish the shacks of AbM supporters) will be neither free nor fair.

The attack on AbM by the local ANC with the clear backing of the ANC higher up continues.

We cannot give the contact details for anyone in Kennedy Road for their own safety. But once they have been turned from shack dwellers into political refugees they will be penniless and homeless but free, again, to speak to the media.

15 OCTOBER 2009

Press statement · Abahlali baseMjondolo

## The Kennedy Eight are now the Kennedy Thirteen

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There have been five more arrests. The Kennedy Eight are now the Kennedy Thirteen.

None of the people that launched the attack on us in the Kennedy Road settlement have been arrested.

None of the people that have systematically destroyed the houses of the entire Kennedy Road Development Committee and all of the Kennedy Road Abahlali baseMjondolo members who hold office in our movement have been arrested.

None of the people who have banned our movement from the Kennedy Road settlement on the pain of violent expulsion from the settlement or death have been arrested.

None of the people who have continued to burn and demolish the houses of our members when they refuse to denounce the movement and show support for the ANC have been arrested.

Democracy has not been restored to Kennedy Road.

The ANC leaders who supported the attack on our movement have not been brought to account by the party.

The ANC continues to create new structures in Kennedy Road which they say are now 'legitimate structures'. How can the structures that were elected by the people and removed by violence and intimidation now be 'illegitimate'? How can new structures, imposed by violence and intimidation, be 'legitimate'?

There was a bail hearing today for the 5 new political prisoners who have now been joined with the Kennedy 8 to form the Kennedy 13. Once again the ANC mobilised its members to attend the court. They sponsored two buses for them to be there to demand the denial of bail.

The ANC denies that the violence in Kennedy Road was political. They say that it is 'just a criminal matter'. If it is 'just a criminal matter' why do they mobilise politically against the Kennedy 13? If it is 'just a criminal matter' why do they mobilise politically against our movement? If it is 'just a criminal matter' why was Nigel Gumede at the previous court hearing? He is the head of housing in the Municipality, not the head of police.

At the court today we were insulted and we were threatened. An ANC member who lives in a flat in Sydenham Heights said that we are "the filthy shack people". She said that "by 2014 you will all be gone. ANC members will get houses and Abahlali members will get jail." She also said that if the Kennedy 13 were given bail then "they will all be killed."

It was very tense. It was clear that the people that the ANC has bussed in were ready to use violence. They tried to physically prevent us from getting into the court.

All our comrades kept cool and calm. We behaved with dignity

We are looking for ways to support the families of those who are locked up.

Our movement remains under attack. We must clear about the reasons why we are under attack.

We are under attack because we have built a politics of the poor and for the poor outside of party politics.

We are under attack because we have refused to be silent in the face of our own oppression.

We are under attack because we have insisted that we are also people who count.

We are under attack because we have insisted that everyone must count.

We are under attack because we have rejected the idea that forcibly removing us to human dumping grounds outside the cities is 'delivery'.

We are under attack because we defeated the notorious Slums Act in the battle of ideas and in the highest court in the country.

We are under attack because the deal that we negotiated with the City to provide some services for 14 settlements and to work on upgrades for 3 settlements has shown that the politics of building people's power does more for the people than the politics of building politician's power. That politics just gets you evicted. Everyone can see that now.

We are under attack because we have shown that we are serious about our lives and therefore about our movement. We have not given up. In fact our movement is growing.

We know that there are many members of the ANC who are honest and who are democrats. We are calling on the honest and democratic members of the ANC to oppose those who corrupt their movement with lies, intimidation and oppression. We are asking them to support our right to organise independently. We are asking them to defend democracy.

Today it is us who have had to face armed mobs and the police. Today it is us who have had to face violence, the destruction of our homes, expulsion from our community, the end of many of things that we have worked for and all kinds of lies. Tomorrow it could be you.

This danger needs to be thought about very seriously. It needs to be widely discussed.

Shamita Naidoo  
Mazwi Nzimande

28 OCTOBER 2009

Press statement · Abahlali baseMjondolo

## Still No Bail for the Kennedy Road 13 as the Attack on our Movement Continues

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The Kennedy Road 13 returned to the Durban Magistrate's Court on Monday 26 October to hear the verdict on their application for bail. The Kennedy 13 were not given bail and remain in Westville Prison. The magistrate will take a final decision on their application for bail on Monday next week.

Once again the ANC mob had been bussed in and there was a further escalation of threats against us. New people were targeted and threatened with death. Even at the Durban Magistrate's Court, in full public view, we are not safe and our basic democratic rights to speak and associate freely are being denied.

The threats of death and harm from the mouths and at the hands of self-proclaimed ANC members and officials, which started at the Kennedy Road settlement, has followed us into the Court. The violence and intimidation, which started at Kennedy Road, is not over. It is far from over. It continues. Our movement is still under attack, and our members – in Kennedy Road, and now also in other settlements, continue to be scattered by threats of violence. Even as we declare to ourselves and the world that we will not be silenced by the ANC we continue to live in fear that free speech, free movement and free association could get us killed.

The Secretary of our Youth League has now been forced into hiding after receiving public death threats. Armed young thugs followed her from the Court, to the street, to the taxis, to her home (which is not in the Kennedy Road settlement). This is in spite of the fact that the world is watching the ongoing attack on our movement. In spite of the world watching – in spite of protests at South African embassies, on university campuses, in spite of statements by respected church leaders, the former United Nations Special Rapporteur on Housing, and various human rights organisations, many of us cannot return to our homes, many of us remain in hiding and we must still must hold our meetings in secret. In spite of the world watching, we cannot go to the court without facing young men threatening us with words or weapons. They bring knobkerries and bushknives to court, and openly boast that they are armed and will kill.



In spite of all this, we hear the ANC at top levels talking about militarizing the police, the same police who have already so often used their weapons against us. In spite of all of this, we hear the ANC at top levels talking about silencing “enemies of the ANC.” We know exactly what they mean as their self-proclaimed members have already tried to silence us. In spite of all this, the ANC at top levels have not condemned the violence and intimidation against our movement. There has not been one statement from the ANC about the fact that we were attacked that night, not one statement about the fact that our leaders have had their homes destroyed and been chased from their community, not one statement about the fact that freely elected community structures have been declared illegitimate because they are not ANC structures, not one statement about the fact that our movement has been banned from Kennedy Road, not one statement about the fact that our leaders, including those outside of Kennedy Road, continue to be targeted. We have not seen one statement from the ANC condemning Willies Mchunu for claiming to have ‘liberated’ Kennedy Road.

We are again calling on the honest and democratic members of the ANC not to be silenced, but to oppose those who corrupt their movement with lies, intimidation and oppression. Honest and democratic members of the ANC are the defenders of their movement, not its enemies. If the honest and democratic members of the ANC do not prevail at this time the organisation will become an enemy of our democracy. We are asking the honest and democratic members of the ANC to support our right to organise independently. We are asking them to defend democracy. We are asking them to defend us.

Yesterday at Court, the ANC again sent two hired buses with people to intimidate us. Most of the self-proclaimed ANC members on the buses were not from Kennedy Road.

Inside the Court yesterday, there was pushing, shouting and shoving – once again, Abahlali members were physically prevented from entering the courtroom.

Inside the Court yesterday, when the judge came in, those from the ANC buses held up signs on big flowchart paper with different colour slogans such as “Asikufuni Zikode Nababulali” (We don’t want [Abahlali President S’bu] Zikode and the killers).

Outside the Court, those from the ANC buses were toyi-toying outside a gate. When our members stood together quietly, far from the gate, to be briefed about the result of the bail hearing, a group from the ANC buses, mostly young

men, moved toward us, shouting and threatening us. They came very close. We just stood quietly.

A Reverend from the Diakonia Council of Churches tried to calmly step between us and the young men. He asked them to please be calm and stand back. Some of the young men began shouting at him in English and isiZulu: “You are just an umlungu!”, “You are supporting the killers!” and “We can kill you!”

A woman, who identified herself to the Reverend as a local councilor, was leading the young men. She was dressed in ANC garb head-to-toe. She shouted at the Reverend, and told him it was not a matter of the ANC, but a matter of the community. But she is not Yacoob Baig, the local ANC councilor of Ward 25, where the community of Kennedy Road is located.

If this is ‘just a matter for the community’ what is an ANC councilor from another ward doing with bussed-in ANC members from outside of Kennedy Road and issuing death threats to respected church leaders at Court? What are Jackson Gumedede, Yacoob Baig and other ANC officials doing at Court, watching, as men – visibly armed and wearing ANC t-shirts – openly threaten us, calling for the death of the Secretary of our Youth League, our Women’s League Chairperson, and our other leaders? Why are AbM leaders from outside of Kennedy Road being threatened? Why is S’bu Zikode being targeted when he was not even in Durban on the night of the attack on our movement? It is completely obvious that the ANC is waging a political attack on our movement.

Mr. Mchunu we need an urgent and genuinely independent and credible investigation into this attack. Our demand is for openness and fairness. How can you deny this demand? If you continue to deny this demand how can you expect people to not conclude that you have something to hide? It is obvious that the ANC cannot investigate themselves. There has to be a genuinely independent and credible investigation into this attack. Mr. Mchunu, if you want to be the Minister for the Safety and Security of all people and not the Minister in charge of attacking the people who have embarrassed the ANC then we need you to start calling for an independent and credible investigation into this attack as soon as possible.

Reverend Mavuso  
Shamita Naidoo  
Mama Nxumalo

29 OCTOBER 2009

Press statement · Abahlali baseMjondolo

## Celebrating Our Victory Against the Slums Act

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*Invitation to the Celebration of the Abahlali baseMjondolo Victory Against the Notorious and Now Buried Slums Act*

On 14 October 2009 the Constitutional Court ruled against the KwaZulu-Natal provincial government and in favour of Abahlali baseMjondolo. The court found that Section 16 of the Slums Act was unconstitutional and invalid. The Slums Act now has been struck down.

Abahlali baseMjondolo will be holding a celebration of our victory against the Slums Act this Sunday, 1 November, at 9am. The celebration will take place at the Richmond Farm Transit Camp. All progressive communities, journalists and members of the public are welcome.

### **Reasons for Choosing Richmond Farm Transit Camp as the Celebration Venue**

The Richmond Farm Transit Camp has been chosen as the venue for the celebration because we are determined to ensure that this victory in the Constitutional Court against the Slums Act also marks an end to such transit camps (also known as amatins, TRAs and decant camps) which undermine our human dignity.

We have said, since the very first introduction of the Slums Act as a provincial bill, that transit camps are not temporary. Transit camps are being introduced to people as 'temporary accommodation', but on the ground people are staying in transit camps for much, much longer. People moved to transit camps are staying there for two years, ten years, or even longer. That shows the government does not know the meaning of temporary and that the government cannot recognise our humanity. Transit camps are not a way to house the poor. They are a way for the government to expel the poor from the cities.

The people of Siyanda were forced to accept a legal eviction from their shacks to the Richmond Farm Transit Camp. They were not supposed to stay at

the Richmond Farm Transit Camp for more than a year. This one year time limit is a negotiated, legally binding agreement made in court. In spite of this legally binding agreement, it is already the tenth month since the people of Siyanda have been living in the Richmond Farm Transit Camp. And, in spite of this court agreement, there is still no progress on when, where or how the people of Siyanda will be moved into houses. This is in spite of the fact that the eThekweni Municipality and the Department agreed, in court, to a one-year time limit. And yet the government has done nothing about their houses, and has said nothing about where their houses will be.

For all these ten months, the people at the Richmond Farm Transit Camp still do not have working toilets. They still do not have working taps for water. They still do not have security. In fact, people are being attacked everyday by criminals, especially when they are coming from work.

The eThekweni Municipality and the Department of Transport swore by an oath of the court that there would be adequate services and a time limit in the transit camp. But we can see that even when the government swears to a binding order of the court, and by the law of the land, they do not comply. And again it should be remembered that before the people of Siyanda were forced from their self-built homes, they had electricity, they had water, and there was no fear of being victims of crime as compared to the transit camp. Their shacks were also much bigger than the tiny accommodation in the transit camp. They had more privacy and they had space for small businesses, gardens and chickens.

It is for all these reasons that we are holding our celebration of the Slums Act victory at the Richmond Farm Transit Camp. We wish to bury the transit camps with the Slums Act and holding our celebration at transit camp will remind us and show others what we are against and why. It will also show the people in this transit camp that although the government has forgotten them Abahlali baseMjondolo has not forgotten them.

Background of the Journey from the Shacks to Constitutional Court

#### 1. Community Analysis

It has to be remembered that in 2007 Abahlali created a reading group and democratically elected a task team to analyse and discuss the content of the Slums Bill before it was passed as provincial legislation. Abahlali not only had a series of meetings at Kennedy Road to analyse the Act, but also held community meetings in each and every area to discuss it. This was so it could be further

analysed and understood by each and every member who is living in a shack settlement. To see what the aim of the Bill was, and the feelings and analysis by the people, please see our first, original press statement.

During these discussions in all Abahlali areas, we felt that the aim of the Bill and the feelings of the people were in contradiction. This is because the feelings of the people were for their communities, the places where they stay, to be developed. The aim of the Bill, however, was to “eradicate” or “eliminate” their communities. People want development, not “eradication” or “elimination.” They do not want transit camps in faraway places. They do not want to be moved at the whim of the MEC, or municipality. The people who founded our settlements occupied land in the cities for good reasons. We are urbanites. We do not want to be ruralised in the name of ‘development’. We are resolved to defend our right to the cities.

## 2. The So-Called Public Participation Process

In 2007, soon after we held our own community discussions about the Bill, the KwaZulu-Natal legislature came to the shack settlements.

It was interesting to see the KwaZulu-Natal legislature coming to the shack settlements to hold public participation hearings about the Bill. A public hearing was held in Kennedy Road. When the legislature came to Kennedy Road, it was the first time we had seen them in the shacks. They came with heavily armed and intimidating police, even a police helicopter, and bussed in ANC members from other areas. It was like they were going to a war when in fact they were supposed to be coming for a discussion.

We mobilised at the Hall. We mobilised against the Slums Bill. But this mobilisation was used to justify that we had agreed on the content of the Bill! People were not allowed to raise their own feelings about the Bill, they were not allowed to use the microphone in the Hall, unless they could quote from the text of the Bill.

This was the so-called public participation process of the Slums Bill. But this was not a public participation process, with meaningful engagement. This was another lie of our democracy. The legislature that came to Kennedy Road were doing this just because the law requires them to vet the Bill in the communities, but the concerns and analysis of communities were not taken into consideration. Once again it was made clear that our role is to listen and not to think.

Abahlali made it clear that we were opposed to the Bill at the so-called public participation process. A week later, we were invited to Parliament, where the Bill was passed without the will of the people. The Bill was passed, in front of us, without us even having a chance to speak. So our invite was meant to justify the passing of the Bill. Our invite and so-called participation was meant to justify the passing of the Bill against the will of the people.

### 3. From Shack to The Durban High Court

It also has to be remembered that Abahlali opposed the Slums Act in the Durban High Court in 2008. When we went to the Durban High Court, 'comrade' Judge President Tshabalala found that the Act was consistent with the PIE Act and that, in fact, the province had taken a positive initiative in the making of this kind of law. He said the province should be applauded for the work it had done. The 'comrade' Judge said that the province, through the Act, was dealing with the land and housing issues, and that the province had the power to pass such legislation. This is how the comradeship of party politics works.

When Judge Tshabalala found in favour of the government, a decision which has since been overturned in its entirety, we had a number of debates on the radio and in the press. One of our young members were threatened by government officials after speaking on the TV news. They arrived in their 4X4s and promised to make sure that she lost her job.

Now that the High Court decision has been overturned, and Abahlali has won in the Constitutional Court, and Section 16 has been declared unconstitutional, and the Act has been scrapped, nothing is happening on the radio or in the press. So we call upon the very same radio stations and press who rushed to give the government space to discuss their victory to also provide us a space for public debate about the case.

After the Slums Bill was passed officially into legislation as the Slums Act, the municipality used the Act to justify evictions across the province. Evictions of communities such as KwaManciza (Ntuzuma), and other areas, were justified under the Slums Act.

And we believe that the municipality may still use it to justify evictions in areas that do not know about our victory over the Act. The municipality has always broken the law with regard to evictions, and we fear that they will continue despite the court ruling. Obviously our task as a movement is to inform

communities about the outcome at the court and the meaning of this historic court ruling.

#### 4. From the Shacks to the Constitutional Court

Abahlali were confident that this Act was unconstitutional, and so our appeal against the finding of the ‘comrade’ judge was taken straight to the Constitutional Court. The case was held before a full bench of Constitutional Court Judges. And they were able to find Section 16 unconstitutional. We were vindicated.

On the 14 of May 2009, Abahlali and our partners in the Poor People’s Alliance from across South Africa – the Western Cape Abahlali baseMjondolo, the Anti-Eviction Campaign, the Rural Network and the Landless People’s Movement – mobilised to go to the Constitutional Court to see and to witness the will of the people being brought forward in front of the highest Court in the land. Our partners in the Poor People’s Alliance mobilised not only in solidarity with comrades in KwaZulu-Natal, but also across the country, because the legislation was to be passed in every province in South Africa.

And on the 14 of October 2009, the cries and worries of poor communities across the country were considered. It was the first case of its kind where poor people at a grass-roots level were able to take the government to the highest court against legislation, and able to win the case.

Despite the fact that were told at the last hour on the previous day before the judgment was handed down, we as movement managed to mobilise to go to the Constitutional Court to listen and to witness the reading of the judgment.

Abahlali is facing violent attacks from the ANC. We know that the attacks on our movement were timed to coincide with our victory in the constitutional court. We know that the attackers want us to focus on the violence instead of focusing on celebrating the victory. We know that the attacks were planned to discredit the movement in the eyes of the media at the time of our victory. We know that this was done deliberately so that we would not be able to celebrate our victory at the Constitutional Court. We will claim our victory and we will ensure that there is wide discussion about its meaning and the way forward within our movement and within all the movements in the Poor People’s Alliance

#### 5. The Constitutional Court Judgment

The reason we are having this celebration is that we should avoid misunderstandings of the judgment. The reason we are having this rally of celebration is so that the judgment can be read, discussed and analysed, and a way forward can be given as to the meaning and effect of it. We, there at the celebration, can collectively put together the thoughts and ideas of the people about the judgment and its meaning directly from people who are living in the shack settlements, as well as the rural areas, and provide a way forward, especially because we know that municipalities and private landowners will continue to break the law, or use the buried Slums Act. We will caution communities and think through a way forward.

We need to think and discuss what will happen to the transit camps or amatin because the amatin were a provision of the Slums Act. Now, after the judgment, the future of the amatin, the transit camps, the TRAs, the decant camps are in question.

And yet as we speak, after the attacks at Kennedy Road, the community at Kennedy Road has been threatened that they will now be moved to the notorious transit camps in Chatsworth.

### **Thanks and Further Invitation**

We want to thank all the organisations and academics who made submissions on the Slums Bill, as well as CALS (The Centre for Applied Legal Studies) who represented Abahlali from the Durban High Court up until the Constitutional Court. We most especially want to acknowledge the shack intellectuals who analysed the Act, who compared it with their own living politics, and developed criticisms of the Act, which not only contributed to the case, but formed the whole basis of the case. The analysis and criticism from the High Court to the Constitutional Court is owing to them.

Abahlali will be slaughtering a cow as part of the victory celebration.

Again, progressive communities, journalists, and members of the public, please be invited.

Mnikelo Ndabankulu  
Zodwa Nsibande  
Mazwi Nzimande



13 NOVEMBER 2009

Emergency press statement · Pemary Ridge Branch

## Pemary Ridge Under Police Attack Now; Shooting Continues

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At 8pm this evening, a Sydenham police car arrived at the Pemary Ridge settlement in Reservoir Hills. The armed officers went to a home, and kicked down the door. At the time, a man was walking by, and the police assaulted him – they struck him, and swore at him. His sister who saw the attack screamed in terror. When members of the community gathered around to see what was happening, the police opened fire, and started shooting people at random. Some residents ran to the river to hide. They reassembled at the top of the road, and began burning tires. More police arrived and opened fire several times. The police are continuing to shoot at random now. They are kicking down the doors of residents' homes. All press are urged to rush to the scene.

The whole of this, and last month, is just reports of the police shooting. 2010 has arrived, and by the time the tournament comes, the stadium will be full bullets.

Sbu  
Sbongile

16 NOVEMBER 2009

Press statement · Pemary Ridge Branch

## Someone Needs to Answer for the Police Attack on Pemary Ridge

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*All Charges Dropped Against the Pemary 13, But Someone Needs to Answer for Police Attacks*

Abahlali basePemary Ridge is happy that all charges were dropped against 13 of our members, who were arrested in a brutal attack last Friday by the Sydenham police.

Abahlali has said, since 2005, “My lawyer is my neighbour.” In court today, the Pemary 13 were not represented by a lawyer, but by the Chairperson of Abahlali baseMotala Heights, Shamita Naidoo, who learned about justice through years of experience working in her community, and about the law seeing case after political case brought by police against shack-dwellers. Shamita spoke powerfully and with a lot of anger against the police violence so common in Abahlali communities, and in all shack settlements.

All the charges were dropped. But someone needs to answer for what happened last Friday night. If there was no case against us, why were we shot at, beaten, tortured, abused and detained over the whole weekend?

Why is it us, and not the ratepayers who live across the street, that almost every week are attacked by police? Is it because we are poor? Is it because we are black? Is it because we are not welcome in Reservoir Hills? Not welcome in our own city? Not welcome in our own country? Is it because our settlement has been strongly Abahlali baseMjondolo since 2005 and that, therefore, we refuse to accept that we do not count in this society?

Why were we arrested, when it was the police who were committing crimes in Pemary on Friday night? Why does no one take seriously the fact that if you are a poor person the police are some of the dangerous criminals that you will ever have to confront?

The police are abusing us, and they are abusing government resources. Budgets for bullets, for cars, for lawyers, all were spent just to beat, shoot at and

arrest shack-dwellers that committed no crime. The resources used to shoot at, beat and arrest innocent people could have been used to protect us. We as the poor are also getting robbed, stabbed and shot dead by criminals. We cannot afford private security. We need to be safe and yet all the police do in our communities is to torture and arrest us. Being poor has been turned into a crime. Being a poor person who doesn't know your place – who insists on your right to be political, to think and to speak for yourself – has been turned into an even bigger crime.

These cases take our communities' resources too. These cases take energy, and poor people's finances. The people, who were arrested, missed school and work. One of the arrested was supposed to write his Matric exam today. People who were injured have to pay for a doctor. Some of them could not go to work or school today. Those who come to court in solidarity must take off work and school, and pay for taxi fares. If you are beaten with your guitar and you are a person that loves to make music you will have to buy a new guitar. If your door is kicked in you will have to fix that door. All these resources are wasted just because of the police attacking us. A person can lose their job for missing even one day of work.

We all need to be safe and happy in this country, not just some of us, not just a part of us – all of us. This is our position and we will stick to it through all kinds of attacks. A person is a person whether they find themselves in a shack or in a big house with a fence and a burglar alarm and private security.

Shamita Naidoo  
Philani Zungu

20 NOVEMBER 2009

Press release · Abahlali baseMjondolo

## Demolitions Continue in Kennedy Road

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The same mob that attacked Abahlali baseMjondolo and the Kennedy Road Development Committee on 26th September; that trashed the Abahlali office and systematically destroyed the homes of Abahlali leaders while police and politicians looked on on 27 September; and that followed the violent purge of Abahlali from the settlement by installing an ANC committee is, right now, demolishing Mondli Mbiko's home in the Kennedy Road settlement. A short while ago they demolished Mzwake Mdlalose's home.

Mondile and Mzwake are both members of the KRDC, an elected structure, and long standing residents of the settlement. They were both members of the Kennedy Six. They fled the settlement under threat of death on the 26th but their homes survived the initial demolition. Numerous people have phoned the police to report the demolitions but, thus far, the police have made no attempt to intervene.

Mzwake Mdlalose  
Mondli Mbiko

26 NOVEMBER 2009

Emergency press statement · Mpola Branch

## Illegal Evictions Happening at Gunpoint in Mpola Now

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The eThekweni Municipality is currently illegally evicting families at gunpoint in Mpola. Thirty people already have been left homeless. The community requests all press to rush to the scene and to witness the rampant criminality of the eThekweni Municipality for themselves.

Five cars from the municipality arrived at 10am, with Blue Ants armed with rifles and shotguns. The demolition team is now breaking down brick houses. according to the demolition team the evictions were ordered by the notorious local ward Councillor Derek Dimba.

The evictions, happening now, are illegal and criminal acts. There was no notice, no consultation, no court order, and no alternative accommodation provided.

Some families, whose homes already have been demolished, are at school and at work, and will return to find they have nowhere to sleep tonight. The eviction team demolished all the materials of the houses, including the roofs.

Some of the registration numbers demolition team's cars are: NDM6904, NDM6902, NDM6903. The demolition team says the municipal official overseeing the eviction is Mr. Zulu

Lindy  
Mbongeni

27 NOVEMBER 2009

Press statement · Abahlali baseMjondolo of the Western Cape

## Protest in Cape Town Against State Repression

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*Abahlali baseMjondolo of the Western Cape*

### Protest Against State Repression to be Held at Macassar Village Tomorrow

We will be holding a protest against state repression at New Road, Macassar Village, from 11:00 on Saturday 28 November 2009.

Our movement is under serious attack in Durban. Our comrades in Abahlali baseMjondolo in Durban have been attacked and had their homes destroyed by an armed ANC militia supported by the local police and politicians. They have also been arrested, denied bail, beaten while in custody and attacked and seriously beaten by the police while going about their ordinary activities in their communities. Many of our comrades are living under death threats and have been turned into refugees. Many of our comrades are no longer able to appear in public in Durban. There have been longstanding problems with democracy in Durban but it is now clear that there is no longer any democracy in Durban. Durban ceased to be a democratic city on 26 September 2009 when this wave of violent repression was launched against our movement.

This is the worst case of state repression in post-apartheid South Africa but it is far from the first case. Over the years all of the movements in The Poor People's Alliance have had their marches banned and been subject to arrest, assault and even torture at the hands of the police. We are all very familiar with rubber bullet, tear gas, holding cells and courts. We all confront regular illegal and violent evictions at the hands of the state. Here in Cape Town Abahlali baseMjondolo has recently confronted mysterious violent attacks, illegal and violent evictions from the state and arrests and police violence. Neither the criminalisation of the poor nor the criminalisation of dissent are new.

Our protest is in support of our comrades in Durban and we are demanding the immediate restoration of democracy in Durban. We also support the

demand for an independent inquiry into all the attacks on our movement in Durban including those from both the militia and the police.

Our protest is also in defence of our own struggle here in the Western Cape. We also face repression here and it is clear that if we allow democracy to be done away with in Durban it will not be long before democracy is also done away with in Cape Town, in Johannesburg and across the country.

Silence is the speech of the defeated. We are not defeated and we will not be defeated. We are organised and we will remain organised. South Africa belongs to all who live in it and therefore we will continue to take our place in the cities and in all discussions affecting our communities and our lives. Our position is that each person's life and intelligence counts the same and no ward councillor, police officer or land invasions unit will succeed to make us deviate from this position.

Mzonke Poni  
Mthobeli Qona

30 NOVEMBER 2009

Press statement · Abahlali baseMjondolo

## All We Want is Justice

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The Kennedy Thirteen were back at court on Friday for their 6th attempt at requesting bail. After two months in detention all charges were dropped against one of the thirteen, six were given bail and the other five were remanded in custody to give the police one more chance to bring some evidence against them to the court. The next court date has been set for 11 December 2009. This will be the 7th opportunity given to the police to provide some evidence of guilt.

As usual Jackson Gumede and Yacoob Baig were at the court and openly advising the prosecution. Gumede is the chairperson of the Branch Executive Committee of the ANC in Ward 25 and the man who seized control of the Kennedy Road settlement on 27th September 2009. Baig is the ANC Councillor for Ward 25 who said that 'harmony' had been restored after the attack on AbM. He was also at the settlement on 27th September and they both stood by while the homes of the Kennedy Road Development Committee and well known Abahlali baseMjondolo members were systematically demolished. Since the ANC seized control of the settlement extreme intimidation has continued in the settlement, including death threats and threats to demolish more people's homes. In fact another home was demolished yesterday, on Sunday 30 November. It is a crime to threaten to kill people if they are suspected of not supporting your political party. It is also a crime to demolish someone's house if they are suspected of not supporting your political party. But these crimes are not investigated. No one is arrested. It is clear that these crimes are carried out with the full support of the local police and the local ANC. Baig and Gumede are, at the very least, complicit with the ongoing and criminal political intimidation in the Kennedy Road settlement. Yet they are able to advise the prosecution. It is clear that the police and the court are there for the ANC and not for the people.

The magistrate said that there would be an investigation as to whether there was an Abahlali meeting before the attack. She made it sound like holding a meeting would be a clear sign of guilt. But of course there was an Abahlali meeting! It was the Abahlali Youth League Camp that was attacked! Will all of us



who were at that meeting now qualify to be arrested? Holding meetings is not a crime. It is attacking meetings that is a crime!

We held the Youth League Camp on 26th September to talk about our needs and our own struggle – nothing else. When the camp was attacked we didn't know why we were being attacked. We didn't know who was attacking us. The attack was a total surprise and a total shock. All that we knew was that the attackers were saying that they were going to drive the AmamPondo out of the settlement and that they were going to kill the Abahlali leaders.

The police did not come when we called them. When they did come we were so shocked to see that our own comrades were arrested and not the attackers. Then the ANC politicians came to the settlement. They celebrated the attack. They did nothing to stop the demolition of our member's houses. Willie Mchunu said that 'Kennedy Road' had been liberated. It became very clear who our attackers were.

When we went to court to support our comrades there was no doubt as to who had attacked us. The ANC were there with their flag and in their t-shirts to demand that our comrades be denied bail. Everything was clear.

On that first bail hearing we went to court wearing our full Abahlali uniform. We were stopped at the gate. The securities said that they would only accept 10 people in red shirts to enter the court.

So we had a meeting and delegated ten comrades to go inside the court. When they went inside they found that the court was packed with ANC supporters in their t-shirts. When Councillor Yacoob Baig walked into the court he went straight to the state prosecutor. The prosecutor spoke to the police and then the police came straight to our ten comrades in their red shirts and said that the court was too crowded and that they must leave. That was when we realised that the ANC was not only attacking us with drunk men with guns and knives – they were also going to attack us with the court. Every time when we are going to court they are saying that we who are wearing red shirts can't go inside but that those who are wearing ANC shirts can move freely.

We came with the strategy of not wearing red shirts but we found that the court was still not fair. Even while the court was in session the ANC supporters were shouting, chanting slogans and even swearing. When the Kennedy Thirteen were being brought in and out of the cells the ANC supporters were standing up insulting, intimidating and trying to assault them. Comrade Sam from

Arnett Drive and Mama Ngongoma from Siyanda were physically assaulted in the court. The police did nothing. The magistrate said nothing. Everyone knows that you have to be silent in court. If you talk or your phone rings you are immediately made to leave. Those are the rules by which we must respect the court. But the ANC could do what they liked and no action was taken against them.

The ANC supporters would wait for us outside the court and insult, intimidate and threaten to attack us. The police would not defend us. Roland Vernon from Diakonia intervened to defend us despite insults, intimidation and threats to him. The ANC supporters openly say that the ANC instructed them to kill S'bu Zikode and that they will kill him. They have also threatened many other people with death at the court.

According to our understanding a court, any court, must be neutral. But this court is 100% ANC.

From our understanding everyone has the right to be charged within 48 hours if they are arrested but the Kennedy Thirteen spent two months in prison with no clear charge. Even the magistrate said that she only knew the charges on Friday, the 27th of November.

In fact the magistrate only found out who the Kennedy Thirteen really were on Friday. When the Kennedy Thirteen were arrested the ANC said that they were all members of the Safety & Security Committee (they called it 'the forum'). At the last hearing even the magistrate was saying that most of our comrades are not coming from the Safety & Security. In fact it is only two who are coming from the Safety – the rest are all Abahlali members.

Yacoob Baig and Willies Mchunu submitted letters to the court asking for bail to be denied. S'bu Zikode wrote a letter in response saying that he knows the thirteen and their role in the community, that they are not dangerous and asking for bail to be granted. The prosecution said that Zikode's letter must not count because he is no longer a leader. The magistrate repeated this saying that Zikode is no longer President of the Poor because he is no longer living in Kennedy Road. She said nothing about why he had to leave Kennedy Road, why his house was demolished or why he still can't appear in public in Durban. We want to make it clear that we are poor people and that Zikode is our president.

We as organised shackdwellers want the remaining five comrades to be released. They have been to court six times and the police have failed to bring

any evidence against them and to make any case against them. It is not right to detain people when there is no evidence against them.

The Kennedy Thirteen were not treated right in prison. Even their visitors were treated badly. The prison guards would make us wait for hours and hours to see them and then they would only let us see them for two minutes. There wasn't even time to say Sawubona. You just had to throw the food in the cell and then go. We are worried about how the remaining five will be treated in prison. We are worried about their families.

We want a proper investigation – an investigation that is neutral, that only has the purpose of searching for the truth. We will reject any investigation that is an ANC investigation that only has the purpose of sending the organised poor back to the dark corners of our country – back to silence, back to weakness, back to rule by councillors, back to evictions, back to transit camps, back to rural areas, back to darkness, back to wasting our lives in water queues, back to fires, back to development organised through the barrel of a gun and not negotiation.

After another of our comrades had his home in Kennedy Road destroyed in bright sunlight yesterday we went to the police and we insisted that we must be allowed to lay a charge. For two months the police have not allowed us to lay charges in response to the Kennedy Road attacks and the destruction and looting of homes that followed the attack. But S'bu Zikode has now succeeded in opening a case into the destruction of his home. It is case number: 380/11/2009 Abahlali baseMjondolo has been very encouraged that an officer from the Inanda police station will be investigating this case and others who have lost their homes will be encouraged to also try to lay charges. We invite the media to monitor the investigation of this case. We all need to educate ourselves about the political realities of our country.

All we want is justice.

Mama Mkhize (isiZulu)

Mazwi Nzimande (English/isiZulu)

Mama Nxumalo (isiZulu)

11 DECEMBER 2009

Press statement · Abahlali baseMjondolo

## Justice Delayed is Justice Denied

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Today the five members of the Kennedy Thirteen who are still in detention returned to court for their 7th attempt at requesting bail. On each of the 6 previous occasions the state failed to provide any evidence against the accused and the Magistrate postponed the bail application to give the state more time to produce some evidence of their guilt. On each case the state has failed to produce this evidence at the next hearing. This has led Bishop Rubin Phillip to call this case a 'travesty of justice'.

Today the investigating officer and prosecutor failed to arrive at the court hearing and, once again, the Magistrate granted the state a further extension instead of throwing the case out of her court. The next bail hearing has been set down for 22 January which will be almost four months after the five were first arrested – four months in detention without any evidence of guilt being produced by the state. This is a postponement of more than six weeks till the next bail hearing. According to the law the maximum period for which a bail application can be delayed is 7 days. This is unlawful detention.

As usual there was organised intimidation from the ANC at court today. The ANC even arrived at the court with the Abahlali baseMjondolo sound system which was stolen when the movement was attacked and its office destroyed and looted on the weekend of 26th and 27th September 2009. AbM will lay a charge of theft against the ANC.

One of the Kennedy Five was assaulted in custody this week. The movement will explore all means to secure the release of the five comrades who remain in detention.

Last weekend we launched a new branch in Hillary. Our struggle continues.

Zodwa Nsibande  
Mazwi Nzimande