

# Community PRACTICE NOTES

## Social Movements Series

*SERI's Community Practice Notes reflect on the socioeconomic struggles of social movements and community-based networks in different contexts in South Africa.*



## Abahlali baseMjondolo: Living Politics

September 2022

## Social Movements Series

SERI's fifth set of Community Practice Notes is a series on social movements and community based organisations engaged in struggles to protect socio-economic rights. The series narrates the strategies that the organisations devise and implement to challenge poverty and inequality. It is concerned with how the movements and organisations shape the political spaces within which communities assemble, demonstrate, articulate and campaign for the advancement of their socio-economic rights and the implications of state responses to their agency.

This Community Practice Note documents Abahlali baseMjondolo's history, the social movement's strategies and tactics for advancing their objectives and how it has survived repeated and varied forms of state violence. It tells a story of how Abahlali baseMjondolo has responded to evictions and repression in a highly charged political context and the price the movement and its members have paid for organising outside of formal politics and challenging the state.

*Abahlali baseMjondolo: Living politics* is the second social movement Community Practice Note. The first was **Inner City Federation: Fighting for Decent Housing in Inner-City Johannesburg.**

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# Community PRACTICE NOTES

## *Social Movements Series*

### **2** **Abahlali baseMjondolo: Living Politics**

*Abahlali baseMjondolo: Living Politics* is the second in SERI's Social Movement Series.

This note provides background to the movement and the context of its emergence and then documents a detailed timeline of Abahlali baseMjondolo's 17-year history from 2005 to 2022. The CPN then examines the strategies and tactics used by Abahlali in their struggle for access to land, housing and basic services as well as the state responses to the movement's methods of direct action. Before concluding, the CPN commemorates the lives that Abahlali has lost to various forms of state-sanctioned and political violence. Finally, the conclusion provides some reflections regarding the social movement's struggles, opportunities and challenges.

## **DEDICATION**

This CPN is dedicated to the women, men and children who have lost their lives in the struggle for access to land, a home to stay, and basic services to survive. It is dedicated to all the people who have contributed to making Abahlali baseMjondolo: those currently in the movement continuing to forge ahead and those who once were.

## **ACKNOWLEDGEMENTS**

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Edward Molop, *SERI*

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# 01 About Abahlali baseMjondolo

**A**bahlali baseMjondolo<sup>1</sup> (Abahlali) is the largest movement of the organised poor in post-1994 South Africa. It was formed in 2005 when representatives from twelve informal settlements in Durban came together under a single banner following a series of demonstrations staged by a number of the informal settlement residents.<sup>2</sup> The demonstrations were sparked by a blockade of a major road by approximately 750 people from the Kennedy Road informal settlement in Clare Estate, Durban.<sup>3</sup> The Kennedy Road informal settlement had been on the receiving end of broken promises for years and it was yet another unfulfilled state undertaking that sparked the demonstration.

Abahlali is an independent, nonpartisan, democratic and membership-based social movement representing the poor. The movement campaigns against all forms of social, political and economic inequality and its Constitution refers to its struggle “for an equal right to the cities and an equal and just distribution of land, wealth, and other resources”.<sup>4</sup> The movement does this by fighting for access to land, basic services, secure tenure and for the dignity of poor people.

Having emerged out of KwaZulu-Natal, a province with a history of violent politics, Abahlali have experienced threats and assassinations, routine and often unlawful evictions, police violence and inaction, which has cost the movement 24 of its members, at the time of writing.

The movement came to prominence following its successful constitutional challenge of the KwaZulu-Natal Elimination and Prevention of Re-Emergence of Slums Act 6 of 2007 (the Slums Act) in 2009. At the time, Abahlali comprised of tens of thousands of occupiers across seventeen informal settlements in Durban and Pietermaritzburg. Since then, the membership of largely urban shack dwellers has expanded geographically within KwaZulu-Natal and to Gauteng, the Eastern Cape and Mpumalanga spanning both rural and urban communities. At the time of writing, Abahlali marked its 16-year anniversary with a membership of approximately 102,000 and the movement’s president S’bu Zikode was awarded the 2021 Per Anger Prize for humanitarian work and initiatives in the name of democracy by the Swedish government.

<sup>1</sup> Abahlali baseMjondolo means shack dwellers in isiZulu.

<sup>2</sup> Pithouse, Richard. “The Promised Land and the University of Abahlali BaseMjondolo.” *African Sociological Review / Revue Africaine de Sociologie* 10, no. 1 (2006): p. 128

<sup>3</sup> Patel, Raj, and Richard Pithouse. ‘Epidemic of Rational Behaviour’. *The Mail & Guardian*, 25 May 2005. <https://mg.co.za/article/2005-05-25-epidemic-of-rational-behaviour/>.

<sup>4</sup> The preamble of the Constitution of Abahlali baseMjondolo Movement of South Africa, p.1



Siyabonga Mbhele, LordBear Pictures

## 02 Informal settlements in South Africa

**A**bahlali organises in the informal settlement context in South Africa. Informal settlements have been part of the South African urban landscape for decades. In 2011 Statistics South Africa (Stats SA) calculated that 14% of households in South Africa live in informal settlements and that the major metros have experienced an increase in informal housing over the last ten years.<sup>5</sup> Informal settlements reflect “the lack of affordable accommodation options available to poor households in well-located areas where systems of private and public allocation of land are failing and, giving rise to systems of ‘self-allocation’”.<sup>6</sup>

Due to government’s hesitation to intervene in the land and property market, the availability of affordable, well-located, serviced land remains a significant challenge and poses a major obstacle to the provision of adequate housing for the urban poor. National policy processes paid little attention to informal settlements until ten years after the introduction of the post-apartheid government’s housing programme.<sup>7</sup> The release of Breaking New

Ground: A Comprehensive Plan for Sustainable Human Settlements (BNG) in 2004 gave policy impetus to informal settlement “eradication”, despite the intentions of the Upgrading of Informal Settlements Programme (UISP) for *in situ* upgrading in desired locations.<sup>8</sup> This CPN tracks Abahlali baseMjondolo’s role in confronting the eradication approach, and its implementation.

Aligning with the national framework in BNG, KwaZulu-Natal provincial legislature tabled the Slums Act in 2006 with the objective of eradicating shack settlements ahead of the 2010 FIFA World Cup to be hosted in South Africa.<sup>9</sup> Abahlali baseMjondolo successfully challenged the constitutionality of the Slums Act in 2009. While this has been an important victory for informal settlement residents, official reluctance regarding participative *in situ* upgrading remains largely intact. Many metros have established anti-land invasion units in response to occupation and “standard operating procedures” are being developed in municipalities to prevent land occupation.

<sup>5</sup> See Liza Rose Cirolia, “South Africa’s Emerging Housing Programme: A prism of urban contest”, *Development Southern Africa*, 31(3)( 2014), p. 399.

<sup>6</sup> Socio-Economic Rights Institute. ‘Here to Stay: A Synthesis of Findings and Implications from Ratanang, Marikana and Siyanda’. Community Practice Note. Informal Settlement in South Africa: Norms, Practices and Agency. Socio-Economic Rights Institute, 2019. [http://www.seri-sa.org/images/SERI\\_Synthesis\\_FINAL\\_WEB\\_READY.pdf](http://www.seri-sa.org/images/SERI_Synthesis_FINAL_WEB_READY.pdf). [Written by Royston, Lauren, Potter, Alana, Khunou, Kelebogile, Ebrahim, Tiffany and Molopi, Edward]

<sup>7</sup> Socio-Economic Rights Institute, ‘Here to Stay: A Synthesis of Findings and Implications from Ratanang, Marikana and Siyanda’.

<sup>8</sup> Huchzermeyer, Marie. ‘Pounding at the Tip of the Iceberg: The Dominant Politics of Informal Settlement Eradication in South Africa’. *Politikon* 37, no. 1 (1 April 2010): p. 137

<sup>9</sup> Pithouse, Richard. ‘Shacks Are Here to Stay’. *The Mail & Guardian*, 19 May 2006. <https://mg.co.za/article/2006-05-19-shacks-are-here-to-stay/>.



*Forman Road informal settlement, Durban.*

Khumbulani Khumalo, *GroundUp* (CC BY-ND 4.0)



The term 'land invasions' is highly charged because it contributes to the criminalisation of informal settlement communities. The term "unlawful land occupation" is what the law uses instead, in recognition of the unlawful nature of occupation while also offering statutory protections to occupiers. This terminology, and the evictions case law that has developed around it creates the possibility that the public and policy discourse might more positively and proactively approach the post-apartheid balance to be struck between property rights and housing rights. Land "occupation" also paves the way for a more explicit recognition in contemporary South Africa of the history of land dispossession and forced removals of black people, a legacy which is compounded by the workings of the private property market.

Under Section 26(3) of South Africa's Constitution, "No one may be evicted from their homes, or have their homes demolished, without an order of court made after considering all the relevant circumstances". The Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998 (the PIE Act), which gives effect to Section 26(3) of the Constitution, is the framework that regulates all evictions in South Africa. It provides unlawful occupiers who are faced with eviction with some protections by ensuring that if such an eviction would lead to homelessness then the municipality is obliged to provide temporary alternative accommodation.

Informal settlement residents, however, frequently find themselves faced with evictions from private property owners and municipal authorities, who

often seek to circumvent the eviction process stipulated under the PIE Act. It is under these circumstances that informal settlement residents are confronted with brutal, unlawful evictions.

Public participation in local government decision-making around access to basic services is a core principle of the numerous policies and laws which provide for formal channels of participation. However, the systemic exclusion of communities from formal means of participation often means that engagement with the state happens through issue-based CBOs, social movements and community forums. These voices are often ignored, leading to frustration and protest. When informal settlement communities are excluded, social movements, community-based organisations and community forums attempt engagement with the state outside of formal participatory channels. This often leads to frustration and protest for access to basic services like water, sanitation and electricity.

While freedom of assembly and demonstration are legitimate forms of democratic participation, local authorities and police officials often prevent individuals, social movements and CBOs from protesting. The use of force by the police has become a defining feature of the policing of public protests, whilst the arrests of activists on bogus charges and the abuse of the criminal justice system to silence dissent is commonplace.

## 03 Key events

Any effort to periodise the history of a movement like Abahlali runs the risk of oversimplification. Identifying which events mark defining moments is necessarily subjective and could overemphasise certain aspects of a 17-year long journey at the expense of others. However, what is clear is that the movement emerged at the height of a wave of protests in 2005, characterised by road blockades, in response to broken promises, lack of service delivery and widening inequality since the onset of democracy in 1994 - a period referred to as a “rebellion of the poor”.<sup>10</sup> The number of protests taking place in South Africa dramatically increased by at least 40% between 2004 and 2009.

Abahlali baseMjondolo’s origins lie in the Kennedy Road settlement and the many broken promises made in South Africa’s transitional period to upgrade and develop the settlement. The movement was formed in 2005 when representatives from twelve informal settlements in Durban came together under a single banner following a series of demonstrations staged by a number of the informal settlement residents.<sup>11</sup> The demonstrations were sparked by a blockade of a

major road by approximately 750 people from the Kennedy Road informal settlement in Clare Estate, Durban.<sup>12</sup>

After its formation, Abahlali baseMjondolo sees a period of membership consolidation even as public order police were deployed to repress the movement and suppress their protests. Both a Constitutional Court victory in 2009 against the Slums Act and the attack on Kennedy Road foreshadow a period of growth although many leaders are in hiding. The movement experiences a number of targeted assassinations, costing the movement four of its members between 2013 and 2014.

In 2015, at ten years, Abahlali baseMjondolo expand their presence beyond KwaZulu-Natal and the Western Cape to Gauteng, the Eastern Cape and Mpumalanga. Between 2017 and 2018, another seven people are assassinated.

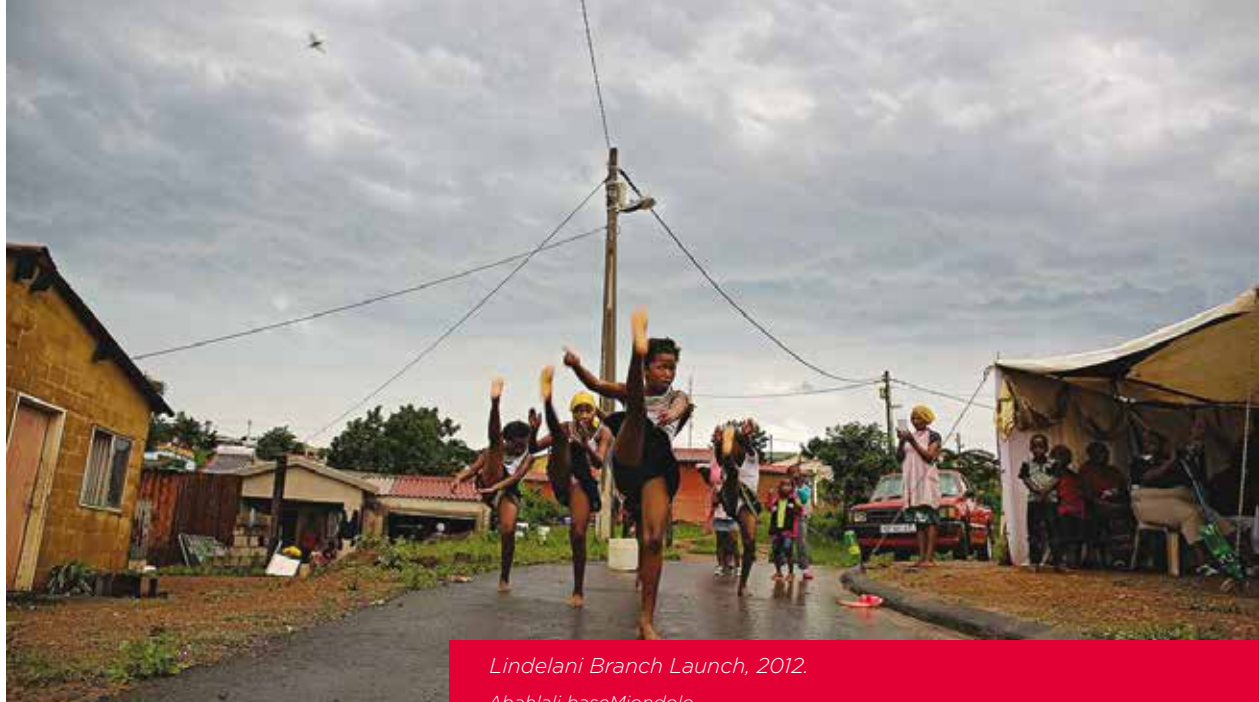
Abahlali’s struggle against eviction and repression continues and in 2019, Abahlali launch their eKhenana branch, which is an occupation established following an eviction from Cato Manor, following the exclusion of backyard tenants from

<sup>10</sup> Alexander, Peter. ‘Rebellion of the Poor: South Africa’s Service Delivery Protests – a Preliminary Analysis’. *Review of African Political Economy* 37, no. 123 (1 March 2010).

<sup>11</sup> Pithouse, Richard. “The Promised Land and the University of Abahlali BaseMjondolo.” *African Sociological Review / Revue Africaine de Sociologie* 10, no. 1 (2006): p. 128.

<sup>12</sup> Patel, Raj, and Richard Pithouse. ‘Epidemic of Rational Behaviour’. *The Mail & Guardian*, 25 May 2005. <https://mg.co.za/article/2005-05-25-epidemic-of-rational-behaviour/>.





*Lindelani Branch Launch, 2012.*

*Abahlali baseMjondolo*

the upgrade of the Cato Manor settlement. Between 2019 and 2020, the movement loses another five members due to targeted assassinations related to the eKhenana occupation.

In 2019, the movement is invited to the Constitutional Dialogue reflecting on 25 years of South Africa's democracy in Parliament at which S'bu Zikode speaks on behalf of the movement. In October 2020, Abahlali marks 15 years and in 2021, S'bu Zikode is awarded the Per Anger Prize by the Swedish government affirming international and local recognition of the movement and its struggle against landlessness, poverty and inequality.

In 2021 and 2022, Abahlali experience intensified harassment and repression particularly in eKhenana where the settlement is attacked on numerous occasions and where about a dozen

community leaders and residents are arrested on various charges ranging from murder, conspiracy to commit murder and assault. None of the prosecutions have resulted in a conviction. This culminates in the assassination of three community leaders in eKhenana in March, May and August 2022. Also in March 2022, four residents of the eNkanini settlement are arrested by masked police officers who also allegedly kill Siyabonga Manqele, the husband of one of the arrested residents and a member of Abahlali baseMjondolo. An additional three Abahlali members are arrested on their way back from Siyabonga Manqele's funeral in eShowe.

The following section documents this history in detail, plotting key events along a timeline spanning seventeen years.



# 04 Timeline of events

## Origins

*Abahlali's origins can be traced back to the Kennedy Road settlement and the context of promises made and broken in South Africa's transition to democracy.*

### 1993-1999 *Broken promises*

During the **1990s**, local government officials and campaigning politicians promise the development of the Kennedy Road informal settlement,<sup>13</sup> which dates back to the early 1980s.

In **November 1993**, the African National Congress (ANC) publishes a press statement condemning the 'housing crisis in South Africa' and specifically mentions Kennedy Road in its invitation to informal settlement residents 'to make their voices heard' at a People's Forum at which Nelson Mandela would be present.<sup>14</sup>

In **September 1995**, the City of Durban recommends that 'the entire development of Kennedy Road be aborted' and that 'affected families be rehoused in one of Council's fast track housing projects'.<sup>15</sup>

After winning the province of KwaZulu-Natal for the first time in **June 1999**, in a victory press statement, the ANC specifically lists Kennedy Road, and commits to 'address the concerns of the poorest of the poor living in squatter camp (sic) like Kennedy Road, Lusaka and Mbambayi'.<sup>16</sup>

### 2001

United Nations Habitat selects Durban as a pilot in its *Cities Without Slums* 'Slums Clearance Project'.<sup>17</sup>

The Clare Estate Slum Clearance Committee elects S'bu Zikode as its chair. At the time, Zikode is also the recently elected chair of the Kennedy Road Development Committee.

<sup>13</sup> Kennedy Road informal settlement is located in the formerly Indian suburb of Clare Estate in Durban. The settlement dates back to the early 1980s on land allocated to 43 families by a member of the Durban Municipal Corporation; see Vartak, Malavika. 'Experiences of Abahlali BaseMjondolo in Durban'. Scoop Independent News, 14 December 2009. <https://www.scoop.co.nz/stories/WO0912/S00343/experiences-of-abahlali-basemjondolo-in-durban.htm>.

<sup>14</sup> City of Durban, 1995 as cited by Pithouse, Richard. "A Politics of the Poor: Shack Dwellers' Struggles in Durban." *Journal of Asian and African Studies* 43, no. 1 (February 1, 2008): p. 70

<sup>15</sup> Pithouse, 'A Politics of the Poor'. p. 70

<sup>16</sup> African National Congress, 1999 as cited by Pithouse, 'A Politics of the Poor'. p. 71

<sup>17</sup> The project was linked to the United Nations Habitat Cities Without Slums project; Pithouse, 'A Politics of the Poor'. p. 72

The City stops cleaning out pit latrines in Kennedy Road and takes a policy decision to halt the electrification of shacks, making it impossible for informal settlement residents to access electricity legally. Until then pre-paid electricity meters could be installed in shacks at a cost of R350.<sup>18</sup>

## 2005: Emergence

*Abahlali's emergence in 2005 coincides with what has been referred to as the "rebellion of the poor", where the number of protests taking place in South Africa dramatically increased by at least 40% between 2004 and 2009.<sup>19</sup> This new wave of protests, characterised by road blockades in often urban areas, brings into sharp focus years of broken promises, the lack of service delivery and widening inequality since the onset of democracy in 1994.*

### 2005

#### FEBRUARY

On **16 February**, the Kennedy Road Development Committee holds a meeting with officials from the City's housing department and their local ward councillor Yakoob Baig. The ward councillor promises the community of Kennedy Road a vacant site for housing development on Elf Road in Clare Estate<sup>20</sup>, which is adjacent to the settlement.

#### MARCH

On **18 March**, Kennedy Road residents discover that bulldozers are clearing the Elf Road site and learn that a brickyard for the Greystone Company is being built there instead.<sup>21</sup>

The community call a meeting but the ward councillor, municipal officials and the owner of the brick company fail to attend. On **19 March**, 750 people block a main road for four hours, burning tires and mattresses. Police disperse the protestors with tear gas and dogs and arrest and charge 14 people, including two juveniles, with public violence.<sup>22</sup>

<sup>18</sup> Pithouse, 'A Politics of the Poor'. p. 73

<sup>19</sup> Alexander, Peter. 'A Massive Rebellion of the Poor'. The Mail & Guardian, 13 April 2012. <https://mg.co.za/article/2012-04-13-a-massive-rebellion-of-the-poor/>.

<sup>20</sup> Clare Estate is a predominantly Indian neighbourhood located in central Durban, KwaZulu Natal.

<sup>21</sup> Bryant, Jacob. "Towards Delivery and Dignity: Community Struggle from Kennedy Road." Journal of Asian and African Studies 43, no. 1 (February 1, 2008): pp.44-45

<sup>22</sup> Patel and Pithouse, 'Epidemic of Rational Behaviour'.

On Human Rights Day, **21 March**, approximately 1,200 people march to Sydenham Police Station demanding that the police release the arrested protestors or that the rest of the community be arrested, arguing that “if they are criminal then we are all criminal”.<sup>23</sup> After 10 days, the 14 arrested protestors are released from Durban’s Westville prison and the charges are dropped following legal intervention.<sup>24</sup>

## APRIL

On Freedom Day, **27 April**, hundreds of Cato Manor informal settlement residents attempt to deliver a memorandum to Thabo Mbeki who is speaking at King’s Park Stadium in Durban. The protestors are confronted by the police in Mayville and 10 people are arrested.<sup>25</sup>

## MAY

On **May 13**, 3,000 people march from the Kennedy Road settlement to the offices of the ward councillor, to demand access to land, housing and the councillor’s immediate resignation. The protest is supported by residents of five nearby informal settlements, the municipal flats, other activists from the township of Wentworth and the Socialist Students’ Movement.<sup>26</sup>

## SEPTEMBER

Over 5,000 people from Kennedy Road, and other aligned settlements, stage another march on the ward councillor, on **14 September**. This time the protestors hold a mock funeral for the councillor, once again demanding his immediate resignation as well as housing, toilets and an end to threatened evictions and forced removals.<sup>27</sup>

## OCTOBER

On **4 October**, over 1,000 residents of the Quarry Road settlement, in the adjacent ward to Kennedy Road, also stage a mock funeral demonstration and march on their local ward councillor Jayraj Bachu. Protestors demand the councillor’s resignation and toilets, housing and land. Quarry Road protestors also declare that they will not vote in the upcoming local government elections if their demands are not met.<sup>28</sup>

On **5 October**, the residents of the Foreman Road settlement announce that they too will stage a protest.<sup>29</sup>

<sup>23</sup> Ibid.

<sup>24</sup> Bryant, ‘Towards Delivery and Dignity’. pp.44-45

<sup>25</sup> Patel and Pithouse, ‘Epidemic of Rational Behaviour’.

<sup>26</sup> Pithouse, ‘The Promised Land and the University of Abahlali BaseMjondolo’. pp.116-117

<sup>27</sup> Bryant, ‘Towards Delivery and Dignity’. pp.44-45; Pithouse, ‘The Promised Land and the University of Abahlali BaseMjondolo’. p.110

<sup>28</sup> Pithouse, ‘The Promised Land and the University of Abahlali BaseMjondolo’. pp.127-128

<sup>29</sup> Ibid. p.128

**Abahlali baseMjondolo is officially established** at a meeting in Kennedy Road on **6 October** at which 32 individuals (17 men and 15 women) are elected as representatives from 12 settlements, which would collectively be known as *Abahlali baseMjondolo*, which means ‘residents of shacks’ or ‘shack dwellers’ in isiZulu. The collective commit to fighting for land and housing and take a decision not to vote in the upcoming local government elections to be held in March 2006. Each of the 12 settlements has an independent committee which meets weekly, and the elected representatives of the settlements meet as Abahlali baseMjondolo (Abahlali) on Saturdays.<sup>30</sup>

A shack fire in Kennedy Road kills one-year-old Mhlengi Khumalo, who is the first person to be killed by a shack fire since the formation of Abahlali baseMjondolo. Shack fires, and the attendant loss of life and injury, will become an important issue and will lead to Abahlali’s advocacy for the electrification of informal settlements.

## NOVEMBER

The Foreman Road Development Committee schedule a march on the Mayor for **14 November** but City Manager Mike Sutcliffe, responsible for administering requests to hold legal marches, ‘prohibits’ the march three days before.

On the day of the march, over 3,000 people gather at the Foreman Road settlement to decide on the way forward. The majority decides that the protest will go ahead as planned and that they cannot accept the attempted violation of their right to peacefully assemble, which does not require permission. The protestors, led by mostly women, march onto Loon Road and are confronted by police. The police disperse the protest without warning and arrest 45 people. Numerous people suffer serious injuries from police beatings including System Cele, a 27-year-old woman from Kennedy Road, whose front teeth are broken in the police attack. Police block the entrances to the settlement for hours using rubber bullets, stun grenades and live ammunition to quell the protest.<sup>31</sup>

On **17 November**, the Municipality hosts a high level press conference at which Abahlali baseMjondolo members are refused attendance. Mayor Obed Mlaba announces a R10 billion joint housing project with Moreland,<sup>32</sup> to deliver between 15,000 and 20,000 homes of which 5,000 are promised for informal settlement residents. Kennedy Road is specifically mentioned and the project details are to be clarified in meetings with shack dwellers.<sup>33</sup>

<sup>30</sup> Ibid.

<sup>31</sup> Ibid. p.129

<sup>32</sup> “Moreland, which converts Tongaat-Hulett’s agricultural land to property developments at the appropriate time, is the premier land developer on the prime coastal strip north of Durban, South Africa”. See Anglo American. ‘Annual Report 2006: Anglo American - Delivering Our Strategic Goals’, 2006. [https://www.annualreports.com/HostedData/AnnualReportArchive/a/LSE\\_AAL\\_2006.pdf](https://www.annualreports.com/HostedData/AnnualReportArchive/a/LSE_AAL_2006.pdf).

<sup>33</sup> Pithouse, ‘The Promised Land and the University of Abahlali BaseMjondolo’. p.129

At a meeting on **24 November**, junior officials provide neither clarity nor further details on the announced project. Abahlali requests another meeting with the Mayor, which is duly scheduled for 7 December. Two days later the meeting is cancelled, after Abahlali send the Mayor a set of 30 questions about the project, which the leaders produced after numerous consultations with members.

On **29 November**, Moreland issues a statement distancing itself from the Mayor's announcement of the joint housing project, confirming for Abahlali that the Mayor's announcement is yet another broken promise.<sup>34</sup>

In November, S'bu Zikode's article entitled 'We are the Third Force' is published in numerous magazines and newspapers and is translated into Afrikaans, isiXhosa and isiZulu. Zikode writes the article as a response to the characterisation of Abahlali baseMjondolo as being part of a clandestine force being used to undermine the ANC government. In the article Zikode writes:

*"Without proper houses, water, electricity, refuse removal and toilets, all kinds of diseases breed. [...] Our bodies itch every day because of the insects. If it is raining everything is wet – blankets and floors. If it is hot the mosquitoes and flies are always there. There is no holiday in the shacks. When the evening comes it is always a challenge. The night is supposed to be for relaxing and getting rest. But it does not happen like that in the jondolos (shacks). People stay awake, worrying about their lives. [...] The rain comes right inside people's houses. Some people just stand up all night.*

*But poverty is not just suffering. It threatens us with death every day. We have seen how dangerous being p [...]".<sup>35</sup>*

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<sup>34</sup> Ibid.

<sup>35</sup> Zikode, S'bu. "The Third Force." *Journal of Asian and African Studies* 41, no. 1–2 (April 1, 2006): p.186-187

## 2006-2010: Consolidation and targeted repression

*Abahlali baseMjondolo consolidates its membership. During this period, it confronts frequent and persistent state repression at the hands of public order policing and the suppression of protest. The movement commits itself to the “No land! No house! No vote!” campaign for the upcoming 2006 municipal elections. The campaign draws from the Landless People’s Movement’s ‘No land! No Vote!’ campaign for the 2004 national elections.*

*As South Africa prepares to host the 2010 FIFA World Cup, Abahlali successfully challenge eThekweni’s efforts to legislate ‘slum eradication’ in the Constitutional Court. This victory is soon followed by a violent attack on the Kennedy Road informal settlement resulting in the displacement of many of the Kennedy Road branch members and leaders.*

### 2006

By the end of 2006, Abahlali baseMjondolo’s membership grows to include representation in 34 informal settlements.<sup>36</sup>

#### FEBRUARY

City Manager Mike Sutcliffe prohibits another march planned for **27 February**. About 20,000 people are expected to join the march. On the morning of the march, police occupy the Foreman Road, Jadhoo Place and Kennedy Road settlements in a military-style operation using helicopters and armoured vehicles. Four individuals are taken from their homes and arrested. They report being assaulted at the Sydenham Police Station.

With the support of the Foundation for Human Rights and the assistance of pro bono legal support, Abahlali successfully challenges the prohibition in the High Court. The High Court overturns the prohibition and grants a court order interdicting the City and police from infringing their rights to freedom of expression and to peaceful protest.<sup>37</sup> Abahlali holds the planned march.

#### APRIL

On **27 April**, Abahlali baseMjondolo host their first annual UnFreedom Day rally, bringing together the different Abahlali communities to share a day of music, dance, theatre and poetry to highlight the lack of democracy and freedom for poor people in South Africa.<sup>38</sup>

<sup>36</sup> Pithouse, Richard. ‘Our Struggle Is Thought, on the Ground, Running’: The University of Abahlali BaseMjondolo’. Centre for Civil Society Research, 2006. p.23

<sup>37</sup> Pithouse, ‘A Politics of the Poor’. p.83

<sup>38</sup> Abahlali baseMjondolo. ‘Press Release: UnFreedom Day! No Freedom for the Poor! Why We Mourn on April 27th, 2006’. Abahlali baseMjondolo, April 2006. <http://abahlali.org/node/123/>.

In April, KwaZulu-Natal MEC for Housing, Mike Mabuyakhulu tables the Slums Act with the objective of eradicating shack settlements ahead of the 2010 FIFA World Cup to be hosted in South Africa.<sup>39</sup> The bill seeks to force landowners to institute evictions and authorises the establishment of transit camps for evicted shack dwellers.

## JULY

In **July**, Abahlali meet with the office for the MEC for Housing, Mike Mabuyakhulu, and are told that they are being used by foreign governments as agents and are warned that they would be arrested if they continue to be 'out of order'. The MEC asks Abahlali leadership to join Slum Dwellers International (SDI)<sup>40</sup> if it wants to engage with government regularly and gain access to housing.<sup>41</sup> Abahlali baseMjondolo refuses the offer.

## AUGUST

On **31 August**, Abahlali submits a Promotion of Access to Information Act (PAIA) application for information from the City Manager about the plans pertaining to the City's joint housing project with Moreland and about repeated announcements that 'slums will be cleared' by 2010.<sup>42</sup>

## SEPTEMBER

On **1 September**, Abahlali are summoned back to the MEC's offices where they are instructed to stop speaking to the media by Head of the Housing Department, Mxolisi Nkosi.

On **12 September** Abahlali's S'bu Zikode, Philani Zungu and Mnikelo Ndabankulu are on their way to a radio interview when they are stopped by the police. Zikode and Zungu are arrested on trumped-up charges including resisting arrest and assaulting a police officer. Police, including Superintendent Glen Nayagar, verbally abuse and brutally assault Zikode and Zungu, bashing their heads against the wall until Zungu is unconscious.<sup>43</sup>

An emergency mass meeting is held at Kennedy Road and people decide to march to the Sydenham police station where Zikode and Zungu are being held.<sup>44</sup> Police descend on Kennedy Road to disperse the meeting of 500 people using teargas and rubber bullets and block off both entrances to the settlement. Police also shoot Nondumiso Mke in the legs when she flees for safety.<sup>45</sup>

<sup>39</sup> Pithouse, 'Shacks Are Here to Stay'.

<sup>40</sup> SDI is a transnational Non-Governmental Organisation (NGO)

<sup>41</sup> Abahlali baseMjondolo. 'Press Release: Neither the March nor the Money Are Ours'. Abahlali baseMjondolo, 22 November 2007. <http://abahlali.org/node/2903/>.

<sup>42</sup> Abahlali seeks details for the upgrade and relocation plans for each of the more than 30 settlements with Abahlali presence.

<sup>43</sup> Pithouse, 'A Politics of the Poor'. p.84; Tolsi, Niren. "'I Was Punched, Beaten'". Mail & Guardian, 15 September 2006. [http://www.mg.co.za/articlePage.aspx?articleid=284206&area=insight/insight\\_national/](http://www.mg.co.za/articlePage.aspx?articleid=284206&area=insight/insight_national/).

<sup>44</sup> Pithouse, 'Our Struggle Is Thought, on the Ground, Running'. p.29

<sup>45</sup> Tolsi, "'I Was Punched, Beaten'".

Zikode and Zungu appear in the Durban Magistrates' Court the following morning and are released. Later, following years of protracted litigation, the police will admit to this assault, and pay damages.

## DECEMBER

On **4 December**, approximately 500 residents of the Siyanda settlement stage a road blockade. Police fire rubber bullets to disperse the protestors, leaving at least 10 people with rubber bullet injuries.<sup>46</sup>

On **10 December**, Abahlali baseMjondolo and the Western Cape Anti-Eviction Campaign (AEC) peacefully disrupt the Social Movements Indaba (SMI) hosted at the University of KwaZulu-Natal. Abahlali and the AEC argue that unaccountable NGOs have come to dominate the indaba at the expense of community-based social movements. They also call for the SMI to return to its founding objective of being driven by the interests and concerns of communities. Key NGOs and notable academics criticise Abahlali baseMjondolo, labelling the movement criminal.<sup>47</sup>

## 2007

Following the tabling of the Slums Bill, Abahlali establishes a reading group and a democratically elected task team to analyse the contents of the Slums Bill before it is passed as provincial legislation.

## FEBRUARY

In **February 2007**, his employer forces S'bu Zikode to resign as a petrol attendant following repeated harassment, stemming from pressure from the Mayor, and his disapproval of Abahlali's activity. The frequent media attention Abahlali has received since its formation in 2005 is another factor his boss uses to force Zikode's resignation.<sup>48</sup>

## MAY

On **4 May**, the Provincial Legislature presents the KZN Elimination and Prevention of Re-Emergence of Slums Bill, 2006 to a Kennedy Road community hall with residents from surrounding settlements. The legislature arrives in Kennedy Road heavily armed and ANC members are bussed in from other areas.<sup>49</sup>

<sup>46</sup> Goldstone, Carvin. 'Protesters Hurt as Police Fire Rubber Bullets'. The Mercury, 5 December 2006. republished by Abahlali baseMjondolo on <http://abahlali.org/node/440/>.

<sup>47</sup> Abahlali baseMjondolo. 'On the SMI, from the Anti-Eviction Campaign'. Abahlali baseMjondolo, December 2006. <http://abahlali.org/node/462/>.

<sup>48</sup> Zikode, S'bu. 'When Choices Can No Longer Be Choices'. Abahlali baseMjondolo, February 2007. <https://abahlali.org/node/841/>.

<sup>49</sup> Abahlali baseMjondolo. 'Press Statement: Celebrating Our Victory Against the Slums Act'. Abahlali baseMjondolo, 29 October 2009. <https://abahlali.org/node/5959/>.



Mayor Obed Mlaba unveils eThekweni Municipality's R17,4 billion budget which includes plans to spend R500 million on a new soccer stadium and another R2 million on infrastructure for the 2010 Soccer World Cup.

S'bu Zikode's responds to the plans:

*"For two years we have been asking the City for its housing plans and for the lists of people who will get houses. We have asked for this information before and we get complicated policy documents in reply. The City needs to answer simple questions, like where is it building houses and for whom. It needs to tell a grandmother if she will get a house and when, so she can make alternative arrangements if she isn't going to get one."*

## JUNE

A fire in Sihlahla Road in Lamontville destroys 40 shacks.

On **21 June**, Abahlali baseMjondolo announce that the movement will oppose the Elimination and Preventions of Re-emergence of Slums Bill.

## SEPTEMBER

On **25 September**, police violently disperse a peaceful housing demonstration by Abahlali baseMjondolo in Sydenham. Protestors march from Kennedy Road to eThekweni's Municipal Offices to hand over a memorandum of demands to Mayor Mlaba, seeking answers regarding the R10 billion low-cost housing project announced in 2005. When Abahlali is informed that the Mayor would not receive the memorandum himself, Abahlali members refuse to disperse until Mayor Mlaba honours their protest. Police then baton-charge the crowd of 1,000 people and use water cannons to forcefully disperse them at the command of Superintendent Glen Nayagar, injuring a number of people. Fourteen people are arrested and charged with public violence and violating the Gatherings Act.<sup>50</sup>

<sup>50</sup> Butler, Mark. 'Abahlali Attacked by the Police Again – An Eyewitness Account'. Abahlali baseMjondolo, 30 September 2007. <https://abahlali.org/node/2514/>.

## 2008

Abahlali baseMjondolo's Women's League and Youth League are officially established. Zandile Nsibande and Mazwi Nzimande are elected as the first chairpersons of the Women's League and Youth League respectively.

### AUGUST

Kennedy Road experiences a devastating fire, the seventh in 2008. Abahlali draws a direct correlation between shack fires and the decision to stop electrifying informal settlements in Durban in 2001 and the plan to eradicate shack settlements. Abahlali calls for a City Wide Shack Fire Summit to be held on 22 September 2008 to advocate for the universal right to electricity.<sup>51</sup>

### NOVEMBER

Abahlali apply to the Durban High Court to have the KwaZulu-Natal the Slums Act declared unconstitutional.

## 2009

### JANUARY

On **27 January 2009**, the Durban High Court hands down a judgment that dismisses Abahlali baseMjondolo's application to have the Slums Act declared unconstitutional. The Court finds that:

*"[t]he province of KwaZulu-Natal must be applauded for attempting to deal with the problem of slums and slum conditions."*

In response to the judgment, Abahlali announce that they will approach the Constitutional Court to overturn the High Court judgment.<sup>52</sup>

### FEBRUARY

Abahlali baseMjondolo announces that they have negotiated with the eThekweni Municipality for *in situ* informal settlement upgrading of three Abahlali baseMjondolo settlements, including Kennedy Road, as well as for the provision of basic services in 14 settlements.

<sup>51</sup> Abahlali baseMjondolo. 'Another Huge Fire Devastates the Kennedy Road Settlement'. Abahlali baseMjondolo, 31 August 2008. <https://abahlali.org/node/3978/>.

<sup>52</sup> Abahlali baseMjondolo. 'Press Statement: Amandla Is Still Awethu – Statement on the Slums Act Judgment'. Abahlali baseMjondolo, 27 January 2009. <http://abahlali.org/node/4764/>.

## MAY

The Constitutional Court hears *Abahlali baseMjondolo Movement of South Africa and Another v Premier of the Province of KwaZulu-Natal and Others CCT 12/09 [2009] ZACC 31 (Slums Act)* on **14 May**. Abahlali baseMjondolo members from Durban, together with allies from 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 – travel to Johannesburg to attend the Constitutional Court hearing in person.

On **19 May**, vacant land owned by the City of Cape Town is occupied to establish the Macassar Village occupation.

## SEPTEMBER

During the nights of **26 and 27 September** and on the morning of **28 September**, a heavily armed gang of about 40 men identifying as Zulu and ANC members attack a Kennedy Road Development Committee meeting held in the Kennedy Road community hall. They target Abahlali's leadership of Mpondo ethnicity.

**Mthokozisi Thabani Ndlovu and Ndumiso Thokozani Mnguni are stabbed to death**, numerous people sustain injuries and many are displaced and some forced into hiding, with police complicity.<sup>53</sup> Local ANC supporters continued to destroy the homes of Abahlali leaders and members for months afterwards over the weekends.<sup>54</sup>

In the immediate aftermath, Abahlali is blamed for the violence after police take statements from the attackers when they arrive at the scene. The day after the attack, senior ANC politician and Provincial MEC for Safety & Security, Willies Mchunu, declares that government has successfully disbanded the movement and that the community of Durban has now been “liberated”. Initially 13 people are arrested and spend two months in jail without being charged. They learn of their charges in November.<sup>55</sup>

## OCTOBER

On **14 October**, the Constitutional Court hands down a judgment in favour of Abahlali baseMjondolo. The Court finds that Section 16 of the Slums Act is invalid and unconstitutional.<sup>56</sup>

<sup>53</sup> Vartak, 'Experiences of Abahlali BaseMjondolo in Durban'.

<sup>54</sup> Pithouse, Richard. 'Undoing the Silencing of the Present the Imperative to Recognise the Shack Settlement as a Site of Politics'. In *Urban Governance in Post-Apartheid Cities: Modes of Engagement in South Africa's Metropolises*, edited by Christoph Haferburg and Marie Huchzermeyer, 135–54. Borntraeger, 2014. p. 146.

<sup>55</sup> Padayachee, Kamini. 'Churches to Probe Shack Deaths'. *The Mercury*, 30 November 2009. republished by Abahlali baseMjondolo on <http://abahlali.org/node/6119/>.

<sup>56</sup> Abahlali baseMjondolo, 'Press Statement: Celebrating Our Victory Against the Slums Act'.

## NOVEMBER

On **14 November**, the Pemary Road Settlement is attacked by police from the Sydenham Police Station. They forcefully enter a tuckshop in search of illegally sold alcohol and arbitrarily assault a man passing by, drawing the attention of surrounding community members. Police start firing at the community causing them to flee. More police arrive at Pemary Road and attack protesting community members and more assaults follow as they go from shack to shack. Police arrest and assault 15 people, many of whom are badly injured. Only two people are released.

On **16 November**, all charges against the 13 arrested at Pemary Road are dropped.<sup>57</sup>

On **27 November**, 13 of the Kennedy Road accused appear in the Durban Magistrates' Court. One of the accused has charges against them dropped while the remaining 12 are charged with public violence, five are charged with murder and seven are charged with attempted murder. Other charges include assault with intent to cause grievous bodily harm, malicious damage to property and robbery with aggravating circumstances. Seven of the accused, not charged with murder, are granted bail, with the bail condition that they do not return to the settlement and report to the police station weekly.<sup>58</sup>

Anglican Bishop Rubin Phillip announces at the hearing that the Diakonia Council of Churches will launch an independent inquiry into the circumstances leading to the events at Kennedy Road.<sup>59</sup>

## 2010

### AUGUST

The Abahlali baseMjondolo Women's League stage a protest on **27 August** in Durban, to voice their dissatisfaction with the lack of service delivery and provision of housing by government. The protesting Abahlali Women's League hand over a memorandum, addressed to President Jacob Zuma, to Robert Sibiya who commits to forwarding it to the President.<sup>60</sup>

<sup>57</sup> Abahlali baseMjondolo. 'Press Update: Police Attack on Pemary Ridge – 13 Arrested, at Least 15 Injured'. Abahlali baseMjondolo, 14 November 2009. <http://abahlali.org/node/6033/>.

<sup>58</sup> Padayachee, 'Churches to Probe Shack Deaths'.

<sup>59</sup> Ibid.

<sup>60</sup> Gwala, Vuyolwethu. 'Women Protest at Poor Service Delivery'. Daily News, 30 August 2010. republished by Abahlali baseMjondolo on <https://abahlali.org/node/7366/>.

## OCTOBER

Abahlali baseMjondolo (Western Cape) declare the month of October as the month of informal settlement strikes, calling for informal settlement residents across the country to protest the poor service delivery affecting informal settlements.<sup>61</sup> Abahlali baseMjondolo report that protests occurred in Cape Town, KwaZulu-Natal and the Eastern Cape. On the first day of the protests, fourteen people are arrested in Khayelitsha and Nyanga.<sup>62</sup>

A number of organisations criticise the protests including the Social Justice Coalition (SJC), Equal Education (EE), the Treatment Action Campaign (TAC) and the South African Communist Party (SACP), arguing that calls for road blockades promote violence and chaos.<sup>63</sup> Abahlali responds to statements by the TAC and the SACP arguing:

*"We have called for an informal settlement's strike in Cape Town and we have welcomed the blockading of roads. It has been said that around the world the road blockade is the strike of the unemployed. We have explored all means of engaging the government over many years and have been continually ignored. We did not come quickly or lightly to the decision that it was necessary to cause disorder in order to force the government to take us seriously. We came to this decision after years of being ignored and repressed."*<sup>64</sup>

*"We do not support any action that can result in any harm to another human being but we support road blockades and burning tyres as a legitimate tactic... We are unapologetic about the need for the poor to disrupt business as usual to draw attention to our suffering. There is nothing wrong with disruption as a tactic of struggle."*<sup>65</sup> – Mzonke Poni, Abahlali Western Cape.

<sup>61</sup> Abahlali baseMjondolo. 'Urgent Call (Week of Informal Settlement Strike)'. Abahlali baseMjondolo, October 2010. <https://abahlali.org/node/7335/>.

<sup>62</sup> Phaliso, Sandiso. 'Cape Town Set for Month of Protests'. West Cape News, 11 October 2010. Republished by Abahlali baseMjondolo on <https://abahlali.org/node/7354/>.

<sup>63</sup> Mjekula, Luvuyo. "'Pain of Broken Promises Makes Us Resort to Violence'". Cape Times, 14 October 2010. Republished by Abahlali baseMjondolo on <https://abahlali.org/node/7379/>.

<sup>64</sup> Abahlali baseMjondolo. 'Abahlali BaseMjondolo of the Western Cape Replies to the Treatment Action Campaign'. Abahlali baseMjondolo, 13 October 2010. <https://abahlali.org/node/7335/>.

<sup>65</sup> Fitzgerald, Aidan. 'Violence in Khayelitsha Sparks Feud between Lobby Groups'. The Big Issue, 11 November 2010. Republished by Abahlali baseMjondolo on <https://abahlali.org/node/7508/>.

## 2011-2014: Growth and the second wave of repression

Following Abahlali baseMjondolo's Constitutional Court victory in May 2009, the attack on the Kennedy Road settlement in September 2009 and the FIFA World Cup hosted in 2010, the movement continues to grow and expand from KwaZulu-Natal. During this period, Abahlali continues to organise although many of its leaders are in hiding. The movement reasserts its commitment to the "No land! No house! No vote!" campaign for the 2011 municipal elections. Abahlali baseMjondolo lose four of its members from targeted assassinations within a period of two years, all from the Cato Crest settlement. This marks the beginning of a second wave of repression.

### 2011

#### MARCH

On **21 March**, Human Rights Day, Abahlali join other movements, organisations and communities in a march against corruption in the eThekweni municipality. They call for the eThekweni Mayor Obed Mlaba and the eThekweni municipal council to "vacate their offices pending the investigation into the R3,7 billion that they are alleged to have corrupted."<sup>66</sup> In addition, the march is organised for land and housing, an end to all forced evictions, the right to organise freely and safely and to affirm the dignity of all shack dwellers.

The reports of corruption stem from a forensic investigation revealing, amongst other things, that:

*"More than R500 million has been misspent from the housing budget in Durban and recommended that charges be brought against top officials, including the City's manager Mike Sutcliffe.*

*It's also emerged that tenders worth more than R80 million have been awarded to the immediate family of the City's mayor, Obed Mlaba, and that the Mlaba Family Trust was part of an attempt to gain a tender worth R3 billion. There has also been renewed attention to the R40 million in construction tenders awarded to the late John Mchunu, who was the chairperson of the African National Congress in Durban."<sup>67</sup>*

<sup>66</sup> Abahlali baseMjondolo. 'Press Statement: Abahlali BaseMjondolo to March on the KwaZulu-Natal Premier on Human Rights Day'. Abahlali baseMjondolo, 18 March 2011. <https://abahlali.org/node/7878/>.

<sup>67</sup> Pithouse, Richard. 'Mucking out the Durban City Hall'. The Witness, 25 March 2011, sec. Witness. <https://www.news24.com/witness/archive/Mucking-out-the-Durban-City-Hall-20150430>.

## APRIL

Abahlali baseMjondolo hosts the annual UnFreedom Day Rally on **27 April** again and reassert their commitment to the 'No Land! No House! No Vote!' Campaign, which started in 2006, ahead of the upcoming local government elections to be held in May 2011. Abahlali calls for people to boycott the election and "instead organise themselves and build their organisation that can defend their own interests". In a press statement about UnFreedom Day, Abahlali writes:

*"We want to be very clear that freedom is not only a question of service delivery and budget constraints. It is a question of our full participation in all discussions and decisions about the future of our own communities and our country. It is a question of honesty, respect and dignity for the poor. It is a question of full recognition that the poor count in our society."*<sup>68</sup>

Abahlali Western Cape also hosts a shack fire summit on Unfreedom Day commemorating shack dwellers whose lives have been lost to shack fires.<sup>69</sup>

## MAY

On the morning of **1 May**, a shack fire, caused by a candle which falls over, kills 33-year-old Mr Zulu in New eMmaus in Pinetown. A day earlier, Jadhu Place shack settlement in Clare Estate is also affected by a shack fire.

## JUNE

On **16 June**, Abahlali baseMjondolo's Youth League hold its Youth Day event at the Motala Heights settlement which is attended by approximately 1,000 young people representing a range of organisations from across the KwaZulu-Natal province.<sup>70</sup>

<sup>68</sup> Abahlali baseMjondolo. 'Press Statement: No Freedom for the Forgotten'. Abahlali baseMjondolo, 21 April 2011. <https://abahlali.org/node/7981/>.

<sup>69</sup> Abahlali baseMjondolo. 'Press Statement: 27th April UnFreedom Day Mass Rally at QQ Shack Settlement, Khayelitsha'. Abahlali baseMjondolo, 26 April 2011. <https://abahlali.org/node/7994/>.

<sup>70</sup> Abahlali baseMjondolo. 'AbM Youth League, Youth Day Event, Motala Heights, 16 June 2011'. Abahlali baseMjondolo, 21 June 2011. <https://abahlali.org/node/8108/>.

## JULY

On the morning of **3 July**, municipal security guards arrive at Kennedy Road and begin disconnecting people from electricity, despite an agreement between the community and the Municipality that electricity would not be disconnected. The residents of Kennedy Road try to resist the disconnections and organise a road barricade which continues the following day. Abahlali expresses its support for the demonstration noting that “of the 2,000 households in the area, only 200 were legally connected” and insists that the struggle for electricity must continue.<sup>71</sup>

On **18 July**, the 12 members of Abahlali arrested and standing trial following the 2009 Kennedy Road attack are acquitted of all charges on the basis that the evidence against them was fabricated. They had spent almost a year in custody. Magistrate Sharon Marks described the state’s witnesses as “belligerent”, “unreliable” and “dishonest”.<sup>72</sup> The Kennedy Road attack had left hundreds of people displaced, forcing Abahlali baseMjondolo to organise underground.

## AUGUST

On **6 August**, 16-year-old Mlamuli Bango is shot with rubber bullets during a clash between Kennedy Road settlement residents and security guards. Security guards are at the Kennedy Road settlement to disconnect illegal electricity connections. Bango is injured on his way to the shops. He spends a night at the Addington Hospital.<sup>73</sup>

## SEPTEMBER

The City of Cape Town and Eskom, accompanied by police, descend on RR Section in Khayelitsha on **15 September** to disconnect electricity connections negotiated and agreed upon between neighbours. Four people are shot at during the raid, leaving one person with a broken arm and another four people are arrested.<sup>74</sup>

<sup>71</sup> Mazibuko, Khulekani. ‘Fiery Protests at Disconnections’. The Sowetan, 5 July 2011. <https://www.sowetanlive.co.za/news/2011-07-05-fiery-protests-at-disconnections/>. ; Abahlali baseMjondolo. ‘Press Statement: Municipal Security and Shack Dwellers Clash in the Kennedy Road Settlement’. Abahlali baseMjondolo, 3 July 2011. <https://abahlali.org/node/8125/>.

<sup>72</sup> Socio-Economic Rights Institute. ‘Press Statement: “Kennedy 12” Acquitted’. Abahlali baseMjondolo, 18 July 2011. Republished by Abahlali baseMjondolo on <https://abahlali.org/node/8155/>.

<sup>73</sup> Abahlali baseMjondolo. ‘Sixteen Old Boy, the Son of Witness X, Shot by the State in Kennedy Road’. Abahlali baseMjondolo, 6 August 2011. <https://abahlali.org/node/8212/>. ; Pillay, Kamcilla. ‘Kennedy Road: Teen Hurt’. Daily News, 8 August 2011. Republished by Abahlali baseMjondolo on <https://abahlali.org/node/8224/>.

<sup>74</sup> Abahlali baseMjondolo. ‘Press Statement: Eskom and the City of Cape Town in Another Brutal Attack on the Poor’. Abahlali baseMjondolo, 16 September 2011. <https://abahlali.org/node/8317/>.



## NOVEMBER

On **5 November**, Abahlali march to demand the immediate removal of Nigel Gumede, eThekweni municipality's Chairperson of the Housing Portfolio Committee and Infrastructure. Abahlali argue that Gumede's tenure has been characterised by his neglect of the poor in eThekweni. They make this demand following threatening statements he has levelled against Abahlali baseMjondolo Chairperson, S'bu Zikode, and other members of Abahlali over the previous two years, following the 2009 attack on Kennedy Road.<sup>75</sup>

Abahlali's Youth League is denied a permit for a demonstration but peacefully marches on **24 November**, to once again demand the resignation of Nigel Gumede.<sup>76</sup>

## 2012

### JANUARY

The High Court sets aside an interim eviction order to evict Shallcross (Ekuphumeleleni, Inkanyezi Housing Project) occupiers on **27 January**. Evicted residents return to their homes.<sup>77</sup> The High Court orders the eThekweni Municipality to cease any further evictions of residents before the matter returns to court on 24 February,

### JUNE

A fire caused by a paraffin stove at Jadhu Place on the morning of **26 June** leaves about 200 people homeless.<sup>78</sup>

### AUGUST

On **17 August**, a day after striking mineworkers at Marikana are killed, Abahlali baseMjondolo express deep shock for "the murderous cruelty of the South African police and those that give the police their orders, at the Marikana Platinum Mine in the North West."

In a statement Abahlali express their solidarity with the families of the workers who were killed and injured and express that they identify with their suffering:

*"We wish to express our solidarity to all struggling workers. We face the same system that makes some people rich and others poor. We face the same government that refuses to recognise our humanity, which tries to force us to the margins of society and which represses us when we resist [...]"*

<sup>75</sup> Abahlali baseMjondolo. 'March to Demand the Resignation of Nigel Gumede'. Abahlali baseMjondolo, 5 November 2011. <https://abahlali.org/node/8455/>.

<sup>76</sup> Abahlali baseMjondolo. 'Nigel Gumede Must Go!' Abahlali baseMjondolo, 26 November 2011. <https://abahlali.org/node/8512/>.

<sup>77</sup> Abahlali baseMjondolo. 'Press Statement: The Interim Eviction Order Against the Shallcross Occupation Has Been Set Aside'. Abahlali baseMjondolo, 27 January 2012. <https://abahlali.org/node/8632/>.

<sup>78</sup> Abahlali baseMjondolo. 'Press Statement: Jadhu Place on Fire Again'. Abahlali baseMjondolo, 27 June 2012. <https://abahlali.org/node/8882/>.

*We all have to stand together. A war has come to us and we must fight it in a way that makes sure that we never turn into our enemies [...] A politic of war has come to us. We have no choice but to resist. But we must resist with our own politic which is a militant people's politic that starts and ends by honouring the dignity of all people.”<sup>79</sup>*

## SEPTEMBER

On **19 September**, the Durban High Court hands down a judgment in favour of Abahlali baseMjondolo, ordering the Mayor of eThekweni, the City Manager and the Director of Housing to “take all the necessary steps, within three months, to provide permanent housing to 37 poor families living in a transit camp near KwaMashu, Durban. If they do not, they may be fined or imprisoned.”

The 37 families had been evicted from the Siyanda informal settlement in March 2009 in order to allow for the construction of a road. They had been relocated to the Richmond Farm Transit Camp in KwaMashu. One of the conditions of the eviction order had been that the eThekweni municipality would provide the families with permanent housing within a year of their relocation. Abahlali, represented by SERI, approaches the Durban High Court seeking the implementation of the 2009 court order.<sup>80</sup>

On **25 September**, Kennedy Road residents give notice to pursue a damages claim against the South African Police Services (SAPS) and the eThekweni Metropolitan Municipality due to their failure to protect them against the 2009 attack. After initially refusing to come to the residents' assistance, the SAPS and eThekweni Metropolitan Police Department (EMPD) officers attendant at the scene did nothing to protect them from the armed gang. SAPS and EMPD officers looked on as the residents were expelled from their homes and their homes were destroyed.

Abahlali hold a picket on **28 September**, commemorating the attack on Kennedy Road three years previously. Many are still displaced and homeless. They stage the picket to demand justice and accountability for the attack.

## OCTOBER

Abahlali baseMjondolo kwaLanga express concern about suspected corruption with the N2 Gateway housing project in Cape Town. The Joe Slovo community hold a mass meeting on **13 October** to discuss the suspicions that Housing Development Agency (HDA) officials and community leaders are colluding to sell new RDP houses. Abahlali kwaLanga express that they will be joining the

<sup>79</sup> Abahlali baseMjondolo. 'Press Statement: Solidarity with Mine Workers at Marikana Platinum'. Abahlali baseMjondolo, 17 August 2012. <https://abahlali.org/node/9032/>.

<sup>80</sup> Abahlali baseMjondolo, and Socio-Economic Rights Institute. 'Press Statement: Victory for Forgotten Shack Dwellers'. Abahlali baseMjondolo, 19 September 2012. <https://abahlali.org/node/9170/>.

Joe Slovo community for a meeting to support the demand that Joe Slovo leadership and HDA officials be held accountable.<sup>81</sup>

On **22 October**, Abahlali's KwaNdengezi branch in KwaZulu-Natal stages protests and a road blockade to restore democracy and end corruption. This follows a demonstration in August during which a memorandum of demands had been delivered to Mr Desmond Myeza, a manager from eThekweni's Municipal Speaker's Office raising concerns around the allocation of houses. The branch had not received a response.<sup>82</sup>

## NOVEMBER

Abahlali officially launch new branches in KwaZulu Natal in KwaNdengezi on **18 November** and in the Uganda settlement in Isipingo on **25 November**. At this point, Abahlali has 64 branches, 55 of which are in KwaZulu-Natal and 9 in the Western Cape.<sup>83</sup>

## DECEMBER

The Abahlali branch at the Palmiet Road shack settlement plan a march for 7 December, which the Sydenham Police Station prohibit, despite Abahlali submitting written notice on 19 November in preparation for this march, in terms of the Gatherings Act. SERI writes a letter addressed to Sydenham Station Commander, Colonel de Villiers and the eThekweni City Manager, Sibusiso Sithole to inform them that Abahlali are entitled to proceed with their planned march and that any attempts to stop the march would constitute an abuse of power and would be at odds with the Gatherings Act as well as the Constitution.<sup>84</sup>

The march goes ahead as planned on **7 December**. Ward 23 and Abahlali members deliver a memorandum of demands to the Premier of the Province of KwaZulu-Natal Dr Zweli Mkhize and Ward 23 Councillor Themba Mtshali. The memorandum includes demands about land reform, housing development and the lack of service delivery. The memorandum also expresses Abahlali's support for the Marikana miners and farm dwellers in the Western Cape and elsewhere. It asserts that Abahlali will continue to fight relentlessly for the rights of shack dwellers and that they will consider engaging in "nonstopping" protests.<sup>85</sup>

<sup>81</sup> Abahlali baseMjondolo. 'Press Statement: Huge Corruption in Joe Slovo – N2 Gateway Housing Project'. Abahlali baseMjondolo, 14 October 2012. <https://abahlali.org/node/9262/>.

<sup>82</sup> Abahlali baseMjondolo. 'Press Statement: Road Blockade and Protests to Restore Democracy and End Corruption in KwaNdengezi and Shallcross'. Abahlali baseMjondolo, 22 October 2012. <https://abahlali.org/node/9282/>.

<sup>83</sup> Abahlali baseMjondolo. 'Press Statement: New Branches & New Struggles in KwaNdengezi & Isipingo'. Abahlali baseMjondolo, 27 November 2012. <https://abahlali.org/node/9360/>.

<sup>84</sup> Socio-Economic Rights Institute. 'RE: Prohibition of Palmiet Abahlali BaseMjondolo Branch March', 6 December 2012. Published by Abahlali baseMjondolo on <https://abahlali.org/node/9368/>.

<sup>85</sup> Abahlali baseMjondolo. 'Memorandum of Demands to the Premier of the Province of KwaZulu-Natal Dr. Zweli Mkhize and Cllr Themba Mtshali'. Abahlali baseMjondolo, 7 December 2012. <https://abahlali.org/node/9370/>.

## 2013

### FEBRUARY

Four Abahlali members are arrested following a protest in February against the alleged sale of RDP houses by the Ward 12 Councillor Mduduzi Christian Ngcobo, also known as Nqola. All charges against the arrested are withdrawn: the charges against Mandla Hlophe on **28 February** and those against Ephrame Hlongwane, Mndeni Nene and Cindy Mabaso dropped two weeks later on **13 March**.<sup>86</sup>

### MARCH

eThekweni municipality evicts approximately 1,000 backyard dwellers from their homes in Cato Crest, leaving them homeless. The group of people occupy vacant land in Sherwood, Durban and name the occupation Marikana.<sup>87</sup>

**On 15 March, Thembinkosi Qumbelo is gunned down in Cato Crest.** Qumbelo was the president of the Cato Crest Residential Association and an ally of Abahlali baseMjondolo. Qumbelo is believed to have been assassinated for his involvement in the struggles against corruption and for housing and land. He had been openly critical of the eviction that led to the Marikana land occupation.<sup>88</sup>

On **28 March**, the eThekweni Municipality is granted an interim interdict giving them permission to “prevent any persons from invading and/or occupying and/or undertaking the construction of any structures” on specified land within the municipality’s area of jurisdiction and to “remove any materials placed by any persons upon” that land. This order will later be used by eThekweni to justify many unlawful evictions over the next two years.<sup>89</sup>

### APRIL

On **22 April**, the Durban High Court orders the Minister of Police to pay a total of R165 000 in damages to S’bu Zikode and Philani Zungu as well as to a resident of Kennedy Road. The order, granted by agreement, stems from the illegal arrest and brutal assault of Zikode and Zungu by officers from Sydenham Police Station in September 2006. Other officers from Sydenham Police Station had shot and injured Nondumiso Mke, a woman at the Kennedy Road informal settlement, when the community of Kennedy Road gathered to protest the arrest of Zikode and Zungu.

With the assistance of Abahlali baseMjondolo in the Western Cape, a group of residents recently evicted from privately-owned land in Philippi East find a vacant site along Symphony Way near Stock Road to occupy. By **27 April**, the residents have built and fully occupied fifteen homes. This

<sup>86</sup> Abahlali baseMjondolo. ‘Press Statement: Victory for KwaNdengezi’. Abahlali baseMjondolo, 14 March 2013. <http://abahlali.org/node/9477/>.

<sup>87</sup> Pithouse, Richard. ‘From Lusaka to Marikana’. The South African Civil Society Information Service, 19 March 2013. <http://sacsis.org.za/site/article/1608>.

<sup>88</sup> Ibid.

<sup>89</sup> Socio-Economic Rights Institute. ‘Mzimela and Others v eThekweni Municipality and Others (‘Mzimela’)’. Socio-Economic Rights Institute of South Africa, n.d. <https://seri-sa.org/index.php/litigation/cases?id=189:mzimela>.

occupation in Philippi East, in the Western Cape is named Marikana. By 2017, the settlement will have grown to be home to over 60,000 people.

**On 26 June, Nkululeko Gwala is murdered in Cato Crest.** Gwala is chairperson of Abahlali's Cato Crest branch and is a well-known and respected housing activist. He is murdered a few hours after senior ANC leaders hold a meeting at which Gwala is described as a stumbling block to housing allocation in the area. Gwala's funeral is an important event covered by *Isolezwe*, a widely-read isiZulu newspaper in Durban.

On **21 July**, Abahlali officially launches its Cato Crest branch to honour Gwala.

**On 30 September 17-year-old Nqobile Nzuza is shot dead following a protest at the settlement.** Police claim to have shot her in self-defence, but their claim will be disproven during the trial in the Magistrates Court.

## 2014

### MARCH

On **7 March**, Isipingo Transit Camp residents stage a road blockade demonstrating against the use of Transit Camps and the failure of the MEC to deliver on the promise to move the residents from Isipingo to Cornubia. In a statement, Abahlali argue that:

*"Transit camps are never acceptable. We are human beings not animals. Recently this camp has been flooded again after the rains. Residents have diseases like TB and asthma due to the living conditions. [...] This is a protest at broken promises and it is a protest at living conditions that no human being can accept."<sup>90</sup>*

### MAY

South Africa's national elections take place on **7 May 2014**. In the past Abahlali members have intentionally withheld their vote, but they resolve that the decision to abstain from voting has yielded no benefit for shack dwellers and the movement. As a result, Abahlali decides to endorse the Democratic Alliance (DA) in an effort to weaken the ANC. Abahlali asserts that their decision to offer a tactical vote to the DA does not mean that they are no longer committed to the politics of the left.<sup>91</sup> The decision proves to be contentious, leading to some key Abahlali leaders leaving the movement.<sup>92</sup>

<sup>90</sup> Abahlali baseMjondolo. 'Press Statement: Road Blockade Now on in Isipingo'. Abahlali baseMjondolo, 7 March 2014. <http://abahlali.org/node/13509/>.

<sup>91</sup> Tshabalala, Sibusiso. 'Why Abahlali Endorsed the DA: S'bu Zikode Speaks to GroundUp'. GroundUp, 5 May 2014. <https://www.groundup.org.za/article/why-abahlali-endorsed-da-sbu-zikode-speaks-groundup/>; Pithouse, Richard. 'On Abahlali BaseMjondolo Voting for the DA in Durban'. The South African Civil Society Information Service, 9 May 2014. <https://sacsis.org.za/site/article/1999>.

<sup>92</sup> Interview with Abahlali baseMjondolo leaders Thapelo Mohapi (general secretary) and Mqapheli Bonono (deputy president), 2021.

## JULY

On the evening of **8 July**, Kennedy Road residents stage a road blockade following the failure of Mayor James Nxumalo to deliver on his undertaking to meet with residents by the end of June.<sup>93</sup>

## SEPTEMBER

**On the evening of 29 September, Chairperson of the KwaNdengezi Abahlali branch, Thuli Ndlovu, is killed in her home.** Sphe Madlala, an 18-year-old boy who was at the home assisting Thuli's 17-year-old daughter with her studies, is shot twice in the stomach but survives after being rushed to hospital.

## 2015-2017: National expansion and repression intensifies

*After ten years, Abahlali baseMjondolo expand their presence beyond KwaZulu Natal and the Western Cape to Gauteng, the Eastern Cape and Mpumalanga. Abahlali officially adopt the slogan, "Occupy. Resist. Develop." signifying a progression in their struggle from occupations and resisting evictions.<sup>94</sup> This period is also marked by an intensification of repression and targeted assassinations resulting in six deaths in a period of two years.*

## 2015

### MARCH

On **29 March**, marking its 10<sup>th</sup> anniversary, Abahlali re-launches its Siyanda branch, and launches an electrification project in Siyanda.<sup>95</sup>

### APRIL

Abahlali host its annual UnFreedom Day Rally on **26 April** at the Cato Crest Sports Ground. The movement condemns xenophobia and commemorates the lives of members it has lost over the years.<sup>96</sup>

<sup>93</sup> Abahlali baseMjondolo. 'Press Statement: Statement on Last Night's Road Blockade by Kennedy Road Residents'. Abahlali baseMjondolo, 9 July 2013. <http://abahlali.org/node/9888/>.

<sup>94</sup> Abahlali baseMjondolo. 'Press Statement: Occupy, Resist, Develop'. Abahlali baseMjondolo, 18 December 2015. <http://abahlali.org/node/15082/>.

<sup>95</sup> Abahlali baseMjondolo. 'Press Statement: ISiyanda Branch Celebrates Electricity Installation, Its Sixth Anniversary & Re-Launches Its Branch'. Abahlali baseMjondolo, 27 March 2015. <http://abahlali.org/node/14635/>.

<sup>96</sup> Abahlali baseMjondolo. 'Press Statement: UnFreedom Day 2015 - 21 Years of Exclusion and Repression'. Abahlali baseMjondolo, 24 April 2015. <http://abahlali.org/node/14702/>.

## MAY

On **11 May**, the KZN Human Settlements Department reveals that it is setting up an Anti-Land Invasion Unit to combat the “invasion” of government-owned land which they argue has a negative impact on the housing delivery process because of the interruptions they cause.<sup>97</sup>

## JULY

On **30 July**, Abahlali members at Siyanda stage a road blockade to protest the selective evictions ordered by Ward 41 Councillor Lucky Mdlalose. In a statement, Abahlali note that it has learnt of the Councillor’s allocation of sites to his supporters. Further, when the Land Invasion Unit comes to Siyanda on **4 July** and demolishes shacks, those of Mdlalose’s supporters are left standing.<sup>98</sup>

## SEPTEMBER

On **24 September**, Abahlali baseMjondolo host the first Annual Thuli Ndlovu lecture in her honour, following her assassination a year previously.

## OCTOBER

On **4 October**, Abahlali baseMjondolo celebrate 10 years of existence at the Curries Fountain Stadium.

On **19 October**, the Durban High Court dismisses (with costs) the KwaZulu-Natal MEC for Human Settlements and Public Works’ application to appeal the Court’s decision to invalidate a pre-emptive attempt to conduct unsupervised evictions on 1,568 properties throughout the eThekweni Municipality. The Court finds that the MEC’s plan has no prospects of success before an appellate court in large part because of the broad scope of the order and its failure to notify the vast majority of the individuals who would face eviction. SERI, acting for Abahlali baseMjondolo, contends that the MEC’s plan, if implemented, would give authorisation to the MEC to carry out thousands of illegal evictions without a court order.

## NOVEMBER

Two Abahlali members are shot at in a clash when the Anti-Land Invasion Unit (ALIU), SAPS and Metro police attack occupiers in Savannah Park on **1 November**.

On **2 November**, Abahlali’s Sisonke Village branch in Lamontville stages a road blockade demanding that the ward councillor respond to their lack of water, electricity and toilets in addition to dealing with ongoing illegal and violent evictions. The road blockade follows unsuccessful

<sup>97</sup> Magubane, Thamsanqa. ‘KZN to Set up Anti-Land Invasion Unit’. News24, 13 May 2015. <https://www.news24.com/News24/KZN-to-set-up-anti-land-invasion-unit-20150512>.

<sup>98</sup> Abahlali baseMjondolo. ‘Press Statement: Road Blockade Happening in Siyanda Now’. Abahlali baseMjondolo, 30 July 2015. <http://abahlali.org/node/14842/>.

efforts by Abahlali's local leadership to arrange meetings with the councillor and letters to which no responses had been given.<sup>99</sup>

## 2016

### FEBRUARY

**On 6 February 2016, Abahlali branch coordinator Isac Mabika was attacked with an axe and killed by an unknown man.** Mabika was an active member and leader in Abahlali's Briardene branch.<sup>100</sup>

### JULY

Evictions at the Kennedy Road Settlement are carried out at gun point on the morning of **8 July 2016** when the ALIU storm a section of the settlement and begin demolishing homes without a court order or eviction notice. At least 30 shacks are destroyed and many families are assaulted and left without their belongings and homes. Some of the destroyed homes had been built by the municipality following a shack fire.<sup>101</sup>

### AUGUST

On **3 August**, the municipal elections are held and Abahlali, deciding to retain its autonomy, does not enter into electoral agreements with any political party and encourages its members to register to vote for a political party of their choice.<sup>102</sup>

### OCTOBER

On **15 October**, Abahlali baseMjondolo launch a new branch in Good Hope, Ekurhuleni. This is Abahlali's first settlement in Gauteng.<sup>103</sup>

On **31 October 2016**, KwaZulu-Natal Premier Willies Mchunu establishes the Moerane Commission to look into political violence in KwaZulu-Natal since 2011. Abahlali are invited to give evidence on the killings the movement has suffered.

<sup>99</sup> Abahlali baseMjondolo. 'Press Statement: The Struggle Continues: A Road Blockade, Two Comrades Shot'. Abahlali baseMjondolo, 3 November 2015. <http://abahlali.org/node/15024/>.

<sup>100</sup> Abahlali baseMjondolo. 'Press Statement: The Struggle for Human Dignity Continues in the Shadow of Death'. Abahlali baseMjondolo, 12 February 2016. <http://abahlali.org/node/15155/#more-15155>.

<sup>101</sup> Abahlali baseMjondolo. 'Press Statement: Evictions at Gun Point Continue at the Kennedy Road Settlement'. Abahlali baseMjondolo, 14 June 2016. <http://abahlali.org/node/15635/>.

<sup>102</sup> Abahlali baseMjondolo. 'Press Statement: 2016 - A Year of Progress for Our Movement'. Abahlali baseMjondolo, 20 December 2016. <http://abahlali.org/node/15866/>.

<sup>103</sup> Abahlali baseMjondolo. 'Press Statement: Abahlali to Launch a New Branch in Ekurhuleni'. Abahlali baseMjondolo, 13 October 2016. <http://abahlali.org/node/15704/>.



## 2017

### FEBRUARY

Abahlali launches its first branch in the Eastern Cape in Bizana on **18 February**. This follows many years of solidarity with the community of Bizana in its struggles against corrupt and nepotistic local leadership.<sup>104</sup>

### APRIL

The eThekweni municipality continues to illegally demolish homes in Marianridge. The Ward Councillor in the area, Sifiso Ngcobo, reportedly tells illegally evicted residents to go back to where they come from – that the Sotho people must return to Basotho Land and that the Xhosa people must return to the Eastern Cape.<sup>105</sup>

### MAY

**Two-week-old baby, Jayden Khoza is killed after inhaling police tear gas in a police attack on the Foreman Road settlement following a road blockade on 23 May.** Many children are left crying, coughing and vomiting after the police descend on the settlement using rubber bullets and tear gas.<sup>106</sup>

### JUNE

**On 13 June, Samuel Hloele is shot to death in eKukhanyeni, Marianhill allegedly by eThekweni Municipality's Anti-Land Invasion Unit.**

### JULY

On **19 July**, S'bu Zikode testifies at the Moerane Commission of inquiry on behalf of Abahlali baseMjondolo. In his testimony, Zikode recounts the attack on Abahlali in Kennedy Road, as well as the 2013 killings of three Abahlali members Thembinkosi Qumbelo, Nkululeko Gwala and Nqobile Nzuza in Cato Crest, which Abahlali believes are all politically motivated.<sup>107</sup>

<sup>104</sup> Abahlali baseMjondolo. 'Press Statement: Abahlali to Launch Its First Village in Bizana, Eastern Cape'. Abahlali baseMjondolo, 17 February 2017. <http://abahlali.org/node/15930/>.

<sup>105</sup> Abahlali baseMjondolo. 'Press Statement: The eThekweni Municipality Continues to Demolish People's Houses Illegally'. Abahlali baseMjondolo, 19 April 2017. <http://abahlali.org/node/15958/>.

<sup>106</sup> Abahlali baseMjondolo. 'Press Statement: A Baby Has Been Killed During a Brutal Police Attack in the Foreman Road Settlement'. Abahlali baseMjondolo, 29 May 2017. <http://abahlali.org/node/15979/>.

<sup>107</sup> Davies, Marc. 'Protestors Are Killed On Instructions Of Politicians In KZN And Society Turns A Blind Eye'. Huffington Post, 20 July 2017. [https://www.huffingtonpost.co.uk/2017/07/20/protestors-are-killed-on-instructions-of-politicians-in-kzn-and\\_a\\_23038922/?ncid=other\\_saredirect\\_m2afnz7mbfm](https://www.huffingtonpost.co.uk/2017/07/20/protestors-are-killed-on-instructions-of-politicians-in-kzn-and_a_23038922/?ncid=other_saredirect_m2afnz7mbfm).

On **27 July**, the Durban High Court grants Abahlali an interim interdict against a spate of ongoing violent and illegal evictions by eThekweni Municipality's Anti-Land Invasion Unit. Between February and July 2017, at least 241 families had been made homeless because of the unlawful evictions during which people's property is also destroyed and burned.<sup>108</sup>

## **AUGUST**

On **19 August**, Abahlali launch its Daveyton branch and re-launch the Good Hope branch both in Ekurhuleni, Gauteng.<sup>109</sup>

## **OCTOBER**

A new Cato Manor land occupation is subjected to repeated evictions over the weekend of **30 September to 1 October**. The Anti-Land Invasion Unit arrive on the weekend, setting their dogs on the community and assaulting occupiers. Community members report that their money and phones are stolen during the attack. Nhlanhla Mtshali is rushed to hospital because of an assault.<sup>110</sup>

## **NOVEMBER**

On **19 November**, **Sibonelo Patrick Mpeku is kidnapped and killed after receiving threats from a local ANC leader**. Mpeku was the chairperson of Abahlali's Sisonke Village branch in Lamontville.<sup>111</sup>

## **DECEMBER**

**Abahlali youth organiser, Soyiso Nkqayini and Smanga Mkhize are shot by unknown gunmen in the eNkanini branch, in Cato Crest on 17 December**. Soyiso is killed in the attack while Smanga survives.<sup>112</sup>

<sup>108</sup> Socio-Economic Rights Institute. 'Litigation Update: Durban High Court Grants an Interdict against City of eThekweni'. Socio-Economic Rights Institute of South Africa, 27 July 2017. <https://seri-sa.org/index.php/more-news/687-litigation-update-durban-high-court-grants-an-interdict-against-city-of-ethekweni-27-july-2017>.

<sup>109</sup> Abahlali baseMjondolo. 'Press Statement: Abahlali BaseMjondolo to Launch Two Branches in Gauteng This Weekend'. Abahlali baseMjondolo, 19 August 2017. <http://abahlali.org/node/16247/>.

<sup>110</sup> Abahlali baseMjondolo. 'Press Statement: Brutal Attacks on the New Cato Manor Land Occupation'. Abahlali baseMjondolo, 2 October 2017. <http://abahlali.org/node/16277/>.

<sup>111</sup> Abahlali baseMjondolo. 'Press Statement: Another Cadre Has Fallen in a Land Occupation'. Abahlali baseMjondolo, 19 December 2017. <https://abahlali.org/node/16352/>.

<sup>112</sup> Staff Reporter. 'Man Dies during N2 Barricade by Land Protesters'. Sowetan, 13 January 2018. <https://www.sowetanlive.co.za/news/south-africa/2018-01-13-man-dies-during-n2-barricade-by-land-protesters/>; Abahlali baseMjondolo, 'Press Statement: Another Cadre Has Fallen in a Land Occupation'.

## 2018

### JANUARY

**On 11 January, Abahlali member Sandile Biyela of the Solomoni Mahlangu branch is killed by electrical wires while fleeing from the police who were shooting at community members.**

### APRIL

Abahlali baseMjondolo hosts its UnFreedom Day Rally which is attended by over 5,000 Abahlali members. At the rally, S'bu Zikode announces that Abahlali's membership has grown to 50,000 members of which 60% are women.<sup>113</sup> Zikode also announces the movement's official position on the question of land in the context of a growing national discussion about expropriation. He announces that Abahlali's position is that "the Social Value of land must come before its Commercial Value. Land must be collectively owned and democratically managed."<sup>114</sup>

### MAY

**On 22 May S'fiso Ngcobo, an Abahlali Branch Chairperson in eKukhanyeni, is assassinated by unknown gunmen outside his home.**<sup>115</sup>

### JUNE

On **25 June**, four-year-old Khanyisani Dlamini in Ekuphumeleleni is killed by electrocution after slipping and falling on a live electric wire when he was playing with his friends. The community of Ekuphumeleleni had been established when residents occupied vacant RDP houses after learning of corruption in the housing allocation process. Abahlali is informed of a plan to attack its leadership and are not able to visit the family. Abahlali members in Ekuphumeleleni also suspect that the individual targeted evictions they suffer are carried out as a trap to lure Abahlali leaders to their settlement for attack.

Abahlali notes in a statement that it "support[s] self-organised connections to electricity, water and sanitation when these services are not provided by the state or are removed by the state [...] We do not support the haphazard installation of electricity on an unsafe basis as this poses a risk to people, especially to children."<sup>116</sup>

<sup>113</sup> Abahlali baseMjondolo. 'Press Statement: Abahlali Continues to Grow and to Occupy and Hold Land'. Abahlali baseMjondolo, 24 April 2018. <http://abahlali.org/node/16445/>.

<sup>114</sup> Ibid.

<sup>115</sup> Ngubane, Nompandolo. 'Another Abahlali Activist Shot Dead'. GroundUp, 23 May 2018. <http://www.groundup.org.za/article/another-abahlali-activist-shot-dead/>.

<sup>116</sup> Abahlali baseMjondolo. 'Press Statement: Four-Year-Old Child Dies in Ekuphumeleleni, Death Threats Continue'. Abahlali baseMjondolo, 27 June 2018. <https://abahlali.org/node/16632/>.

*Abahlali baseMjondolo 2019 UnFreedom Day event.  
Abahlali baseMjondolo*







## JULY

The Moerane Commission report is tabled before the provincial community safety and liaison portfolio committee after it was completed and handed to Premier Mchunu in June. The report will later be publicly released.

## 2018-2022: Growing recognition and another wave of targeted repression

*During this period, Abahlali's struggle against eviction and repression continues. In 2019, Abahlali launch its eKhenana branch, which is an occupation established following an eviction from Cato Crest.<sup>117</sup> In 2019, the movement is also invited to the Constitutional Dialogue reflecting on 25 years of South Africa's democracy in Parliament at which S'bu Zikode speaks on behalf of the movement. In October 2020, Abahlali marks 15 years and in 2021, S'bu Zikode is awarded the Per Anger Prize by the Swedish government affirming international and local recognition of the movement and its struggle against landlessness, poverty and inequality. This period also coincides with intensifying repression targeted at the eKhenana settlement. In 2021 alone, several community members and leaders are arrested on trumped-up charges and in some cases, on more than one occasion. Between March and August 2022, three of eKhenana's leaders are gunned down by a group of men allegedly linked to the ANC. These assassinations brings the number of people killed in eKhenana to eight.<sup>118</sup>*

## AUGUST

Chairperson of the Abahlali Barcelona 2 transit camp branch in Lamontville, Simbongile Jujebe, and members of the local council in the area are threatened by unknown men who promise to 'remove' them if they continue to organise Abahlali baseMjondolo members in the area. On another occasion, the Ward Councillor in the area stated that she will "not tolerate people who are creating their own authority". The local Ward Councillor openly threatens Jujebe in a meeting.<sup>119</sup>

**Chief Thulani Mjanyelwa of Bizana in the Eastern Cape is murdered by a gang.** This follows death threats made against three Abahlali leaders in Bizana, who are then forced into hiding.

## SEPTEMBER

The Moerane Commission report is publicly released almost two years after the Commission was established to look into political killings in KwaZulu-Natal. The report makes a number of findings that affirm Abahlali's submissions to the Commission including that state institutions

<sup>117</sup> Xolo, Nomfundo. "'We Are Only Good for Votes' Say Cato Crest Families'. GroundUp, 6 November 2018. <https://www.groundup.org.za/article/we-are-only-good-votes-say-cato-crest-families/>; Socio-Economic Rights Institute. 'Ethekewini Municipality v Nokuthula Mabaso and Others ('Mabaso')'. Socio-Economic Rights Institute of South Africa, n.d. <https://seri-sa.org/index.php/19-litigation/case-entries/1010-interdict-eviction-ekhenana-durban-high-court>.

<sup>118</sup> Socio-Economic Rights Institute, 'Ethekewini Municipality v Nokuthula Mabaso and Others ('Mabaso')'.

<sup>119</sup> Abahlali baseMjondolo. 'Death Threats Continue in Durban'. Abahlali baseMjondolo, 1 August 2018. <http://abahlali.org/node/16706/>.

are manipulated by politicians for political ends, that there are weaknesses in the criminal justice system and state security apparatus, and that language used by politicians can be provocative and can incite violence.<sup>120</sup> The report finds that:

*“There was ample evidence before the Commission that acts of omission and commission by the police, through incompetence or political manipulation, has led to a loss of public confidence in the criminal justice system but especially the police services and security agencies in general, including crime intelligence, national intelligence, and the specialised policing and prosecution agencies. It is recommended that the State take immediate measures to ensure that institutions of the entire criminal justice system are immediately depoliticised and the political manipulation of these agencies to meet political ends is immediately brought to an end and public measures be taken to instil confidence in the public that the State is acting vigorously, expeditiously, and without fear or favour.”<sup>121</sup>*

On **16 September**, Abahlali baseMjondolo’s national and the KwaZulu-Natal provincial councils are dissolved in an urgent General Assembly in an historic decision amid concerns and accusations that the provincial leadership is infiltrated by the ANC. At this point, S’bu Zikode is in hiding for a second period. The General Assembly establishes an interim leadership structure with the limited mandate of calling an Elective Congress within three months and to ensure that a planned march goes ahead.<sup>122</sup>

## OCTOBER

On **8 October**, S’bu Zikode participates in the march from Curries Fountain to the Durban City Hall which is his first public Abahlali event since going into hiding from July, following threats made against his life.<sup>123</sup>

## NOVEMBER

On **16 November**, the eNkanini settlement is attacked by the police who use helicopters and teargas, raid numerous homes and assault a number of residents. One of the residents, Nonhlanhla Nzama, who is seven months pregnant at the time, inhales teargas and is admitted to hospital five days after the attack. On **30 November**, Nzama delivers her child who is tragically stillborn.<sup>124</sup>

<sup>120</sup> Moerane, Marumo, Vasu Gounden, and Cheryl Potgieter. ‘Report of the Moerane Commission of Enquiry into the Underlying Causes of the Murder of Politicians in KwaZulu-Natal’, 12 June 2018. <http://www.kznonline.gov.za/images/Downloads/Publications/MOERANE%20COMMISSION%20OF%20INQUIRY%20REPORT.pdf>. pp. 415-417.

<sup>121</sup> Ibid. p. 420.

<sup>122</sup> Interview with S’bu Zikode, President of Abahlali baseMjondolo, 2021; Abahlali baseMjondolo. ‘Press Statement: Resolutions from the Special General Assembly Held in Durban Today’. Abahlali baseMjondolo, 16 September 2018. <http://abahlali.org/node/16742/>.

<sup>123</sup> Abahlali baseMjondolo. ‘Press Statement: Bahlali Welcome S’bu Zikode Back to Umzabalazo’. Abahlali baseMjondolo, 14 October 2018. <http://abahlali.org/node/16820/>.

<sup>124</sup> Abahlali baseMjondolo. ‘Press Statement: Violent Police Assault Leads to Death of Another Baby’. Abahlali baseMjondolo, 4 December 2018. <https://abahlali.org/node/16836/>.



## DECEMBER

**On the evening of 22 December, 19-year-old Abahlali member and resident of the eKhenana occupation Senzo Gumede is shot to death.** Gumede had received death threats prior to being murdered.<sup>125</sup>

## 2019

### APRIL

**In April, Odwa Mbana of eKhenana land occupation is shot to death after receiving several threats by local ANC members.**

### OCTOBER

Abahlali marches to hand over a memorandum of demands on **19 October**, calling for an end to “corruption, forced evictions and all forms of violence against Abahlali members, migrant communities, women and LGBTIQ+ people”.<sup>126</sup> The memorandum states that:

*“Public funds must be used for the public good. Corruption is theft from the public, theft that hits and hurts the poor the hardest. Corruption is always an attack on the people. It always robs our communities of the potential to improve our living conditions and to develop.*

*But even after all the corruption that we have seen, year after year, the huge scale of the theft of public money during the Covid-19 lockdown was still a shock. This corruption, perpetrated during the pandemic, was a direct attack on our right to health and life.”<sup>127</sup>*

On **24 October**, S’bu Zikode speaks in Parliament at the Constitutional Dialogue reflecting on what 25 years of South Africa’s democracy has meant for poor people, and Abahlali baseMjondolo in particular. Zikode notes the conditions of informal settlement living, the ravaging impact of corruption and Abahlali’s experience of state violence:

*“Today, 25 years after the end of apartheid, violent and unlawful evictions remain a daily bread for impoverished people. People continue to be murdered by the state during these evictions, and when they organise to resist.”<sup>128</sup>*

<sup>125</sup> Mngadi, Mxolisi. ‘EThekweni Municipality Slammed over “unlawful” Evictions’. News24, 29 December 2018. <https://www.news24.com/news24/southafrica/news/ethekweni-municipality-slammed-over-unlawful-evictions-20181229>.

<sup>126</sup> Abahlali baseMjondolo. ‘Memorandum of Demands to the Premier of KwaZulu-Natal, the Honourable Mr Sihle Zikalala and the MEC for Cooperative Governance and Traditional Affairs, the Honourable Mr Siphon Hlomuka’. Abahlali baseMjondolo, 19 October 2020. <http://abahlali.org/node/17200/>.

<sup>127</sup> Ibid.

<sup>128</sup> Zikode, S’bu. ‘Twenty-Five Years of Democracy Has Been Paid in Blood’. Daily Maverick, 28 October 2019. <https://www.dailymaverick.co.za/article/2019-10-28-twenty-five-years-of-democracy-has-been-paid-in-blood/>.

**In October, Sandile Dlamini of eKhenana dies following assault.**

## NOVEMBER

**On 1 November, Xolani Ndlovu of eKhenana is shot to death.**

## 2020

## FEBRUARY

Abahlali baseMjondolo makes a submission to the ad hoc Committee on the Amendment of Section 25 of the Constitution of the Republic of South Africa, 1996. The submission calls for the constitutionalisation of the right to land, arguing for the expropriation of land from below and rejecting the commercialisation of land:

*"As a result of the state and the ruling party using violence to prevent us from accessing land we have had to undertake a programme of land reform from below. We have organised numerous successful land occupations. At the moment we have more than seventy branches on active land occupations. When we have insisted that the social value of land must come before its commercial value this has not just been empty words. We have made this a reality, through struggle. Our movement has paid a very high price for standing firm for the position that land, wealth and power should be shared. Many of our comrades have lost their lives in the struggle for land, and it is a fact that cannot be denied that for impoverished black people the price for land continues to be paid in blood. In our meetings it is common to hear people saying 'umhlaba noma ukufa [land or death]'" 129*

Abahlali has grown to over 70 branches.<sup>130</sup>

**In February, Bheki Mdluli of the eKhenana land occupation is shot to death.** Mdluli is the fifth person from the eKhenana occupation to be killed in 14 months.

## SEPTEMBER

On **30 September**, S'bu Zikode delivers the opening remarks at the 68<sup>th</sup> Session of the United Nations Committee on Economic, Social and Cultural Rights. Zikode draws attention to the brutal evictions that were carried out even during a pandemic and shares how the movement's struggle

<sup>129</sup> Abahlali baseMjondolo. 'Abahlali Submission to the Ad Hoc Committee on the Amendment of Section 25 of the Constitution of the Republic of South Africa, 1996.' Abahlali baseMjondolo, 24 February 2020. <http://abahlali.org/node/17025/>.

<sup>130</sup> Ibid.

has focused on implementing grass-roots land reform. Zikode also notes Abahlali's experiences of state violence and repression which has cost the movement 18 of its members.<sup>131</sup>

## OCTOBER

On **4 October**, Abahlali baseMjondolo marks their 15th year of struggle by re-launching the eKhenana branch.<sup>132</sup>

## NOVEMBER

Abahlali baseMjondolo intervenes as *amicus curiae* in the matter between the South Africa Human Rights Commission and the City of Cape Town stemming from the eviction of Mr. Bulelani Qolani on 1 July 2020, at the Ethembeni informal settlement in Khayelitsha, Cape Town. Armed Metro police and the Anti-Land Invasion Unit are accompanied by private contractors acting on the instruction of the City. They drag a naked Mr Qolani out of his shack in full view of surrounding residents and proceed to demolish his shack without a court order. The matter is heard from **24-27 November**.<sup>133</sup>

# 2021

## MARCH

On 17 March, Lindokuhle Mnguni, Landu Tshazi and Ayanda Ngila are arrested and charged with the murder of Vuzi Shezi in Cato Manor. The three accused spend over six months in custody before the charges are dropped on the basis of false witness statements. Mnguni, Tshazi and Ngila are leaders in the eKhenana occupation.

On **25 March**, Abahlali baseMjondolo president, S'bu Zikode, is awarded the 2021 Per Anger prize by the Swedish government. The prize is awarded for human rights and democracy.

## MAY

On **4 May**, Abahlali baseMjondolo deputy president, Mqapheli Bonono, and Abahlali member and eKhenana resident, Siniko Miya, are arrested and charged with 'conspiracy to commit murder'. On **12 May**, Maphiwe Gasela, also a resident of eKhenana, is similarly charged with conspiracy to commit murder when she hands herself in. These charges stem from witness statements made in relation to a recent meeting with the residents of eKhenana about a murder that took place in Cato Manor in March 2021. Bonono chaired the meeting in question, which is attended by other

<sup>131</sup> Zikode, S'bu. 'Opening Remarks by S'bu Zikode Delivered This Afternoon to the Opening of the 68th Session of the UN Committee on Economic, Social and Cultural Rights'. Abahlali baseMjondolo, 30 September 2020. <http://abahlali.org/node/17181/>.

<sup>132</sup> Abahlali baseMjondolo. 'Press Statement: Celebrating 15 Years of Revolutionary Struggle for Land, Decent Housing and Dignity'. Abahlali baseMjondolo, 2 October 2020. <http://abahlali.org/node/17179/>.

<sup>133</sup> Socio-Economic Rights Institute. 'South African Human Rights Commission v The City of Cape Town'. Socio-Economic Rights Institute of South Africa, n.d. <https://seri-sa.org/index.php/19-litigation/case-entries/1117-south-african-human-rights-commission-v-the-city-of-cape-town>.

Abahlali leaders. Bonono and Gasela spend more than two weeks in custody before being granted bail. Miya is denied bail and remains in custody for five months before the charges against the three accused are dropped on the basis of false witness statements.<sup>134</sup> At each court appearance, hundreds of Abahlali members and allied organisations and individuals protest outside the Durban High Court.

## JUNE

In **June**, the eThekweni municipality installs Ventilated Pit Latrine (VIP) toilets in the Briardene settlement, located in Durban North. Abahlali criticises the City for not consulting the community about the installation of the toilets and highlights the political and corrupt nature of the project, noting that “the ANC chairperson in the ward is carrying out this project without the councillor’s approval”. The local councillor is not a member of the ANC. In a press statement, Abahlali write:

*“Toilets are an important political issue. They are a matter of dignity, health and safety. When our movement was formed in 2005 the issues of toilets was a key issue in the Kennedy Road settlement. Children were dying of diarrhoea due to unhealthy conditions. Toilets were also an urgent women’s issue because it was very dangerous for women to find a private place to relieve themselves, especially at night. Everyone should have a right to safe, hygienic and dignified sanitation. Pit Latrines are not the answer.”<sup>135</sup>*

## OCTOBER

On **8 October**, eKhenana residents Nokuthula Mabasa, Sindiswa Ngcobo and Thozama Mazwi are arrested and charged with assault. The three women spend two weeks in custody before being granted bail.

On **23 October**, Phumelele Mkhize and Maphiwe Gasela of eKhenana are arrested and also charged with assault following an incident in which four women, including Phumelele Mkhize, are assaulted and molested at eKhenana by people reported to be members of the ANC. The other three women (Snothando Mkhize, Nomlindelo Madlala and Nomfundo Mhlongo) are rushed to hospital. Mkhize and Gasela are granted R500 bail two days later and their bail conditions prohibit them from returning to eKhenana on the basis that they could “interfere with state witnesses”.<sup>136</sup> A total of ten people have been arrested in relation to the eKhenana occupation on trumped-up charges.

<sup>134</sup> Abahlali baseMjondolo. ‘Press Statement: All Charges Dropped Against Mqapheli Bonono, Maphiwe Gasela and Siniko Miya!’ Abahlali baseMjondolo, 4 October 2021. <http://abahlali.org/node/17367/>.

<sup>135</sup> Abahlali baseMjondolo. ‘Press Statement: The Dignity of the Poor Is Not Recognised by the ANC’. Abahlali baseMjondolo, 8 June 2021. <http://abahlali.org/node/17310/>.

<sup>136</sup> Abahlali baseMjondolo. ‘Press Statement: The Attack on the EKhenana Land Occupation Continues with the Assault of Women and More Arrests’. Abahlali baseMjondolo, 25 October 2021. <http://abahlali.org/node/17393/>.

On the evening of **26 October**, Phumelele Mkhize and Maphiwe Gasela's homes are burned down. Local ANC members are suspected to be responsible for the incident. Community members approach the Cato Manor police to open a case of arson. However, police reportedly refuse to open a case.

Numerous Abahlali allies show solidarity with the arrested Abahlali members and the eKhenana occupation during this period.<sup>137</sup>

## 2022

### JANUARY

On **10 January 2022**, Lindokuhle Mnguni, Landu Tshazi and Ayanda Ngila are arrested again, along with Maphiwe Gasela, who is being arrested for a third time. The four are granted bail and released on **22 February 2022** from Westville Prison, after being denied bail repeatedly.

On the evening of Sunday **6 March**, residents in eKhenana are attacked again by a group of people allegedly linked to the local ANC following Abahlali's General Assembly meeting which was held at the settlement. Abahlali members Siniko Miya and Langa Mbunguzana suffered severe injuries and have to be treated in hospital. EKhenana's communal kitchen is also vandalised in the attack.

**Two days later, on Tuesday afternoon on 8 March, a group of men shoot at a group of eKhenana residents, killing Ayanda Ngila, deputy chairperson of Abahlali's eKhenana branch.**<sup>138</sup>

In eNkanini, on **11 March**, a group of masked police officers arrive at the settlement in vehicles without number plates. The police officers allegedly enter people's homes in search of unlicensed firearms and proceed to assault and arrest Vusi Mazula, Mmiseli Khondlo, Paul Msibi and Thandeka Sithunsa. The police reportedly shoot and kill Thandeka's husband, Siyabonga Manqele, who had rushed home after learning of his wife's assault and arrest. The police then fire tear gas and stun grenades to disperse the residents who have gathered at the scene.<sup>139</sup>

**On 5 May, Nokuthula Mabaso is shot and killed in front of her home in eKhenana.** She had been a witness to Ayanda Ngila's murder.

**In the early hours of Saturday, 20 August, eKhenana branch chairperson Lindokuhle Mnguni is shot and killed in his home after returning from months in hiding.** His partner, Sindiswa Ngcobo, is fortunate to survive after being shot three times. She too is a member of Abahlali baseMjondolo.

<sup>137</sup> They include organisations like the Zambian Socialist Party, the Landless Workers Movement (MST) in Brazil, the Tanzania Socialist Forum, the National Union of Metalworkers of South Africa (NUMSA), the Tunisian Workers Party, the Socialist Forum of Ghana, the Communist Party of Benin and individuals including Bishop Ruben Phillip, Kambale Musavuli, Richard Pithouse, Noam Chomsky, Ruthie Wilson Gilmore, Yanis Varoufakis, Raj Patel, Naomi Keliin and Vijay Prashad.

<sup>138</sup> Abahlali baseMjondolo. 'Press Statement: Ayanda Ngila Has Been Murdered at EKhenana'. Abahlali baseMjondolo, 8 March 2022. <http://abahlali.org/node/17449/>; Xolo, Nomfundo. 'Ayanda Ngila's Murder Devastates EKhenana'. New Frame, 9 March 2022. <https://www.newframe.com/ayanda-ngilas-murder-will-linger-in-ekhenana/>.

<sup>139</sup> Abahlali baseMjondolo. 'Press Statement: Masked Police Officers Murder Resident of the ENkanini Occupation'. Abahlali baseMjondolo, 12 March 2022. <http://abahlali.org/node/17470/>.

## 05 Abahlali branches

Between 2005 and 2010, Abahlali's membership grew from 12 to 25 branches in affiliated settlements in KwaZulu-Natal.<sup>140</sup> By 2021, its membership exceeded 100,000 people in over 70 settlements with representation in five provinces and a growing base in rural areas.<sup>141</sup>

Communities that join Abahlali usually do so at a time when they are confronted with a challenge. According to Abahlali, the movement's growth has been driven largely by evictions, although other concerns may include access to basic services or security of tenure, especially in rural areas. The Cato Crest branch, eKhenana Branch in Cato Manor and the Marikana informal settlement in Philippi, Cape Town provide select, snapshot examples of Abahlali's experiences over the years. They present different examples of how Abahlali has resisted evictions, established and defended land occupations, used litigation and withstood waves of state-sanctioned and political violence.

Cato Crest, home to one of Abahlali's earlier branches, was the site of alleged housing corruption, evictions, political tension and a number of assassinations. eKhenana, which is one of Abahlali's youngest branches, is



*The Foreman Road informal settlement in Durban is built on a steep hill. When it rains heavily, the shacks flood, sometimes knee-deep, 2019.*

Nomfundo Xolo, *GroundUp* (CC BY-ND 4.0)

organised as a commune. It is also the site of violent evictions, assassinations and increasing arbitrary arrests. While at the time of writing, Abahlali did not have a branch in the Western Cape, Abahlali played an important role in supporting the occupiers of the Marikana informal settlement against eviction on the ground and in the courts during its formative stages.

<sup>140</sup> Abahlali baseMjondolo. 'Statement on the Anniversary of the Attack on Abahlali BaseMjondolo in the Kennedy Road Settlement'. Abahlali baseMjondolo, 26 September 2010. <http://abahlali.org/node/7324/>.

<sup>141</sup> Pan Africanism Today Secretariat. 'Unfreedom Day in South Africa'. Peoples Dispatch, 27 April 2021. <https://peoplesdispatch.org/2021/04/27/unfreedom-day-in-south-africa/>.



## Cato Crest

Abahlali's **Cato Crest branch** is established in the Cato Crest informal settlement, located in the west of the Durban CBD. The settlement dates back to 1989. It is estimated to be home to over 15,000 households. Abahlali in Cato Crest were vocally opposed to the eviction of residents to transit camps by the municipality as well as the alleged corruption of a housing project in the settlement. Abahlali lost four of its members and affiliates to the political violence in Cato Crest.

In March 2013, eThekweni conducted an illegal mass eviction in connection with a housing project that would only cater to a small portion of the settlement, leaving approximately 1,000 tenants homeless. The homeless group of people then occupied vacant land in Sherwood, Durban, establishing the Marikana settlement.

**In March and June 2013, Thembinkosi Qumbelo and Nkululeko Gwala were murdered.** Both leaders were openly critical of the corruption in housing allocation and the eviction in the area. Gwala had joined Abahlali a month before he was assassinated.<sup>142</sup>

In late March 2013, the Durban High Court granted the MEC for Human Settlements and Public Works an interim interdict which gave the municipality permission to “prevent any persons from invading and/or occupying and/or undertaking the construction of any structures” on specified land within the municipality’s area of jurisdiction and to “remove any materials placed by any persons upon” that land.<sup>143</sup> The municipality used this order to effect numerous unlawful evictions between 2013 and 2015, allowing it to circumvent the PIE Act. In fact, residents of Cato Crest had their homes destroyed 24 times between September 2012 and August 2015.

In the matter *Mzimela*, Abahlali baseMjondolo urgently approached the Durban High Court in August 2013 and again in September seeking an interdict against eThekweni and its Anti-Land Invasion Unit, who carried out unlawful evictions in August and September. On 2 September, the High Court granted Abahlali an urgent interdict restraining the municipality from evicting the residents or demolishing their structures without a court order. The court also ordered the municipality to construct “temporary habitable dwellings that afford shelter, privacy and amenities at least equivalent to those destroyed, and which are capable of being dismantled, at the site at which their previous informal housing structures were demolished” for the residents whose shacks were demolished.

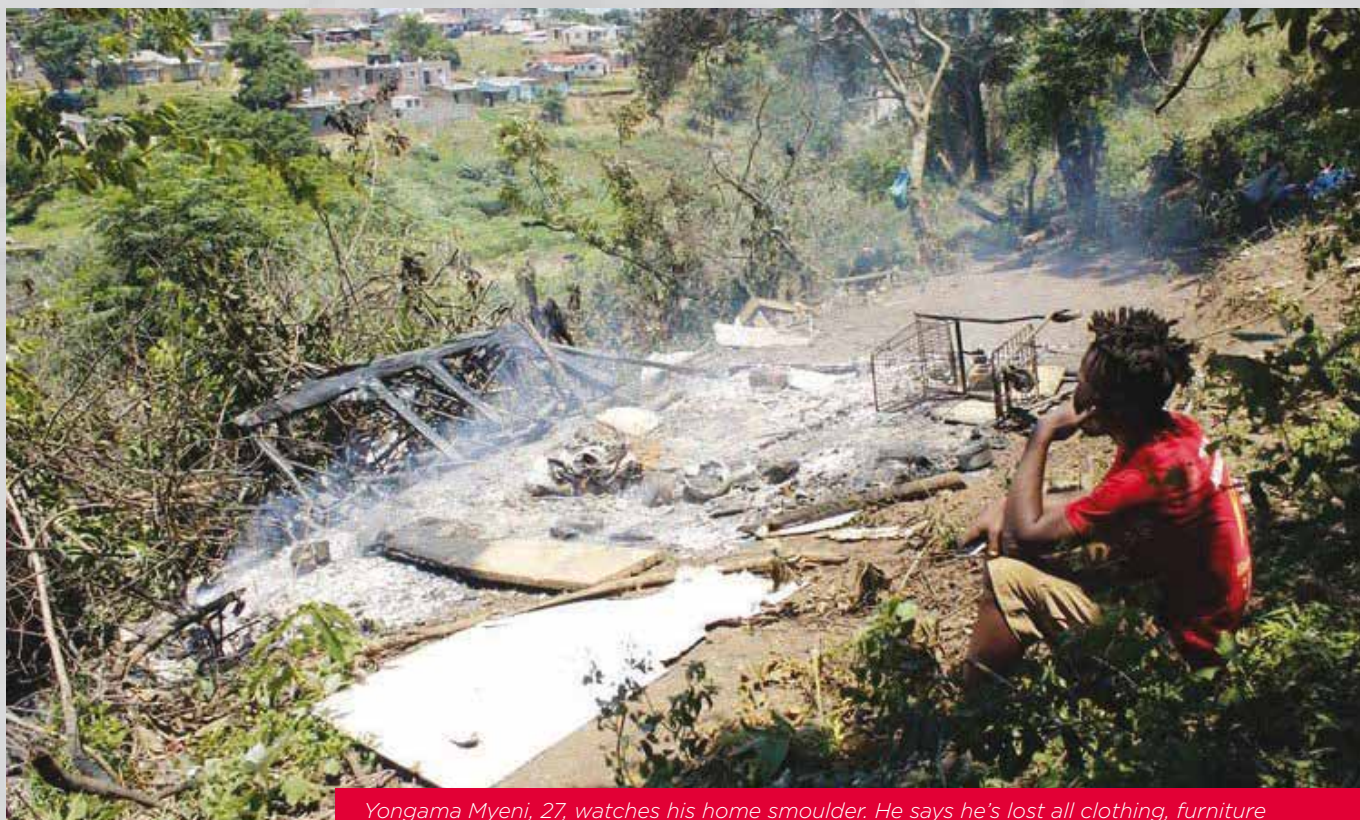
Despite the urgent interdict secured by Abahlali, the municipality continued to demolish Cato Crest residents’ homes forcing Abahlali to approach the High Court to have the municipality ruled in contempt of the court order. On 12 September, the parties agreed to an order which directed their legal representatives to meet at the settlement on 17 September to identify and mark the residents’ shacks. The order also interdicted the municipality from demolishing, removing or otherwise disposing of any of these informal structures pending the finalisation of the application. However, the illegal evictions at Cato Crest informal settlement continued over the weekend of 14 and 15 September, despite the interdict.

<sup>142</sup> Abahlali baseMjondolo. ‘Press Statement: Nkululeko Gwala Murdered in Cato Crest’. Abahlali baseMjondolo, 27 June 2013. <http://abahlali.org/node/9839/>.

<sup>143</sup> Socio-Economic Rights Institute, ‘Mzimela and Others v EThekweni Municipality and Others (‘Mzimela’)



On 16 September, thousands of Abahlali members marched to Durban City Hall to deliver a memorandum demanding well-located and decent housing, giving the Provincial Department of Human Settlement, Cooperative Governance and Traditional Affairs and eThekweni Mayor James Nxumalo a week to respond. After receiving no response to the delivered memorandum, Abahlali branches in the Isipingo Transit Camp, Kennedy Road and Cato Crest staged road blockades on 26 September, holding true to a promise to do so in the event of non-responsiveness.<sup>144</sup> On the morning of 21 September, Abahlali members witnessed the Anti-Land Invasion Unit's leader, Mr Govan, shoot three Abahlali members at Cato Crest during another illegal eviction. Among those shot was Nkosinathi Mngomezulu who was shot in the stomach with live ammunition. He survived the attack.<sup>145</sup> **Mngomezulu passed away in July 2021 following medical complications related to the injuries he sustained in the 2013 shooting. On 30 September 2013, 17-year-old Nqobile Nzuza was shot dead by a Cato Manor police officer following a road blockade.**



*Yongama Myeni, 27, watches his home smoulder. He says he's lost all clothing, furniture and food after the Anti-Land Invasion Unit burnt down his home.*

Nomfundo Xolo, *GroundUp* (CC BY-ND 4.0)

<sup>144</sup> Abahlali baseMjondolo. 'Press Statement: Road Blockades Around the City'. Abahlali baseMjondolo, 26 September 2013. <http://abahlali.org/node/11789/>.

<sup>145</sup> Abahlali baseMjondolo. 'Press Statement: EThekweni Municipality's Invasion Unit Has Shot Three Abahlali BaseCato Crest, One with Live Ammunition'. Abahlali baseMjondolo, 21 September 2013. <http://abahlali.org/node/11800/>.

On 13 January 2014, the Constitutional Court admitted Abahlali baseMjondolo as *amicus curiae* in the matter *Zulu and 389 Others v eThekweni Municipality and Others*, brought by the Legal Resources Centre (LRC) on behalf of 390 occupiers living on property known as Madlala Village (later to be known as Sisonke Village) in Lamontville. Abahlali and 30 Cato Crest residents were represented by SERI in the matter *Mzimela and Others v eThekweni Municipality and Others*. The main issue before the Court in this appeal matter was the constitutional validity of the order granted to the MEC on 28 March 2013 which had been used to evict the Cato Crest and Madlala Village residents. The Constitutional Court heard the matter on 12 February, however, a day later, eThekweni municipality demolished homes at the Madlala Village settlement using the same court order being challenged in the Constitutional Court.<sup>146</sup>

On 6 June, the Constitutional Court handed down a judgment finding that the court order granting the eThekweni municipality an interim interdict in 2013 amounted to an eviction order and that the municipality had used the interim interdict to evict people. Without setting aside the court order, the Constitutional Court referred the matter back to the Durban High Court. The *Zulu* and *Mzimela* cases were then consolidated ahead of the High Court hearing in May 2015. Despite the Constitutional Court judgment, eThekweni conducted a series of additional evictions from June 2014. The armed Land Invasion Unit demolished 18 shacks in Cato Crest without a court order and arrived armed on the morning of 22 June, demolishing over 100 shacks in the Marikana Land Occupation in Cato Crest and the Madlala Village settlement in Lamontville.<sup>147</sup>

On 20 August 2015, the Durban High Court set aside the interim court order that granted eThekweni Municipality an interim interdict which it was using to illegally evict people living in informal settlements in the city. The case was significant because municipalities across the country could no longer lawfully use interdicts to circumvent the PIE Act. The judgement would also feature in the lawfulness of the actions of Anti Land Invasion Units.

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<sup>146</sup> Abahlali baseMjondolo. 'Press Statement: Evictions in Madlala Village the Day after They Were in the Constitutional Court'. Abahlali baseMjondolo, 13 February 2014. <http://abahlali.org/node/13459/>.

<sup>147</sup> Korte, Michelle. 'Abahlali to Contest Forced Evictions'. GroundUp, 24 June 2014. [http://www.groundup.org.za/article/abahlali-contest-forced-evictions\\_1919/](http://www.groundup.org.za/article/abahlali-contest-forced-evictions_1919/).

## eKhenana

In 2018, following an eviction from Cato Manor, families established the eKhenana settlement on vacant land in Cato Manor.<sup>148</sup> EKhenana founding resident, Samkelo Majiya explains how and why the settlement was established:

*"We arrived here when it was just a dense, neglected forest... We all had been experiencing similar challenges of eviction and unemployment. When we got together, we identified this place and gradually claimed it as our new home because we were discarded by the same system that is expected to prioritise the poor South Africans who suffer historical oppression. Our parents have passed on waiting. We cannot watch as more generational poverty continues to widen in South Africa."<sup>149</sup> – Samkelo Majiya, 26, eKhenana resident*

The settlement has faced a series of repeated evictions since its establishment and has seen seven people murdered for their association and involvement in the eKhenana occupation.<sup>150</sup> Despite this, residents of eKhenana have organised and managed the settlement as a cooperative where residents run a communal kitchen, a subsistence vegetable garden named after the late Nkululeko Gwala, a poultry farm named after the late S'fiso Ngcobo and a communally run spaza shop. They have also established a community hall which they named after the late Thuli Ndlovu.

At about 11am on 8 November 2018, eKhenana was brutally attacked by a large group of about 200 personnel from the Anti-Land Invasion Unit and metro police. They reportedly fired rubber bullets and used live ammunition leaving several Abahlali members severely injured including Mthobeli Sinaba, Bhekokuhle Shezi and Landu Tshazi who were later hospitalised and treated for their injuries.<sup>151</sup> A resident, Wiseman Buthelezi, described the evictions as follows:

*"They kick us out like dogs. They don't even recognise us as humans. They even destroy the food we cook and throw sand everywhere. Without even engaging with us they demolish and burn our homes and leave. We are only good for votes, nothing more. We have no jobs and no land."<sup>152</sup>*

Between 14 and 17 January 2019, residents of eKhenana faced further evictions by the Anti-Land Invasion Unit. EThekweni Municipality's spokesperson, Msawakhe Mayisela, told the media that the City believed that there is a 'third force' behind the 'land invasions'.<sup>153</sup> Abahlali responded in a press statement, as follows:

<sup>148</sup> Xolo, "'We Are Only Good for Votes' Say Cato Crest Families'.; Socio-Economic Rights Institute, 'EtheKweni Municipality v Nokuthula Mabaso and Others ('Mabaso')'.

<sup>149</sup> Xolo, Nomfundo. 'EKhenana Residents Are Tilling for Freedom'. New Frame, 13 August 2020. <https://www.newframe.com/ekhenana-residents-are-tilling-for-freedom/>.

<sup>150</sup> Socio-Economic Rights Institute, 'EtheKweni Municipality v Nokuthula Mabaso and Others ('Mabaso')'.

<sup>151</sup> Abahlali baseMjondolo. 'Press Statement: Brutal Armed Attack on the EKhenana Land Occupation'. Abahlali baseMjondolo, 8 November 2018. <https://abahlali.org/node/16808/>.

<sup>152</sup> Xolo, "'We Are Only Good for Votes' Say Cato Crest Families'.

<sup>153</sup> Rall, Se-Anne. 'EThekweni Says Third Force behind Increased Land Invasions in Durban'. The Mercury, 17 January 2019. <https://www.iol.co.za/mercury/news/ethekweni-says-third-force-behind-increased-land-invasions-in-durban-18851344>.



*"They have been calling our movement the 'third force' since 2005. This language is used to evict us from democracy and to prepare the public for violence against us, including murder.*

*Land occupations are not a result of a foreign conspiracy. They are a result of the fact that millions of people are landless, and do not have access to the cities. They are a result of the fact that in almost 25 years in power the ANC has failed to address the land question in the cities, as well as in the rural areas."<sup>154</sup>*

Another eKhenana resident, *Yongama Myeni*, described their experience of the evictions as follows:

*"It's been painful before but today it's unbearable. We have children who will come back to ashes. Just yesterday we were picking up the pieces of what the security officers destroyed but today everything is gone. All of my son's school books have been burnt, books that I had bought with my last cents. What will I tell him? Where will he even sleep."<sup>155</sup>*



*Co-operative Gardening in eKhenana.*

*Abahlali baseMjondolo*

<sup>154</sup> Abahlali baseMjondolo. 'Press Statement: Vicious Evictions Continue in EKhenana'. Abahlali baseMjondolo, 18 January 2019. <https://abahlali.org/node/16875/>.

<sup>155</sup> Xolo, Nomfundo. 'Cato Crest Residents Battle Continuous Demolitions'. GroundUp, 18 January 2019. <https://www.groundup.org.za/article/cato-crest-residents-battle-continuous-demolitions/>.



**On the evening of 22 December 2018, 19-year old Senzo Gumede was shot to death.** Gumede was a member of Abahlali and resident of the eKhenana occupation. He had received threats prior to being murdered.<sup>156</sup> On 24 December, Abahlali baseMjondolo and the residents of eKhenana brought an interdict application against the City for the ongoing evictions. The matter was postponed allowing both parties to file further affidavits. In the meantime, the court interdicted the municipality and its Anti-Land Invasion Unit from carrying out any further evictions or demolitions of homes. The court also restricted the residents from erecting any new structures in the settlement. However, the municipality continued to illegally demolish homes at the settlement.

The High Court granted an order on 13 February 2019 interdicting eThekweni municipality from effecting unlawful evictions and recognised 109 families of the eKhenana occupation which was a significant victory in the occupation's history.<sup>157</sup> The court also instructed officials of the Anti-Land Invasion Unit together with leaders from Abahlali to convene a joint inspection in the settlement to seek agreement on the demarcation of the site. A joint inspection was carried out on 26 February.

On 13 April 2019, Abahlali member and resident of eKhenana Siyabonga Mngadi was shot by an unknown person at eKhenana. The shooting followed numerous statements by the local ANC councillor Mzi Ngiba, who reportedly threatened Abahlali members for occupying what he called 'ANC land'.<sup>158</sup> **Also in April, Odwa Mbana of eKhenana land occupation was shot to death after receiving several threats by local ANC members resulting from land occupation.**

In July 2019, eThekweni filed an answering affidavit in the ongoing eviction matter, arguing that the matter need not be pursued because it had alternative accommodation for the eKhenana occupiers in Cragieburn, Umkomaas – a site over 50 kilometres away from the location of the settlement. On 11 July, the municipality then instituted eviction proceedings against the residents of the eKhenana settlement and delivered notices to the occupiers on 27 August. The residents later filed an answering affidavit in November 2019 concerning the unreasonableness of the municipality's offer of accommodation and how the municipality had fallen short of its constitutional, statutory and international law obligations. The residents also argued that the eviction would not be just and equitable as required by section 4 (7) of the PIE Act.<sup>159</sup>

**In October 2019, Sandile Dlamini of eKhenana was fatally assaulted and in November, Xolani Ndlovu was shot dead in eKhenana. In February 2020, Bheki Mdluli of eKhenana was shot dead.** Mdluli became the fifth person from the eKhenana to be killed within a period of 14 months.

On 22 April 2020, during the national COVID-19 lockdown, the City and its contracted security agency, Calvin Family Security Services, demolished fourteen homes in eKhenana without a court order while the interdict against

<sup>156</sup> Mngadi, Mxolisi. "eThekweni Municipality Slammed over 'unlawful' Evictions." News24, December 29, 2018. <https://www.news24.com/news24/southafrica/news/ethekweni-municipality-slammed-over-unlawful-evictions-20181229>.

<sup>157</sup> Abahlali baseMjondolo. 'Press Statement: Dishonest Statements by MEC Ravi Pillay'. Abahlali baseMjondolo, 1 March 2019. <http://abahlali.org/node/16892/>.

<sup>158</sup> Abahlali baseMjondolo. 'Press Statement: Armed Attack at the eKhanana Land Occupation in Cato Crest'. Abahlali baseMjondolo, 14 April 2019. <http://abahlali.org/node/16923/>.

<sup>159</sup> SERI, <https://seri-sa.org/index.php/19-litigation/case-entries/1010-interdict-eviction-ekhenana-durban-high-court>

further eviction was still in effect. SERI, on behalf of Abahlali and the eKhenana residents, filed an urgent application to the High Court for an interdict, contempt and compensation for the damage to the property. On 24 April, the matter was settled and with a signed undertaking that the City would “refrain from demolishing, burning and removing or disposing of the Applicant’s informal housing structures in the informal settlement or from causing this to take place”. However, minutes after the judgment was issued, the eThekweni Municipality’s Anti-Land Invasion Unit attacked the occupation, shooting at the residents with live ammunition. One of the occupiers, Yamkela Vezi, was shot in the hip and was rushed to hospital with serious injuries.

In 2021, several Abahlali members were arrested in relation to the eKhenana occupation on various charges ranging from murder, conspiracy to commit murder and assault. At the time of writing, none of the prosecutions had resulted in a conviction.<sup>160</sup> In March, Lindokuhle Mnguni, Landu Tshazi and Ayanda Ngila of eKhenana were arrested and charged with the murder of Vusi Shandu in Cato Manor. They were eventually released on 29 September 2021 when the witnesses admitted to providing false evidence and the charges against them were dropped. At the time, they had spent six months in remand detention at the Westville Prison.

In May, Abahlali baseMjondolo deputy president, Mqapheli Bonono and Siniko Miya of eKhenana, were arrested and charged with ‘conspiracy to commit murder’. Later, Maphiwe Gasela, of eKhenana, was similarly charged with conspiracy to commit murder after she handed herself in. On 4 October, charges against Bonono, Miya and Gasela were dropped after Miya had spent five months in custody after he was denied bail.

On 8 October, eKhenana residents Nokuthula Mabasa, Sindiswa Ngcobo and Thozama Mazwi were arrested and charged with assault. The three women spent two weeks in custody before being granted bail. On 3 October, a group of people allegedly connected to local leadership in the African National Congress (ANC) attacked the settlement, assaulting four women. Police arrived at eKhenana while the attack took place and instead arrested one of the women who was assaulted, Phumelele Mkhize. Police also arrested Maphiwe Gasela and charged her and Mkhize with assault. Gasela and Mkhize were released on bail two days later on condition that they do not return to their homes in eKhenana. The three other women who were assaulted had to be treated for their injuries in hospital. The women experienced difficulty when attempting to open a case with the Cato Manor police station because the police officers allegedly had to seek permission from a local ANC leader to open the women’s case. On the evening of 26 October, the homes of Maphiwe Gasela and Phumelele Mkhize were burnt down. Cato Manor police allegedly initially refused to open a case of arson and to investigate the allegations but eventually a case was opened and suspects were arrested in November.

On 10 January 2022, Lindokuhle Mnguni, Landu Tshazi and Ayanda Ngila were arrested again, along with Maphiwe Gasela. After numerous denials, the four were granted bail and released on 22 February 2022 from Westville Prison. On the evening of Sunday 6 March, residents in eKhenana were attacked again by a group of people allegedly

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<sup>160</sup> Sacks, Jared. ‘The Punishment Is the Process: An Investigation into the Volatile Situation at EKhenana Informal Settlement in Cato Manor, Kwa-Zulu Natal’, 27 October 2021. Republished by Abahlali baseMjondolo on [http://abahlali.org/wp-content/uploads/2022/01/2021\\_10\\_27-Report-on-the-situation-in-eKhenana-in-Cato-Mator-SAHRC-independent-monitor-report.pdf](http://abahlali.org/wp-content/uploads/2022/01/2021_10_27-Report-on-the-situation-in-eKhenana-in-Cato-Mator-SAHRC-independent-monitor-report.pdf).



linked to the local ANC following Abahlali's General Assembly meeting which was held at the settlement. Abahlali members Siniko Miya and Langa Mbunguzana suffered severe injuries and had to be treated in hospital. EKhenana's communal kitchen was also vandalised in the attack.

Between March and August 2022, the eKhenana branch lost three of its members. **Ayanda Ngila was assassinated on 8 March when he was gunned down at eKhenana. On 5 May, Nokuthula Mabaso was shot and killed in front of her home in eKhenana. On 22 August, Lindokuhle Mnguni was shot and killed in his home after returning earlier after months in hiding.** He became the eighth Abahlali member to be killed for their involvement in the eKhenana settlement since 2018. Ngila, Mabaso, and Mnguni were a part of about a dozen Abahlali leaders from eKhenana who were arrested on various charges ranging from murder, conspiracy to commit murder and assault. At the time of writing, none of the prosecutions had resulted in a conviction.





## Marikana informal settlement, Philippi East

In April 2013, Abahlali baseMjondolo (Western Cape)<sup>161</sup> helped a group of recently evicted residents to identify vacant land to stay on along Symphony Way near Stock Road, which is now the Marikana informal settlement in Philippi East, Western Cape. The occupation was named Marikana in honour of the striking mineworkers killed for their struggle for a living wage. Sandile Ngoxolo states that “we too are organising ourselves peacefully and are willing to die for our struggle”.<sup>162</sup> The settlement is estimated to be home to over 60,000 people. In 2014, Abahlali intervened as amicus in an eviction matter against the occupiers and in 2017, the High Court dismissed the eviction application and ordered the City of Cape Town to expropriate the land.

The formative stages of the occupation comprised of routine evictions by the Anti-Land Invasion Unit, with the support of the City of Cape Town’s Law Enforcement and the SAPS, who would arrive at Marikana and demolish the homes without a court order. On 28 April, law enforcement fired rubber bullets, used pepper spray and violently confronted residents many of whom were women and children. Residents who refused to leave their homes were beaten and arrested. That evening, residents rebuild their homes but the Anti-Land Invasion Unit to return on 1 May to destroy 50 shacks built.<sup>163</sup>

Statements from the Marikana occupiers following the demolition of their homes:

*“This is very painful. I’ve been renting a shack in Lower Crossroads, paying more than R500 a month. Recently I lost my job, so I could not afford to pay rent, that’s why I decided to build my shack here. It’s not nice living here with a one-month-old child but I do not have a choice,”– Zoe Zulu, 36-year-old mother of two children.*

Zulu reported that officials began demolishing her shack while she was still inside feeding her 5-year-old daughter and that Anti-Land Invasion Unit officers first asked her for water, which she gave them, before they began destroying her home.<sup>164</sup>

On 3 May, the Anti-Land Invasion Unit and law enforcement returned to Marikana, a fifth time that week demolishing homes without a court order.<sup>165</sup> However, occupiers continued to rebuild and the occupation grows. On 9 May,

<sup>161</sup> Abahlali baseMjondolo currently does not have any branches in the Western Cape.

<sup>162</sup> Sacks, Jared. “‘Marikana’ Unfreedom Day Land Occupation Ends in Violent Workers’ Day Eviction”. Daily Maverick, 1 May 2013. <https://www.dailymaverick.co.za/article/2013-05-02-marikana-unfreedom-day-land-occupation-ends-in-violent-workers-day-eviction/>.

<sup>163</sup> Ibid.

<sup>164</sup> Damba, Nombulelo. ‘We Will Rebuild Shacks – Residents’. Cape Times, 2 May 2013. <https://www.iol.co.za/capetimes/we-will-rebuild-shacks-residents-1509268#.UYJElalyZvJ>.

<sup>165</sup> Sacks, Jared. “‘Shock and Awe Tactics’ Used on Shack Dwellers”. The Mail & Guardian, 10 May 2013. <https://mg.co.za/article/2013-05-10-00-shock-and-awe-tactics-used-on-shack-dwellers/>.

residents of Marikana staged a protest outside parliament “to show the government that the shacks they destroyed were not unfinished or empty structures, they were our homes that we lived in, that we ate in, that we slept in.”<sup>166</sup>

In January 2014 the property owner, Mrs Iris Fischer, and the City launched an urgent interdict application in the Western Cape High Court to restrain the occupiers from entering or being on the property, which was granted. On 10 January, the court issued a rule *nisi*, requiring the Marikana occupiers to show cause for why the order should not be made final, after which they launched a counter-application, represented by the Legal Resources Centre (LRC).

On 13 March, the Western Cape High Court ruled that the City had failed to comply with its obligations under the PIE Act and that the demolition of the informal structures had been unconstitutional and unlawful in the matter *Fischer and City of Cape Town v Ramahlele and 46 Others*.<sup>167</sup> This followed a series of brutal evictions carried out between April and August 2013 and in early 2014, when the City of Cape Town’s Anti-Land Invasion Unit demolished shacks belonging to Marikana occupiers.



Dennis Webster, SERI

<sup>166</sup> Abahlali baseMjondolo. 'Press Statement: "They Destroyed Homes, Not Structures": Protest at Parliament Today'. Abahlali baseMjondolo, 9 May 2013. <https://abahlali.org/node/9700/>.

<sup>167</sup> Abahlali baseMjondolo. 'Press Statement: Marikana Land Occupation Wins Important Victory in Cape Town High Court'. Abahlali baseMjondolo, 13 March 2014. <http://abahlali.org/node/13522/>.





Waste in Marikana informal settlement in Philippi, Cape Town, 2017.  
Ashraf Hendricks, GroundUp (CC BY-ND 4.0)

Abahlali felt that the judgment,

*"[would] not only help the residents of Marikana in Cape Town, but will also help the Marikana Land Occupation in Durban and help to protect thousands of shack dwellers throughout the country that have been forced to endure the violence and oppression of Anti-Land Invasion Units which rob us of our right to dignity."<sup>168</sup>*

In April, Mrs Fischer and the City appealed the decision of the Western Cape High Court to the Supreme Court of Appeal (SCA). Abahlali baseMjondolo, represented by SERI, intervened in the ongoing matter, *Fischer and City of Cape Town v Ramahlele and 46 Others*. On 27 May 2014, the SCA heard the matter and later issued a judgement setting aside the 13 March order and referred the matter to the high court for the hearing of oral evidence to resolve disputes of facts. The focus of Abahlali's intervention as *amicus curiae* dealt with the question of what constitutes a "home".<sup>169</sup>

On 8 July, Mrs Fischer instituted eviction proceedings in terms of the PIE Act against the occupiers at Marikana, Philippi. By now, the Marikana settlement had grown to an estimated 60,000 people. The other owners of the properties on which Marikana is located, applied to join Mrs Fischer's eviction application a year later in July

<sup>168</sup> Ibid.

<sup>169</sup> Socio-Economic Rights Institute. 'Fischer and City of Cape Town v Ramahlele and 46 Others ('Fischer Interdict Application')'. Socio-Economic Rights Institute of South Africa, n.d. <https://seri-sa.org/index.php/19-litigation/case-entries/243-fischer-and-city-of-cape-town-v-ramahlele-and-46-others-fischer>.

2015. Mrs Fischer amended her notice of motion in January 2016, seeking, as an alternative to the eviction of the residents, a declaration that the City violated her constitutional rights to property and that the City be compelled to purchase her land.<sup>170</sup>

In February 2017, the eviction application by Mrs Fischer was heard in the Western Cape High Court, together with two other identical applications brought by owners of neighbouring properties, which also formed part of the Marikana settlement. The High Court found that the City had infringed on the constitutional property rights of the property owners concerned, and had also breached the housing rights of the Marikana residents by its unreasonable failure to do anything to secure their tenure. The court therefore dismissed the eviction application and ordered the City to enter into negotiations with the property owners about purchasing their land. If negotiations failed, the court ordered the City to expropriate the land in terms of the Housing Act or to provide reasons why it was unable to do so.

The property owners appealed the High Court order to the Supreme Court Appeal, but the matter was settled between the parties on agreement that the purchase price for the land will be determined in an arbitration between the city and the property owners. This settlement secured the tenure of the residents and opened the door for the development of the settlement.



*Marikana informal settlement demolition, 2013.*

Jared Sacks.

<sup>170</sup> Socio-Economic Rights Institute. 'Fischer v Unlawful Occupiers, Erf 150, Philippi ('Fischer Eviction Application')'. Socio-Economic Rights Institute of South Africa, n.d. <https://seri-sa.org/index.php/19-litigation/case-entries/491-fischer-v-unlawful-occupiers-erf-149-philippi>.



## STRUCTURE AND ORGANISATION

### *Establishing branches and branch councils*

Prior to joining the movement and establishing an Abahlali baseMjondolo branch, communities must satisfy the requirements for membership, including demonstrating the abilities to encourage community-led organising and cultivating solidarity within the community.

To join Abahlali baseMjondolo, communities must have a minimum of 50 members, depending on the overall size of the community.<sup>171</sup> A prospective community must then organise a community meeting at which Abahlali leadership is invited to deliver a presentation about the movement. The community is then left to discuss the presentation and decide whether it would like to continue with the process of formally joining the movement. Should it decide to proceed, Abahlali leaders are invited back to the community

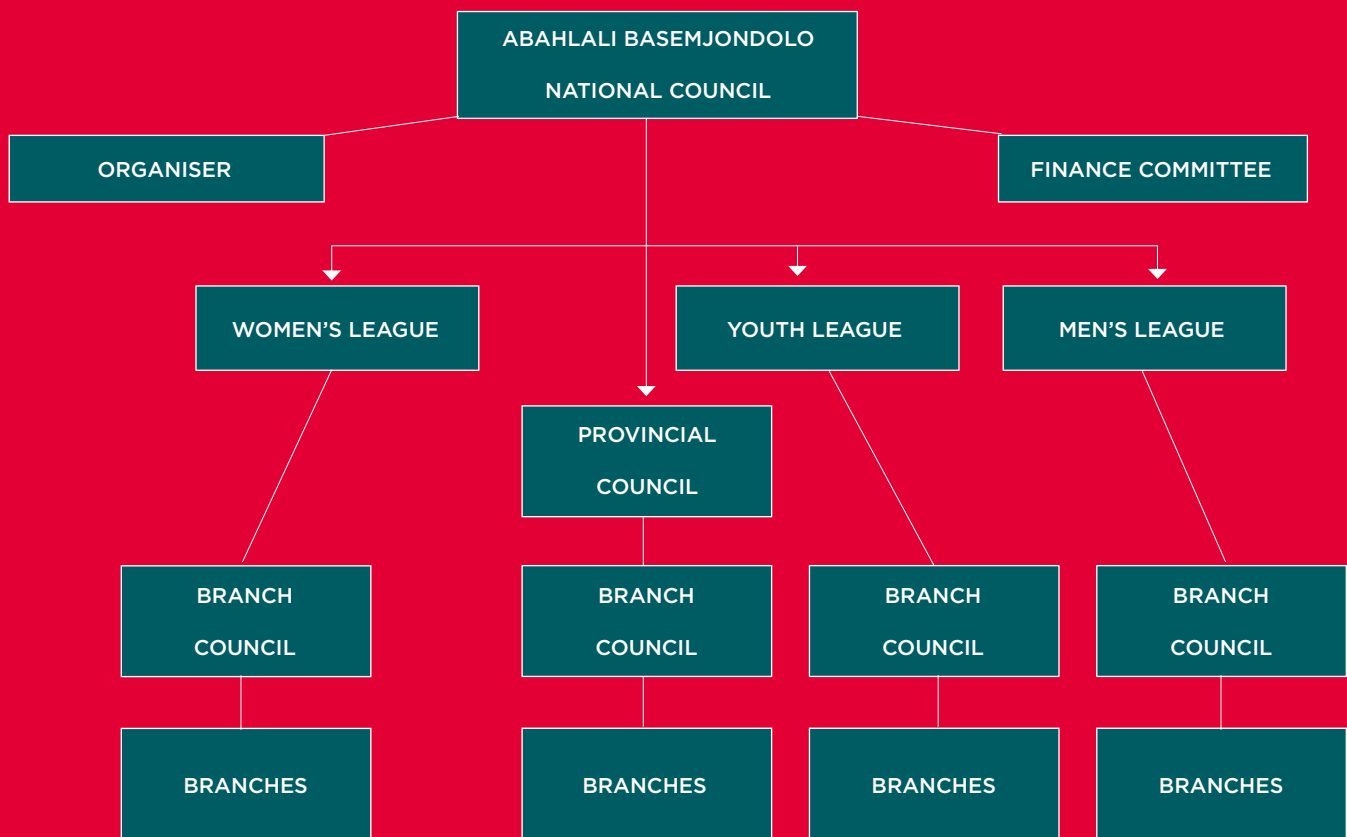


*Newly elected branch members take an oath at the Lindelani Branch Launch November, 2016.  
Abahlali baseMjondolo*

<sup>171</sup> If a community is fairly large, the minimum number of members may be increased to 100, whereas for much smaller communities, the minimum number of members may be decreased beneath 50.

where they provide civil and political education. The branch is then launched in the community, making community members official members of the movement.<sup>172</sup>

At the launch, a branch council is elected by the branch and serves as the leadership structure of the branch. The branch council includes a chairperson, deputy chairperson, secretary, deputy secretary, treasurer, public relations officer, and three additional members. Members are elected for these positions annually. Once elected, the branch council is then taken through an induction workshop at which elected leaders are introduced to how Abahlali is structured and organised. This process of establishing an Abahlali branch can take months or years to be completed. Branches meet once a month and the branch councils of each branch meet weekly.



<sup>172</sup> Interview with S'bu Zikode, President of Abahlali baseMjondolo, 2021

## ***Provincial Council***

The leadership of branch councils in the different provinces elect a collective that forms the provincial council. The provincial council comprises of a chairperson, deputy chairperson, secretary general, organiser, spokesperson and chief whip. The provincial council is elected annually and meets monthly.

## ***National council***

Branch councils are subject to the national council (also referred to as the movement secretariat) which is the movement's mother body. The national council takes "overall responsibility for the movement by making decisions after having fully consulted with all relevant individuals or committees".<sup>173</sup> The national council meets monthly and must call an Annual General Meeting (AGM) at which positions on the secretariat are contested.<sup>174</sup> The national council is comprised of the movement's president, deputy president, national chairperson, general secretary, treasurer, and national spokesperson.

## ***Women's and Youth Leagues***

Abahlali baseMjondolo includes a Women's League and Youth league which are also referred to as the wings of the movement and are represented on the provincial and national councils. Community branches can establish Women and Youth league's within their branches should they wish to. Both wings are directly accountable to the President of the movement. Both bodies were officially established in 2008 although women and youth have always played critical roles from the beginning of the movement's formation. Both leagues are structured similarly in that their executive committees include the elected positions of chairperson, deputy chairperson, secretary, deputy secretary, treasurer, coordinator, deputy coordinator, and public relations officer.

The Youth League's purpose is to "play a key role in upholding the Constitution of the movement, supporting branch activities and may conduct its own initiatives in harmony with each branch structure".<sup>175</sup> The Youth League provides young people in the movement with a forum to discuss and tackle key challenges that they face such as education and unemployment. The Youth League conducts branch visits and is also tasked with organising and supporting the logistics of Abahlali events and meetings.

Youth within the movement are viewed as important contributors and drivers of the movement partly because of the vibrancy that they bring and the literacy skills that they offer to mature members within the movement.<sup>176</sup> This was evident early on when the movement noted the need for educating members

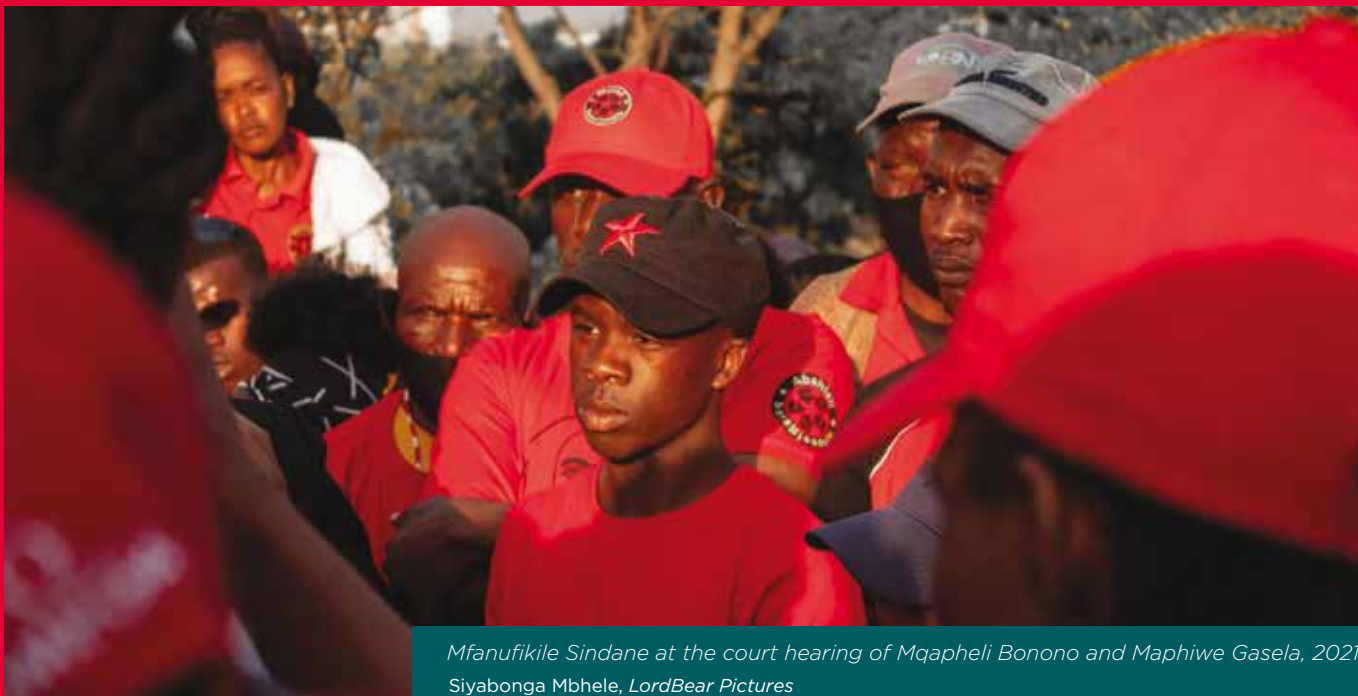
<sup>173</sup> The Constitution of Abahlali baseMjondolo Movement of South Africa.

<sup>174</sup> The Constitution of Abahlali baseMjondolo Movement of South Africa.

<sup>175</sup> The Constitution of Abahlali baseMjondolo Movement of South Africa.

<sup>176</sup> Interview with Mfanufikile Sindane, Abahlali baseMjondolo national council youth representative, 2021





about the law to defend themselves against evictions and later, when the Slums Act was collectively discussed and later challenged. As noted by Mfanufikile Sindane, a youth representative on Abahlali's National Council, some of the leading founding figures of the movement have been youth such as Mazwi Nzimande, the first chairperson of the Youth League, and Mnikelo Ndabankulu, founding member and former spokesperson of Abahlali.<sup>177</sup> These leaders played a critical role in organising and mobilising communities and drawing young people into the struggles faced by their communities.

As a constitutional principle, the movement works to ensure that "there is good and acceptable representation of women in all committees" at a minimum of 50% in each committee.<sup>178</sup> In terms of Abahlali's overall membership, women make up at least 60%. As put by Zandile Nsibande<sup>179</sup>, "women are the backbone of the movement... because even in protests... the women are always the ones who are burning tyres. Women are always in the forefront."<sup>180</sup> This central role played by the women in the movement extends to all of the organisational events, meetings and demonstrations.

<sup>177</sup> Interview with Mfanufikile Sindane, Abahlali baseMjondolo national council youth representative, 2021

<sup>178</sup> The Constitution of Abahlali BaseMjondolo Movement of South Africa.

<sup>179</sup> Zandile Nsibande is a founding member of Abahlali, former chairperson of the Women's League and is currently a gender-based violence co-ordinator within Abahlali baseMjondolo.

<sup>180</sup> Interview with Zandile Nsibande, gender-based violence co-ordinator in Abahlali baseMjondolo, 2021



*Abahlali baseMjondolo General Assembly, 2020.*

Rajesh Jantilal, *New Frame*

The Women's League was established with the objective of "strengthening the fight against poverty, evictions and other violations".<sup>181</sup> The Women's League visits the different branches as part of its work, and encourages women to become members and to take up positions of leadership within their branches. As such, the Women's League's objectives are two-pronged in that their work confronts the gendered dynamics of social movement building as well as the intersectional nature of poverty by addressing the particular needs and challenges faced by women in the movement.

This includes a prioritisation of gender-based violence and women empowerment under the 'Women Can Do It' campaign, as well as spearheading an annual 'Back to School' campaign which started in 2006.<sup>182</sup> The 'Back to School' campaign consists of workshops informing parents of their rights, providing and assisting parents with fee-exemption forms, and negotiating with schools and school governing bodies to ensure that children are admitted and are treated with dignity once admitted into schools. As Nsibandé describes it:

<sup>181</sup> Abahlali baseMjondolo. 'AbM Women's League 2011 AGM'. Abahlali baseMjondolo, 8 August 2011. <https://abahlali.org/node/8214/>.

<sup>182</sup> Abahlali baseMjondolo. 'Press Statement: Once Again Our Children Are Being Evicted from Schools'. Abahlali baseMjondolo, 6 February 2009. <https://abahlali.org/node/4771/>.

*"... because we promote Ubuntu, Humanity, Socialism. I can't sleep when I got food and your children don't have food. I can't sleep when your children don't have shoes to go to school and my child has three pairs of school shoes. That is the spirit of Ubuntu. When you are a widow, we used to visit and see what are you eating, are your children going to school and we even intervene if there are children that are being chased out of school because they don't have school fees...So as women of Abahlali, we encourage an education."<sup>183</sup>*

Both the Women and Youth leagues further the work of the movement but focus on the specific concerns that affect their members in order to ensure that their perspectives are represented at both the provincial and national levels. In addition, they take on vital organisational roles at Abahlali events and meetings as ways of contributing to furthering the overall objectives of the movement.



<sup>183</sup> Interview with Zandile Nsibande, gender-based violence co-ordinator in Abahlali baseMjondolo, 2021

## 06 Strategies and tactics

For the past seventeen years, Abahlali baseMjondolo has organised informal settlement residents to fight for access to land and housing, to resist evictions and to mobilise for basic services. Its emergence as a grassroots social movement in 2005 has been viewed as a threat to formal politics and local authorities in KwaZulu-Natal, dominated by the African National Congress (ANC). In middle and working class neighbourhoods, segments of civil society, academia and the media, Abahlali baseMjondolo has been perceived by some as criminal and illegitimate. These perceptions have contributed to a hostile state response to the movement's efforts to organise. This is evidenced by numerous incidents of harassment, unwarranted arrests, prohibitions of planned protests and other efforts to stifle Abahlali's dissent over the years.

The police and other security bodies have often responded to protest action with excessive force. When effecting evictions, they have frequently been unlawful and usually at the behest of dominant political authorities and private property interests, where similar force has been used. For example, in 2007, police dispersed a group of 1,000 protestors, using water cannons and batons. Numerous people were injured and at least fourteen people were arrested. Another example is in 2009, when police attacked the Pema Road settlement leading to the arrest and assault of fifteen settlement residents.

In the context of repeated evictions and unrelenting repression, Abahlali baseMjondolo's history tells a story of survival against the odds. Their 17-year history illustrates the opportunities and constraints presented by South Africa's political and juridical framework. While the movement's struggle in defence of informal settlement residents has earned them widespread recognition, it has also exposed its members to degrees of violence that reveal the limits of democratic space in South Africa and the cost of organising independently of the ruling party, particularly in KwaZulu-Natal.

At the core of Abahlali's philosophy is what it refers to as 'living politics' which is a kind of politics "derived from the experiences and day-to-day lives of ordinary people", and 'ubuhlalism' which is a philosophy that incorporates indigenous ideas and practices of humanism, community and struggle.<sup>184</sup> As Zikode puts it: "ours is a politics of the poor – a homemade politics that everyone can understand and find

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<sup>184</sup> Interview with S'bu Zikode, President of Abahlali baseMjondolo, 2021



in a home.”<sup>185</sup> This philosophy is operationalised by the movement’s use of an interweaving range of strategies and tactics to disrupt and confront the challenges faced by informal settlement residents. The tactics employed by the movement include engaging with the state and attempts at dialogue; direct action strategies of appropriating basic services through occupations and self-supply; protest action; documentation and broadcasting of abuses to local and international supporters; litigating alongside inculcating a legal and political consciousness amongst its members; building alliances and solidarity with similar movements and causes; and using Abahlali events for publicity and solidarity building within the movement. The movement’s use of these interweaving tactics enables it to advance its struggles and remain a formidable force to be reckoned with.

This section discusses how the movement has used these tactics to advance its objectives over the past seventeen years in two areas: the first will focus on Abahlali’s claims to socioeconomic rights (like access to land, housing and basic services) largely through occupations; and the second will focus on Abahlali’s civil and political rights assertions and how its politics has interfaced with formal politics and survived years of repression.

## Resisting evictions

The core tenet of Abahlali baseMjondolo is to resist evictions. Related to that are its demands for land, housing and basic services all of which are underscored by Abahlali’s commitment to reasserting the dignity of poor people. Its shift from older slogans, “No land. No house. No vote.” and “Occupy. Resist. Develop.” to “Land. Housing. Dignity”. show the evolution of the movement’s objectives and methods.

Abahlali uses what it describes as direct action tactics to advance these objectives. Direct action can include occupations, self-connections or unauthorised connections to electricity and water and protest action, road blockades and food cooperatives. To resist evictions, Abahlali baseMjondolo rely on a combination of tactics ranging from physically resisting evictions and immediate rebuilding to litigation and broadcasting of abuses.

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*The tactics employed by the movement include engaging with the state and attempts at dialogue; direct action strategies of appropriating basic services through occupations and self-supply; protest action; documentation and broadcasting of abuses to local and international supporters; litigating alongside inculcating a legal and political consciousness amongst its members; building alliances and solidarity with similar movements and causes; and using Abahlali events for publicity and solidarity building within the movement.*

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<sup>185</sup> Tricontinental: Institute for Social Research. ‘Dossier 11: The Homemade Politics of Abahlali BaseMjondolo, South Africa’s Shack Dweller Movement’, 11 December 2018. <https://thetricontinental.org/dossier-10-the-homemade-politics-of-abahlali-basemjondolo-south-africas-shack-dweller-movement/>.



Abahlali baseMjondolo

For Abahlali, direct action has been one of the most impactful tactics that it uses. Abahlali's use of direct action can be seen as "a democratic claim to space"<sup>186</sup> and an exercise of "their right to the city in defiance of exclusionary policies and practices".<sup>187</sup> For Abahlali, informal settlement living conditions are a consequence of government's failure to adequately meet the increasing demands for urban living. Those living conditions are also the reason why Abahlali's style of politics and organising are aimed at supporting members meet basic material needs which the state has failed or refused to address.<sup>188</sup> Once land has been secured, access to water and electricity are priorities that immediately follow that of having a place to stay.

Land has always been central to Abahlali's politics. Abahlali views the resource as a necessary component to address the needs of poor people living in South Africa's urban areas. As argued by Zikode:

*"The question of land became central in our movement. When poor people come to cities, first of all they do not have jobs. If they do it is in domestic work which really doesn't pay much. As a result, people cannot afford to rent flats. What they tend to do is occupy a piece of land and build themselves shacks."<sup>189</sup>*

<sup>186</sup> Much like the Inner City Federation's use of tenant self-management tactics. Socio-Economic Rights Institute. "Inner City Federation: Fighting for Decent Housing in Inner-City Johannesburg." Community Practice Note. Social Movement Series. Socio-Economic Rights Institute, 2018. [https://www.seri-sa.org/images/InnerCityFed\\_CPN.pdf](https://www.seri-sa.org/images/InnerCityFed_CPN.pdf). p.31

<sup>187</sup> Huchzermeyer, Marie. Cities with 'Slums': From Informal Settlement Eradication to a Right to the City in Africa. Juta and Company Ltd, 2011. p.15

<sup>188</sup> Socio-Economic Rights Institute, 'Inner City Federation: Fighting for Decent Housing in Inner-City Johannesburg'. p.30

<sup>189</sup> Tricontinental: Institute for Social Research, 'Dossier 11'.



## *Defending occupations*

For Abahlali, defending existing occupations is equally important to the occupation of land. This often demands that communities withstand repeated and often unlawful demolitions of their homes and the destruction of whatever property they own. In the face of repeated evictions, Abahlali members have been forced to defend their homes with their bodies by refusing to leave their shacks or confronting officials. This comes at huge risk to their bodies and their lives. For example, in August 2017, Cato Manor resident Mlungisi Mokoena was shot in both legs during a clash between shack dwellers and the police for resisting the destruction of his shack.<sup>190</sup> He was 18 years old at the time of the attack. In September 2013, Cato Crest resident Nkosinathi Mngomezulu was shot while physically resisting the unlawful demolition of his shack. Mngomezulu was shot four times in the stomach by a security officer in the eThekweni's Anti Land Invasion Unit.

The tactic of immediate rebuilding goes hand in hand with physically resisting evictions. Abahlali encourages members to immediately rebuild their destroyed homes. This is vital for maintaining their claim to the land and for asserting the right to live in the city. For Abahlali, rebuilding is a critical part of the struggle fought at the community level which the movement can support instead of directly resolving on behalf of affected communities. Nomnikelo Mshengu describes how repeated evictions led her to joining the movement

*“uma ngabe uthe wena indlu yakho ibhidliziwe wathi hhayi ke mandisale sengihlala phansi ngidilizelwe ngoba kusasa bazobuya? Ayikho into esinganisiza ngayo. Wena vusa indlu yakho ubuyele khona endlini yakho. Baphinde babuye baphinde bayibhidlize. Ubuye uphinde ungene uvuke uhlale kuyo kwabanjalo...”*

*“if your house is torn down and you say 'I might as well not bother rebuilding because they will be back tomorrow?' Then there is nothing we [Abahlali baseMjondolo] can do for you. Your job is to rebuild and go back inside your house. They will come back and tear it down again. And again you will rebuild and go back into your house...”<sup>191</sup>*

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<sup>190</sup> Ibid.

<sup>191</sup> Interview with Nomnikelo Mshengu, provincial coordinator of the Abahlali baseMjondolo Women's League, 2021



*Cato Crest residents rebuild home following a demolition, 2014.*

*Abahlali baseMjondolo*

## *Litigation*

Physical resistance to evictions and immediate rebuilding following evictions is often insufficient. Litigation is an important tactic used by Abahlali to defend occupations and resist evictions. Abahlali baseMjondolo use litigation in two ways. The first is in response to immediate threats such a series of violent evictions. For this Abahlali could seek an interdict to restrain unlawful municipal conduct. In the eKhenana occupation, Abahlali have had to seek multiple interdicts against eThekweni to prohibit it from effecting a series of unlawful evictions, many of which would be carried out despite standing interdicts against the municipality.

The second is Abahlali's use of strategic interest litigation by intervening in matters that have the potential to have an important impact on the jurisprudence affecting informal settlement residents. Notably, in 2008-9, Abahlali successfully challenged the Slums Act, with the support of the Centre for Applied Legal Studies (CALs).

## Challenging the Slums Act

Following the tabling of the Slums Bill, Abahlali established a reading group and a democratically elected task team to analyse the contents of the KZN Elimination and Prevention of Re-Emergence of Slums Bill, 2006. Before it was passed as provincial legislation, Abahlali held numerous community meetings on the Slums Bill and establishes that its members are opposed to the bill's eradication intention because they want to see their settlements developed *in situ*.

In **May 2007**, the Provincial Legislature presented the Slums Bill, 2006 to a Kennedy Road community Hall with residents from surrounding settlements. The legislature arrived in Kennedy Road in an engagement that did not “allow [Abahlali] members of the community to speak freely” and argued that it would be used to claim that the process of public participation on the bill was followed in line with legislative requirements.<sup>192</sup>

In **June 2007**, Abahlali baseMjondolo announced that it would oppose the Elimination and Preventions of Re-emergence of Slums Bill and applied to the Durban High Court in **November 2008**:

*“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.”<sup>193</sup>*

In **January 2009**, the Durban High Court dismissed Abahlali baseMjondolo's application to have the Slums Act declared unconstitutional, finding that:

*“[t]he 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 cannot strike the Act down before it has even being (sic) properly implemented.”*

In response to the judgment, Abahlali announced that they will approach the Constitutional Court to overturn the High Court judgment. Abahlali fear that eThekweni municipality would 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.”<sup>194</sup>*

<sup>192</sup> Abahlali baseMjondolo, 'Press Statement: Celebrating Our Victory Against the Slums Act'.

<sup>193</sup> Abahlali baseMjondolo. 'Press Statement: Operation Murambatsvina Comes to KZN -The Notorious Elimination & Prevention of Re-Emergence of Slums Bill'. Abahlali baseMjondolo, 21 June 2007. <http://abahlali.org/node/1629/>.

<sup>194</sup> Abahlali baseMjondolo, 'Press Statement: Celebrating Our Victory Against the Slums Act'.



*Abahlali baseMjondolo outside the Constitutional Court of South Africa for the Slum Act challenge, 2009.*

*Abahlali baseMjondolo Facebook*

The Constitutional Court heard *Abahlali baseMjondolo Movement of South Africa and Another v Premier of the Province of KwaZulu-Natal and Others CCT 12/09 [2009] ZACC 31 (Slums Act)* on **14 May**.

In **October 2009**, the Constitutional Court handed down a judgement in favour of Abahlali baseMjondolo finding that Section 16 of the Slums Act is invalid and unconstitutional in so far as it contradicted the PIE Act, the National Housing Act 107 of 1997 (Housing Act) and the National Housing Code (paras 9 and 91). The Court also found that the Section contradicted Section 26(2) of the Constitution to “achieve the progressive realization” of the right to “adequate housing”.<sup>195</sup> This was an important victory for shack dwellers and for Abahlali in particular. The significance of this victory is described by David Ntseng as follows:

*“...that a movement of ordinary people like Abahlali from shacks would actually challenge a government on a law that it was trying to promulgate and actually have that overturned. That, for me, was the biggest achievement ever that ordinary people can change the law.”<sup>196</sup>*

<sup>195</sup> Chenwi, Lilian. ‘Slums Act Unconstitutional : Case Review’. ESR Review : Economic and Social Rights in South Africa 10, no. 4 (1 November 2009).

<sup>196</sup> Interview with David Ntseng, Church Land Programme, 2021





Abahlali baseMjondolo's 2021 policy conference.  
Abahlali baseMjondolo Facebook

Since then, Abahlali has intervened as *amicus curiae* in matters of strategic value and implication. For example, in, *Zulu and Mzimela*, while Abahlali's intervention was in response to ongoing unlawful evictions, it was also strategic in that it sought to challenge the use of interdicts by municipalities and property owners seeking to circumvent the processes and requirements of the PIE Act and the Constitution.

More recently, in 2020, Abahlali intervened as *amicus curiae* in the matter between the South Africa Human Rights Commission and the City of Cape Town stemming from the humiliating and violent eviction of Mr. Bulelani Qolani on 1 July 2020. This matter dealt with the City of Cape Town's use of the Anti-Land Invasion Unit and Abahlali joined to show the court the Anti-Land Invasion Unit 's track record in terms of its conduct and to demonstrate how its conduct in Cape Town is not meaningfully different to the anti-land invasion units in eThekweni and Johannesburg.<sup>197</sup> Over the past seventeen years, Abahlali's twopronged use of litigation has made a significant impact advancing South Africa's evictions jurisprudence.

Related to Abahlali's use of litigation is how the movement has insisted that its members develop a knowledge of the law and their rights which is also a useful tactic for resisting evictions. Evictions are carried out by multiple security agencies including municipal Anti-Land Invasion Units, metropolitan police departments, private security agencies and sometimes the South African Police Services (SAPS). Abahlali often engages with the officials seeking to carry out evictions and challenges or scrutinises the authority with which they

<sup>197</sup> Socio-Economic Rights Institute, 'South African Human Rights Commission v The City of Cape Town'.

claim to act. This requires an understanding of the PIE Act and relevant parts of the Constitution which Abahlali have instilled in its members.

### *Attacks on settlements*

Separate but related to the threat of evictions are attacks on settlements with the aim of driving out Abahlali members. Under such circumstances, Abahlali have relied on the support of its networks of allies and supporters. Attacks on different settlements come in the form of brutal violence, not always with the aim of explicitly carrying out immediate evictions but rather to intimidate Abahlali members and diminish their role and influence within a particular settlement. Attacks on settlements have occurred in the form of police attacks like in the Pema Road settlement in November 2009, the attack on the Foreman Road settlement in 2006 and 2017, and politically-motivated insurgency as with the 2009 attack in the Kennedy Road Settlement.

The Kennedy Road attack in 2009 was carried out in full view of the local police forces, and yet Abahlali were not assisted nor protected. The attack, which was a severe breach of security, thus was carried out with the complicity of the police who did not stop the attack and did not adequately investigate the causes of the attack. Instead, the Kennedy Road 12 were arrested and vilified while the perpetrators of shack violence were not held accountable.

The eKhenana settlement has also become a site of heated political contestation over influence in the settlement which has exposed to settlement to numerous evictions and attacks. More recently, in April 2020, eThekweni Municipality's Anti-Land Invasion Unit attacked the eKhenana settlement and shot at the residents with live ammunition. Yamkela Vezi, one of the occupiers of eKhenana was shot in the hip and had to be rushed to hospital with serious injuries. This attack followed repeated unlawful evictions ordered by the City during the national COVID-19 lockdown in which a national moratorium on all evictions was in place.

### *Documentation and broadcasting of abuses*

In a context of unlawful evictions effected by local government, despite numerous court orders against such evictions, Abahlali have had to rely on documentation and broadcasting of abuses as a vital tactic. Documenting abuses like evictions and demolitions is partly done by capturing photographs and video recordings of the destruction, clearly depicting the damage, conduct of officials and where possible identifying officials. A written record in the form of a press statement written by Abahlali is then broadcast on their website and sent by email to the movement's mailing list of over 4,500 supporters in South Africa and beyond. Facebook has increasingly become an important additional avenue for publishing press statements and ongoing alerts.

This often triggers waves of responses from the media which helps to draw attention to the incident and establishes a publicly accessible record of the events. For example, in the 2020 Covid-19 lockdown during which a national moratorium on evictions had been instituted, the eThekweni Municipality continued to intensify its crackdown on various Abahlali settlements like Azania, eKhenana and Ekuphumeleleni. Abahlali effectively



used sympathetic media reporting, which relied on Abahlali's photos and other forms of documentations, to expose eThekweni's unlawful conduct.<sup>198</sup>

In light of the frequent criminalisation experienced by shack dwellers, the value of this documentation is made evident through its use in litigation. It is also a very important way that Abahlali ensures that it shares its own experience as a way of challenging existing narratives that may be fabricated or heavily biased against them.

Abahlali's strategic use of documentation and broadcasting is especially valuable for informing allied partners and supportive groups and individuals who may also amplify Abahlali's statements on abuses by broadcasting their own messages of solidarity and support. This has played an important role in exposing and placing under the spotlight, abuses that are carried out by or with the implicit support of the South African government.

Over the years, Abahlali baseMjondolo have built strong alliances locally and internationally and their resilience has been testament to the vital role that solidarity has played in sustaining and strengthening the movement. From the very beginning of the movement, Abahlali has aligned itself with worker's and poor people's struggles. Abahlali's deep sense of solidarity with other struggles is rooted in a belief in the humanity and dignity of all people and its understanding that poor people's struggles are against systems of oppression that are connected globally.



*Vienna, 2013.*

*Abahlali baseMjondolo Facebook*

<sup>198</sup> Pikoli, Zukiswa. 'Demolitions and Evictions: The EThekweni Council Has Gone "Rogue"'. Daily Maverick, 5 April 2020. <https://www.dailymaverick.co.za/article/2020-04-06-demolitions-and-evictions-the-ethekweni-council-has-gone-rogue/>.



*Organisations and unions such as the National Union of Metalworkers of South Africa (NUMSA) and the South African Federation of Trade Unions (SAFTU) spread messages of solidarity for the detained Abahlali baseMjondolo members.*

*Siyabonga Mbhele, New Frame*

As such, Abahlali frequently issue press statements or protest in solidarity with other movements. The most recent display of Abahlali's internationalism and solidarity in practice was their support of a protest in solidarity with the plight of Palestinians in 2021. Abahlali supported a picket organised by the South African Federation of Trade Unions (SAFTU) at Durban's docks. Following a call by the Palestine General Federation of Trade Unions (PGFTU) for workers and trade unions to refuse to unload Israeli ships and goods from sea and airports, the South African Transport and Allied Workers Union (SATAWU) refused to offload the Zim Shanghai, a ship owned by the Israeli state-owned company Zim Lines.<sup>199</sup> This demonstration coincided with the show of support at Bonono, Miya and Gasela's bail hearing at which over 500 members of Abahlali were supported by members of other allied organisations.

The Coalition of the Poor has been an important site of solidarity for Abahlali. The Coalition of the Poor comprises of Abahlali baseMjondolo, South Durban Community Environmental Alliance (SDCEA), Market Users Committee, Right2Know Campaign, Ubunye bamaHostela (UBH), the Poor Flat dwellers Movement in KZN and Street Vendors Network. The organisations within the coalition draw strength from one another and show up in support of their individual struggles. As put by Desmond D'sa<sup>200</sup>, "If the shack dwellers are demonstrating, you'll see us together fighting, marching... unity in action... to stand up for one another."<sup>201</sup>

<sup>199</sup> Abahlali baseMjondolo. 'Press Statement: Bonono and Gasela out of Prison, Living Solidarity with Palestine on the Docks'. Abahlali baseMjondolo, 20 May 2021. <http://abahlali.org/node/17298/>.

<sup>200</sup> Desmond D'sa is the Coordinator of the South Durban Community Environmental Alliance (SDCEA)

<sup>201</sup> Interview with Desmond D'sa, affiliate of the Coalition of the Poor, 2021

Verushka Memdutt<sup>202</sup> describes the invaluable exchange and overlap between the work of the Market Users Committee and Abahlali as follows:

*"...And I also thought that for our organisation, the Market Users Committee. Most of our informal traders live in the shacks... And many of our informal traders, especially in the city, they frequent the offices of Abahlali. Despite Abahlali being a movement for housing, informal traders use it as an abode in their times of pain and when they're broken."<sup>203</sup>*

## *Self-provision*

In addition to occupation of land and resistance to evictions, Abahlali baseMjondolo also advocate for development. In the absence of basic services provided by local government, Abahlali openly encourage its members to establish self-supplied connections to resources like water and electricity to meet basic needs.

Harrowing descriptions of the hardship of informal settlement living, such as distant and dilapidated sanitation services, the ever-present risks of living without electricity and adequate public lighting, and the inadequacy of living in structures unable to withstand extreme weather conditions, highlight the extent of government neglect, which for Abahlali, speaks to the perception of informal settlements residents as undeserving, criminal, uneducated and unsophisticated.

*"Those in power are blind to our suffering. This is because they have not seen what we see; they have not felt what we are feeling every second, every day. My appeal is that leaders who are concerned about peoples' lives must come and stay at least one week in the jondolos. They must feel the mud. They must share six toilets with 6000 people. They must dispose of their own refuse, while living next to the dump. They must come with us while we look for work. They must chase away the rats and keep the children from knocking over the candles. They must care for the sick when there are long queues for the tap. They must have a turn to explain to the children why they cannot attend the Technical College down the hill. They must be there when we bury our children who have passed away in the fires, or from diarrhoea or AIDS."<sup>204</sup> – S'bu Zikode*

Community-led self-provision of water and electricity is usually the outcome of numerous efforts to engage local government to no avail. If government does step in to provide services, they are often inadequate, unreliable or unaffordable. When faced with this or worse, absent basic services, communities step in to fill that gap.<sup>205</sup> As Zandile Nsibande puts it:

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<sup>202</sup> Verushka Memdutt is the General Secretary of the Market Users Committee, Provincial Secretary of the South African Informal Traders Forum in KZN and is an affiliate of the Coalition of the Poor

<sup>203</sup> Interview with Verushka Memdutt, affiliate of the Coalition of the Poor, 2021

<sup>204</sup> Zikode, 'The Third Force'.

<sup>205</sup> Socio-Economic Rights Institute, 'Here to Stay: A Synthesis of Findings and Implications from Ratanang, Marikana and Siyanda'. p.38

*"We need electricity. We are prepared to pay but they don't give us electricity. We are prepared to pay for water. We are sick and tired of carrying water on our head in the 20th century. But they don't give us water. That's why we even decided on our Operation Khanyisa [let there be light], our Operation Donsamanzi [draw water]."*<sup>206</sup>

Each year, shack fires devastate informal settlements across South Africa, claiming many lives and destroying homes and belongings. The widespread use of paraffin and candles causes approximately 45% of all shack fires in informal settlements in South Africa.<sup>207</sup> In informal settlements, the crowded spaces within homes increases the likelihood of fires that can be caused by spilling or tipping over alternative energy sources like



*Community leader Mqapheli Bonono points out one of the poles where residents have made illegal connections in order to get electricity.*

Nomfundo Xolo, GroundUp (CC BY-ND 4.0)

<sup>206</sup> Interview with Zandile Nsibande, gender-based violence co-ordinator in Abahlali baseMjondolo, 2021

<sup>207</sup> Cape Town Project Center, "Issues Resulting from Energy Practices in Informal Settlements", *Worcester Polytechnic Institute* (2014), available at: <https://wp.wpi.edu/capetown/projects/p2014/energy/background/issues-of-energy-practices-in-informal-settlements/>.



candles, paraffin or gas. The National Upgrading Support Programme (NUSP) calculated on average that there are ten shack fires a day in South Africa which cause the deaths of more than 200 people each year.<sup>208</sup>

Community self-connections to electricity are illicit connections that criss-cross above shacks and sometimes cross the grounds of passageways, that can be traced back to live electricity lines and municipal boxes.<sup>209</sup> Sometimes connections are established between electrified and unelectrified households at a regular fee. There are attempts to insulate and bury illicit connections for increased safety. Abahlali use self-connections to meet household needs like lighting, heating, cooking and refrigerating. Abahlali insist that shack fires are not a result of negligence but rather the reluctance of municipalities to electrify informal settlements which they argue are the real cause of shack fires because residents are forced to rely on candles and paraffin stoves which are unsafe.

For example, in 2001, at a time when informal settlements were understood as temporary, the eThekweni municipality made a policy decision to stop the electrification of informal settlements, making it impossible for informal settlement residents to access electricity legally. Until then pre-paid electricity meters could be installed in shacks at a cost of R350.<sup>210</sup>

In a statement, following yet another devastating shack fire in 2011, Abahlali write:

*“When we first started to organise ourselves as Abahlali baseMjondolo the politicians would always say that shack fires are the result of drunkenness. Now they always say that shack fires are the result of ‘illegal electricity connections’. They are always trying to blame us for the fires whereas they are the ones that have failed to ensure that we have access to electricity. Everyone knows that when self-organised connections are done safely they protect us from fires. But when we connect ourselves in a safe and carefully disciplined manner we are called criminals.”<sup>211</sup>*

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<sup>208</sup> National Upgrading Support Programme. ‘Section 1: The Case for Incremental Upgrading’. National Upgrading Support Programme, 2015. <https://csp.treasury.gov.za/csp/DocumentsToolbox/004.SA.NUSP.Chapter-1-The-Case-For-Upgrading-May-2016.pdf>. p. 9

<sup>209</sup> Socio-Economic Rights Institute, ‘Here to Stay: A Synthesis of Findings and Implications from Ratanang, Marikana and Siyanda’. p.38

<sup>210</sup> Pithouse, ‘A Politics of the Poor’. p.73

<sup>211</sup> Abahlali baseMjondolo, ‘Press Release: Shack Fire Takes a Life in EMmaus’.



## Shack fires

*The list below captures the shack fires that Abahlali documented over the years.*

### October 2005

A shack fire in Kennedy Road kills one-year-old Mhlengi Khumalo, who is the first person to be killed by a shack fire since the formation of Abahlali baseMjondolo.

### April 2007

A shack fire at Kennedy Road on **29 April** kills at least three people, destroys 75 homes and leaves at least 400 people homeless.<sup>212</sup>

### June 2007

A fire in Sihlahla Road in Lamontville destroys 40 shacks.

### August 2008

Kennedy Road experiences a devastating fire, the seventh in 2008. Abahlali calls for a City Wide Shack Fire Summit to be held on 22 September 2008 to advocate for the universal right to electricity.<sup>213</sup>

### April 2010

A fire in Kennedy Road destroys about 150 shacks and leaves about 400 residents homeless. This is this the third fire of the year in the settlement.<sup>214</sup>

### July 2010

On **4 July**, Kennedy Road suffers another fire, killing 4 people and leaving more than 3,000 people homeless and displaced.<sup>215</sup>

### December 2010

On **7 December**, a fire in QQ Section of Khayelitsha destroys between 50 and 100 shacks including a crèche built by the community. At least 500 people are left without shelter and their belongings. In a statement, Abahlali assert that shack fires are not natural disasters and that they are in fact the product of “social abandonment of the poor”.<sup>216</sup>

<sup>212</sup> Abahlali baseMjondolo. ‘Worst Fire to Ever Hit Kennedy Road’. Abahlali baseMjondolo, 30 April 2007. <https://abahlali.org/node/1230/>.

<sup>213</sup> Abahlali baseMjondolo, ‘Another Huge Fire Devastates the Kennedy Road Settlement’.

<sup>214</sup> Mbonambi, Gugu, and Nompumelelo Mgwaza. ‘400 Homeless as Fire Sweeps through Shacks’. The Mercury, 27 April 2010. Republished by Abahlali baseMjondolo on <https://abahlali.org/node/6647/>.

<sup>215</sup> Zikode, S’bu, and Zodwa Nsibande. ‘Serving Our Life Sentence in the Shacks’. Abahlali baseMjondolo, 16 July 2010. <https://abahlali.org/node/7187/>.

<sup>216</sup> Abahlali baseMjondolo. ‘Press Statement: Up To Five Hundred People Left Homeless in the QQ Fire Last Night’. Abahlali baseMjondolo, 8 December 2010. <https://abahlali.org/node/7654/>.



*Fire at Foreman Road settlement, 2017.*

Khulumani Khumalo, *GroundUp* (CC BY-ND 4.0)

Other shack fires in Cape Town over the weekend of **18-19 December** claim the lives of 4 people and the destruction of numerous homes.<sup>217</sup>

#### **April 2011**

Abahlali Western Cape also hosts a shack fire summit commemorating shack dwellers whose lives have been lost to shack fires.<sup>218</sup>

#### **May 2011**

On **1 May**, a shack fire caused by a fallen candle kills 33-year-old Mr Zulu in New eMmaus in Pinetown. A day earlier, Jadhu Place shack settlement in Clare Estate is also affected by a shack fire.

#### **June 2011**

A shack fire in Siyanda on **11 June** leaves three families homeless.<sup>219</sup>

<sup>217</sup> Abahlali baseMjondolo. 'Press Statement: Another Shack Fire Rips Through Khayelitsha'. Abahlali baseMjondolo, 18 December 2010. <https://abahlali.org/node/7683/>; Cupido, Chad, and Natasha Nei. 'Four Die in Cape Shack Fires', 20 December 2010. <https://www.iol.co.za/news/south-africa/western-cape/four-die-in-cape-shack-fires-1003147>.

<sup>218</sup> Abahlali baseMjondolo, 'Press Statement: 27th April UnFreedom Day Mass Rally at QQ Shack Settlement, Khayelitsha'.

<sup>219</sup> Abahlali baseMjondolo. 'Press Statement: Another Shack Fire Destroys Families' Homes in Siyanda'. Abahlali baseMjondolo, 13 June 2011. <https://abahlali.org/node/8089/>.



*Smoke after fire in Kennedy Rd Settlement, 2014.  
Abahlali baseMjondolo Facebook*

### **June 2012**

A fire caused by a paraffin stove at Jadhu Place on the morning of **26 June** leaves about 200 people homeless.<sup>220</sup>

### **August 2013**

Over the weekend of **3-4 August**, shack fires at the Matambo settlement in Red Hill, Durban destroy about 280 shacks and leave one person dead and about 800 people without shelter.<sup>221</sup>

### **July 2021**

During the July unrest of 2021, Briardene suffers a shackfire that affects approximately 280 residents.<sup>222</sup>

<sup>220</sup> Abahlali baseMjondolo, 'Press Statement: Jadhu Place on Fire Again'.

<sup>221</sup> Madlala, Mpume, and Lauren Anthony. '800 Homeless after Fire'. Daily News, 5 August 2013. republished by Abahlali baseMjondolo on <http://abahlali.org/node/11028/>.

<sup>222</sup> Xolo, Nomfundo, and News. 'Briardene Residents Are out There "on Their Own"'. New Frame, 4 November 2021. <https://www.newframe.com/briardene-residents-are-out-there-on-their-own/>.



Water supply in informal settlements is often limited to a small number of communal taps, usually too few to cater to the size of settlements they are installed for. To access water, informal residents either have to buy water to meet household needs or bear with the challenges of using the few communal taps available. Challenges include low water pressure, long waits in queues and taps running dry over weekends when there is high demand. Because of these challenges, informal settlement residents have found ways of establishing connections to the main water pipe, bringing water closer to households or directly into individual yards.<sup>223</sup>



Dennis Webster, SERI

<sup>223</sup> Socio-Economic Rights Institute, 'Here to Stay: A Synthesis of Findings and Implications from Ratanang, Marikana and Siyanda'. p.39

# 07 Repression

In addition to socio-economic rights claiming, Abahlali baseMjondolo have made use of South Africa's Constitution to claim and use political and civil rights, which include the rights to equality and human dignity, the rights to assemble and to just administrative action, as well as access to courts and access to information.

The narrative shows that Abahlali baseMjondolo's organisation of informal settlement residents has made the movement and its leaders targets of repeated and varied forms of repression. Abahlali's experience demonstrates the limits of the constitutional framework in the face of brute and unlawful state force, especially in a context where formal politics frequently spills over into violence, often with deadly

*Thousands of Abahlali baseMjondolo members march against politically motivated killings in Durban, October 2018.*

Madelene Cronjé, *New Frame*





consequences for the movement. Dominant political structures view Abahlali as a threat to their claims to represent the interests of the poor.<sup>224</sup> As noted by Zikode:

*"A lot of ANC people in the province still have no understanding of the so-called social movements. Any social organising is deemed to be political and therefore seen as a potential threat to those in government. Many of those same people were part of the civil war in KZN and are accustomed to killing people. Somehow our movement became a victim of this history of political violence,"<sup>225</sup> – S'bu Zikode*

Despite shortfalls and risks Abahlali continue to make use of tactics like protest, litigation, engaging the state and leveraging formal politics to hold the state accountable and affirm the dignity and equality of informal settlement residents.

## Formal politics and engaging the state

Abahlali views engagement with the state at both local and national spheres as an important tool to use before turning to other tactics like protest and litigation. The results have been mixed. For example, Abahlali exhausted available avenues to engage eThekweni on the proposed Slums Act before it was signed into law. Abahlali's submission went unheard.

*"The provincial Parliament considered neither Abahlali's written submission nor one submitted by the International Labour Research and Information Group (ILRIG)... Abahlali's sense was that their active participation in and mobilisation for the hearings, and their visit to Parliament, had merely been used to validate the Bill"<sup>226</sup> - Marie Huchzermeyer*

At times Abahlali's engagement with government has been constructive, yielding valuable outcomes for informal settlement residents. For example, in 2009, Abahlali's engagements with the eThekweni local municipality led to the municipality committing to upgrade three Abahlali baseMjondolo settlements *in situ*, including Kennedy Road, as well as the provision of basic services in 14 settlements.<sup>227</sup> Significantly, the outcome signalled acceptance of the Upgrading of Informal Settlements Programme precept that settlements should be upgraded where they are and that relocation is an option of last resort. This was significant because it marked a shift away from the apartheid logic of spatial inequality, recognising that settlements in and near the city should be upgraded where they are.

<sup>224</sup> Tricontinental: Institute for Social Research. 'Dossier 31: "The Politic of Blood": Political Repression in South Africa', 4 August 2020. <https://thetricontinental.org/dossier-31-political-repression-in-south-africa/>.

<sup>225</sup> Clark, By Christopher. 'Why Is There so Much Conflict between Abahlali and the State?' GroundUp News, 20 September 2018. <http://www.groundup.org.za/article/why-there-so-much-conflict-between-abahlali-and-state-kzn/>.

<sup>226</sup> Huchzermeyer, Cities with 'Slums'. pg. 209.

<sup>227</sup> Ndabankulu, Mnikelo. 'We Want the Full Loaf (Not Just a Child Support Grant)'. Abahlali baseMjondolo, 18 November 2009. <https://abahlali.org/node/6115/>.

Over the years, Abahlali adopted different positions on elections, the most formal of political processes. Under the 'No land. No house. No vote.' campaign in 2006 and 2011, Abahlali advised informal settlement residents to withhold their votes. In 2014 Abahlali adopted a tactical position, withdrawing support from the ruling party by endorsing the oppositional Democratic Alliance. Abahlali have since shifted their position on elections. In 2016, Abahlali decided against entering into electoral agreements with of the any political party and encouraged its members to vote for the party of their choice.<sup>228</sup>

The ANC chairperson in Durban, John Mchunu, formerly of the Inkatha Freedom Party (IFP), has shown on many occasions that he views the movement as a threat to the tripartite alliance. Undermining Abahlali's agency, he reportedly viewed the movement as being used by "NGO [sic] who are funded by the West to destabilise us [being the ANC]".<sup>229</sup> Abahlali's experience demonstrates how heavily contested informal settlement upgrading can be, for which members have paid dearly, many with their lives. As Pithouse puts it, in reference to the politicised nature of upgrading: the shack is a site of politics.<sup>230</sup>

## Protest and police brutality

Protest action lies at the heart of Abahlali's strategies. The movement distinguishes between planned protest action and spontaneous protest action, such as road blockades. Abahlali uses both to express dissatisfaction and to draw attention to specific grievances like poor service delivery, corrupt local governance, or to denounce police brutality or other forms of repression. Early in the movement's history, Abahlali staged protests that were mock funerals to symbolise the withdrawal of settlement residents' recognition of their local ward councillor due to years of failing to deliver on promises made to improve living conditions of informal settlement residents.<sup>231</sup>

Abahlali has used spontaneous protest action to express an eruption of anger, frustration or disappointment usually after having exhausted other methods of engagement like requests for meetings or peaceful marches at which a memorandum is submitted. Protest methods like road blockades are recognised as effective in getting an urgent response from local government officials because of the heightened disruption they cause. Zikode writes:

*"We discovered that our municipality does not listen to us when we speak to them in Zulu. We tried English. Now we realize that they will not understand Xhosa or Sotho either. The only language that they understand is when we put thousands of people on the street. We have seen the results of this and we have been encouraged. It works very well. It is the only tool that we have to emancipate our people. Why should we stop it?"<sup>232</sup>*

<sup>228</sup> Abahlali baseMjondolo, 'Press Statement: 2016 - A Year of Progress for Our Movement'.

<sup>229</sup> Tolsi, Niren. 'Ethnic Tension Boils Over'. The Mail & Guardian, 3 October 2009. <https://mg.co.za/article/2009-10-03-ethnic-tension-boils-over/>.

<sup>230</sup> Pithouse, 'Undoing the Silencing of the Present the Imperative to Recognise the Shack Settlement as a Site of Politics', pp.144-145

<sup>231</sup> Bryant, 'Towards Delivery and Dignity'. p.110

<sup>232</sup> Zikode, 'The Third Force'. p.187



Abahlali baseMjondolo

The state's response to Abahlali adopting protest as a means for political expression is often to stifle dissent and contain the impact of their critique. Abahlali have had some of their protests unlawfully prohibited when they tried to follow the procedure in the Regulations of Gatherings Act 205 of 1993. On different occasions, Abahlali have been able to challenge the unwarranted prohibitions through the courts and when necessary, they have simply chosen to protest as planned in defiance.

One of Abahlali's first court victories was against an unlawful prohibition of a scheduled protest by the City Manager Mike Sutcliffe in February 2006. On the day of the march, Abahlali, with the support of the Foundation for Human Rights and the assistance of pro bono legal support, challenged the prohibition in the High Court. The High Court granted an order interdicting the City and the police from infringing their rights to freedom of expression and to gather.<sup>233</sup>

Abahlali's experience also shows the frequency with which police respond to spontaneous protests with excessive force and use mass arrests as a means of deterring such forms of protest. Police and other security forces are called upon to quash these popular demonstrations through what quickly becomes violent dispersion by public order policing and municipal officers.

<sup>233</sup> Pithouse, 'A Politics of the Poor'. p.83



*Daily Sun Newspaper front page, October 2013.*

*Abahlali baseMjondolo Facebook*

It is not uncommon to see Abahlali protests barricaded by a heavy police presence and armoured vehicles being used to block entrances and exits to settlements planning to protest. Under such circumstances, tensions rapidly escalate and often end with numerous arrests and severe injuries. This was the case in November 2005, when the Foreman Road settlement planned a march on the City of eThekweni's Mayor Obed Mlaba which was unlawfully prohibited. Police dispersed the protest without warning, arrested 45 people and left many protestors with serious injuries from beatings by the police. Police had blocked the entrances to the settlement for hours and reportedly used rubber bullets, stun grenades and live ammunition to quell the protest.<sup>234</sup>

In extreme cases, there have been casualties. For example, two-week-old baby Jayden Khoza was killed in a brutal police attack on the Foreman Road settlement following a road blockade on 23 May 2017. Many children were left crying, coughing and vomiting after the police used rubber bullets and tear gas, which filled many shacks. In 2013, 17 year old Nqobile Nzuzza was shot dead at a protest in the Cato Crest settlement, while trying to flee from police at the scene. As David Ntseng of the Church Land Programme explained,

trying to reconcile the duties of police officers with acts of violence, "... when people demand dignity, that's where they are confronted with the might of security agencies."<sup>235</sup>

As far back as February 2006, Abahlali members Mdu Hlongwa, Ludumo Mgibi, Philani Ntazi and Luvuyo Mkhize were arrested and detained at the Sydenham police station. In detention, they were beaten with a mop, kicked and prevented from using appropriate toilets. Abahlali protestors have incurred eye injuries from rubber bullets, have had to nurse severe bruising from being beaten and have required hospitalisation as a result of police brutality. As described by MaZandile Nsibandé, "police brutality is like a pandemic within the movement."<sup>236</sup>

<sup>234</sup> Pithouse, 'The Promised Land and the University of Abahlali BaseMjondolo'. p.129

<sup>235</sup> Interview with David Ntseng, Church Land Programme, 2021

<sup>236</sup> Interview with Zandile Nsibandé, gender-based violence co-ordinator in Abahlali baseMjondolo, 2021



## Arbitrary arrest and intimidation

Arbitrary arrest, whereby Abahlali members are arrested on trumped up charges, is another means of repression which the narrative identifies. Abahlali leadership views arrests as attempts to delegitimise the movement in the public opinion; to instil fear in members with the possibility of arrest; to discourage future mobilisation and protest; and ultimately to intimidate the movement into silence. They are arrested and detained for lengthy periods of time and frequently denied bail only to be released later with charges dropped. Such arrests divert much-needed energy and resources away from the work that Abahlali does and they place a great deal of strain on those arrested, their loved ones and the movement.

Examples include the charges brought against the “Kennedy 12” who were arrested following the 2009 Kennedy Road attack. In 2011 all 12 were fully acquitted because the evidence against them was fabricated. The state’s witnesses were disparaged for being dishonest and belligerent.<sup>237</sup> More recently, six Abahlali members affiliated with the eKhenana occupation were arrested and charged with murder and conspiracy to commit murder. In September and October, the accused had the charges against them dropped on the discovery of false witness statements. Four of the accused had spent over five months in custody.

When members are arrested, Abahlali rapidly rally in support by finding legal representation, raising the funds needed to secure bail and attending all proceedings in large numbers outside the relevant police station or



*[from left to right] Landu Tshazi, Ayanda Ngila, Maphiwe Gasela, Lindokuhle Mnguni, Siniko Miya, Mqapheli Bonono outside Durban Magistrate’s Court after charges against them were dropped, 2021.*

*Abahlali baseMjondolo Facebook*

<sup>237</sup> Socio-Economic Rights Institute, ‘Press Statement: “Kennedy 12” Acquitted’.



courtrooms. Members who have been arrested under such circumstances note the comfort and strength that they draw from Abahlali which in turn further motivates them to continue their work in the movement.

## Targeted threats, violence and assassinations

Abahlali baseMjondolo's journey has been marked by a combination of challenging the structural violence of poverty and confronting state-sanctioned and political forms of violent repression.

Violence is a characteristic of Abahlali's experience of repression: state violence, political violence and structural violence. Statesanctioned violence against Abahlali and its members occurs in the context of both protest and occupation: the excessive use of force by police when people express dissent using protest action and unlawful evictions effected by private security bodies, municipal security bodies and sometimes the police. In extreme cases, the consequences have been lethal.

In addition to state sanctioned violence that Abahlali members face, Abahlali also experience the structural violence of poverty and inequality that all informal settlement residents live with. As noted by Michael Neocosmos:

*"This violence is not necessarily always physical violence. But the mere fact that you live in an area, which has got one toilet for 1000 people is violence. You subject people to violence through their living conditions."<sup>238</sup>*

Joel Bolnick echoes this, by noting that "the real violence is the violence meted out to people living in informal settlements through the perpetuation of inequality and exclusion".<sup>239</sup>



<sup>238</sup> Interview with Professor Emeritus Michael Neocosmos, Rhodes University, 2021

<sup>239</sup> Interview with Joel Bolnick, former general secretary of Slum-Dwellers International, 2021

To date, at least 24 members of Abahlali have been murdered as a result of both political and state-sanctioned violence. State repression is emblematic of the state security's extreme antagonism toward grassroots social movements. Abahlali members describe how "if you are a part of Abahlali, you are digging your grave... because this government, they don't want us to talk."<sup>240</sup>

According to Neocosmos's analysis of the nature of violence faced by Abahlali, there is a distinction between what he refers to as 'civil' and 'uncivil society', where those deemed to make up uncivil society are subjected to violence that is deployed as a first resort as opposed to a last resort.<sup>241</sup> By operating mainly in KwaZulu-Natal, in the domain of uncivil society, as a multi-ethnic, multi-national, non-partisan social movement, it is almost unsurprising that Abahlali has faced violence to the extent that it has. This has made for particularly dangerous terrain to build and sustain a social movement that confronts power and exposes corruption.

Threats against the movement and specifically against its leadership have been well documented, as often they are made publicly in order to delegitimise the movement. For example, Abahlali have frequently



Abahlali baseMjondolo Facebook

<sup>240</sup> Interview with Mfanufikile Sindane, Abahlali baseMjondolo national council youth representative, 2021

<sup>241</sup> Interview with Professor Michael Emeritus, Rhodes University, 2021; According Michael Neocosmos, 'Uncivil society' is the domain in which the relationship with the state and authority is often marred by violent contestation over the claiming of rights. Essentially, the theory is that uncivil society is governed by a different set of rules – one which allows for violence to thrive as the most common solution to disputes.

been referred to as a “third force”<sup>242</sup> thereby illegitimate and opposed to the established common good. Threats have been made by prominent political figures at public meetings with local communities and some Abahlali leaders have been confronted directly and warned to cease their activism unless they want to endanger their lives. For example, in 2011, then ANC Chairperson of Housing and Infrastructure Portfolio Committee Nigel Gumede was quoted as declaring war on Abahlali baseMjondolo and specifically desiring to “get rid of Zikode”. Threats are made against Abahlali’s leaders who have been the forefront of exposing housing corruption and thereby seen as interfering with local networks of patronage and self-enrichment.

Such threats have been followed through with targeted assassinations and attacks on Abahlali communities in several cases. As a result, many leaders of the movement have been forced to leave their homes and go underground at different times in Abahlali’s history. Over June and July in 2018, S’bu Zikode was forced into hiding amid confirmation that a gang was planning to murder him at a community meeting.

On multiple occasions, vocal leaders within the movement had been warned that they were going to be murdered if they continued with their activism. This had been the case for Thuli Ndlovu, Sibonelo Mpeko and S’fiso Ngcobo – all of whom were chairpersons of their local Abahlali branches. In 2013, housing activist Thembinkosi Qumbelo and Nkuleleko Gwala, Abahlali branch chairperson in Cato Crest, were murdered in two separate incidents of targeted assassinations. This direct targeting of Abahlali’s leaders implies an attempt by their detractors to stifle the movement by removing key community leaders. Since 2018, murders have been concentrated in the eKhenana, an occupation currently leading the way in self-reliant co-operatives. These murders have occurred in occupations that become ‘war zones’<sup>243</sup> of ‘territory battles’<sup>244</sup>, characterised by repeated brutal evictions such as eKhenana, eNkanini and Cato Manor.

Abahlali baseMjondolo believe that assassinated leaders were targeted primarily because of their association with the movement. As former Abahlali leader Mashumi Figlan believes, “the system killed the people who were the members of Abahlali.”<sup>245</sup> These conclusions are drawn based on the death threats which are often publicly issued prior to a murder as well as the general antagonism repeatedly directed at Abahlali members. However, members of the movement express that they accept the risks and costs of being a member of Abahlali. A common phrase amongst Abahlali members is that their work is “do or die” where they are prepared to die for their cause rather than to “suffer in silence”. Members also view the losses to violence as greater motivation to continue the struggle to honour their memories.

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<sup>242</sup> As described by Pithouse, 2006: A pejorative term predominantly used to describe “the apartheid security agents offering military support to the Zulu nationalist attacks on ANC supporters in the last years of apartheid.”

<sup>243</sup> Interview with S’bu Zikode, President of Abahlali baseMjondolo, 2021

<sup>244</sup> Tricontinental: Institute for Social Research, ‘Dossier 11’.

<sup>245</sup> Interview with Lindela ‘Mashumi’ Figlan, former deputy President of Abahlali baseMjondolo, 2021

## 08 Commemorating lives lost

Having emerged out of KwaZulu-Natal, a province with a history of violent politics, Abahlali's politics have cost the movement 24 of its members, at the time of writing. While each incident is unique, their deaths are all the result of either state-sanctioned violence, political violence or the structural violence of poverty. Their deaths are the price that they, their loved ones and the movement have paid for organising outside of formal politics and challenging the state.

- 1 Mthokozisi Thabani Ndlovu** was killed on 26 September 2009 in the attack on Kennedy Road. He was stabbed to death when a mob attacked the settlement.
- 2 Ndumiso Thokozani Mnguni** was also killed on 26 September 2009 in the attack on Kennedy Road. He was also stabbed to death.
- 3 Thembinkosi Qumbelo** was killed on 15 March 2013, following several death threats made against him. Qumbelo was allegedly shot by a group of 4 unknown men outside a tavern. Thembinkosi Qumbelo was the president of Cato Crest Residential Association.
- 4 Nkululeko Gwala** was killed on 26 June 2013 after receiving multiple threats. Gwala shot twelve times outside his shack in Cato Crest. Nkululeko Gwala was a prominent member of Abahlali baseMjondolo.
- 5 Nqobile Nzuzwa** was killed on 30 September 2013 at a road blockade staged by Abahlali members in Cato Crest. Nzuzwa was shot twice from behind with live ammunition by a police officer. Nqobile Nzuzwa was 17-year old girl and a supporter of Abahlali baseMjondolo.
- 6 Thuli Ndlovu** was killed on 29 September 2014. Ndlovu was shot seven times in her home. Ndlovu had been threatened for exposing corruption in KwaNdengezi. Two ANC members and hitman were convicted of Ndlovu's murder. Thuli Ndlovu was the chairperson of the Abahlali baseMjondolo branch in KwaNdengezi. She was 36 years old when she was killed.
- 7 Isaac Mabika** was killed on 6 February 2016 after being attacked with an axe by an unknown man. Mabika was a branch coordinator in Abahlali's Briardene branch.





*Nokuthula Mabaso, centre, and other mourners from eKhenana attend the funeral of Ayanda Ngila at his family home in Mthalala village in Port St Johns, Eastern Cape.*

Rogan Ward, *New Frame*

- 8 Jaydon Khoza** was killed on 29 May 2017. Baby Jaydon Khoza was two-weeks old when he died after inhaling tear gas from his home in Foreman Road. Police responded to a road blockade by throwing teargas into the settlement.
- 9 Samuel Hloele** was killed on 13 June 2017. Hloele was shot to death in eKukhanyeni, Marinhill. It is alleged that his killers were members of the eThekweni Municipality's Anti Land Invasion Unit, who were conducting evictions and firing live ammunition. Samuel Hloele was 29 years old at the time of his death.
- 10 Sibonelo Patrick Mpeku** was killed on 19 November 2017 following his kidnapping on 11 November 2017. Mpeku was a victim of numerous threats allegedly made by prominent ANC leaders. Sibonelo Mpeku the chairperson of the Abahlali branch in Sisonke Village and he was 32 years old at the time of his death.
- 11 Soyiso Nkqayini** was killed on 17 December 2017. Nkqayini was shot by unknown mem in the eNkanini occupation in Cato Manor. Soyiso Nkqayini a vocal youth league organiser for Abahlali baseMjondolo.
- 12 Sandile Biyela** was killed on 11 January 2018. Biyela was electrocuted to death when he ran into electrical wires while fleeing from police who were firing live ammunition at the protestors from the Solomon Mahlangu Abahlali baseMjondolo branch.
- 13 S'fiso Ngcobo** was killed on 22 May 2018. Ngcobo was shot to death in his home by unknown men and was the subject of multiple death threats. S'fiso Ncgobo was the chairperson of the eKukhanyeni Abahlali baseMjondolo branch in Marianhill. He was a highly respected member of his community is remembered for founding a creche in eKukhayeni and for his leadership.
- 14 Chief Thulani Mjanyelwa** was killed on 26 August 2018. He was killed by a mob that hacked him to death outside his home. Thulani Mjanyelwa was the Chief of Bizana in Mpondoland, Eastern Cape and was well known for his vocal activism in defence of land and against harmful mining practices.
- 15 Senzo Gumede** was killed on 22 December 2018. Gumede was shot and killed by unknown gunmen after he was previously threatened by the ANC ward Councillor and taxi blockades who opposed road blockades. Senzo Gumede was a prominent defender of the eKhenana occupation.
- 16 Odwa Mbana** was killed in April 2019. Mbana was shot to death after receiving several threats by local ANC members. Odwa Mbana was an Abahlali baseMjondolo youth league organiser in eKhenana who was in his early twenties at the time of his death.



*Betty Patosi protested in memory of her son Samuel Hlole who was killed by the anti-land invasion unit last year during an attempted eviction, 2018.*

Madelene Cronjé, *New Frame*

- 17 Sandile Dlamini** was killed in October 2019. He was assaulted to death by unknown men believed to be from the neighbouring area. His lifeless body was later found when the community was informed that a member of the eKhenana Abahlali branch was beaten up and lying on the ground. Sandile Dlamini was a resident of the eKhenana occupation in his mid-30s when he was killed.
- 18 Xolani Ndlovu** was killed on 1 November 2019. Ndlovu was shot to death by two unknown gunmen outside his home in eKhenana. Xolani Ndlovu was a resident of the eKhenana occupation.
- 19 Bheki Mdluli** was killed in February 2020. Mdluli died after being shot in the abdomen. He was in his late 30s at the time of his death and was known for resisting the attacks on the eKhenana occupation.
- 20 Nkosinathi Mngomezulu** died in July 2021. In September 2013, Mngomezulu was shot while physically resisting the unlawful demolition of his shack. He was shot four times in the stomach by a security officer in the eThekweni's anti-land invasion unit. He died in 2021 from medical complications related to the injuries he sustained in the 2013 shooting. Nkosinathi Mngomezulu was a resident of the Cato Crest settlement.
- 21 Ayanda Ngila** was killed in eKhenana on 8 March 2022 after he was shot by a group of men alleged to be linked to the local ANC leadership. At the time, Ngila was the deputy chairperson of the eKhenana branch. Ngila was 30 years old at the time of his death.
- 22 Siyabonga Manqele** was killed at the eNkanini Occupation on 12 March 2022. Manqele was shot in the back of the head during a raid on eNkanini during which his wife, Thandeka Sithunsa, was arrested.
- 23 Nokuthula Mabaso** was killed in eKhenana on the evening of 5 May 2022. She was shot seven times in front of her home. She was a prominent leader in the Women's League and played a central role in defending the occupation against evictions and sustaining the commune's various operations. She was also a witness to the killing of Ayanda Ngila.
- 24 Lindokuhle Mnguni** was killed in eKhenana on 20 August 2022. He was shot several times in his home after spending months in hiding. His partner, Sindiswa Ngcobo was also shot but was fortunate to survive. Mnguni narrowly escaped harm when Ayanda Ngila was killed. Mnguni was the chairperson of Abahlali's eKhenana branch and a leader in the Youth League. He was 28 years old at the time of his death.





*Funeral of Lindokuhle Mguni, August 2022.  
Siyabonga Mbhele, LordBear Pictures*

# 09 Conclusion

**A**bahlali baseMjondolo emerged as a response to promises made by politicians to upgrade the Kennedy Road settlement, which were repeatedly broken, and profound dissatisfaction with formal politics regarding the interests and needs of informal settlement residents. Implicit in both failures was another: the failure to recognise informal settlement residents' human dignity.

Since its formation, the movement has dedicated itself to a radical land reform project that insists on the de-commodification of land and for its distribution and use on the basis of need. Abahlali baseMjondolo has mobilised its members and grown its movement around the core strategies of land occupation, resisting evictions, advocating for development through informal settlement upgrading and fighting for the dignity of informal settlement residents.

The movement's longevity, survival and growth can be attributed to its effective use of a wide range of strategies and tactics that have enabled it to successfully defend land occupations and advocate for the delivery of basic services to informal settlements. Fierce confrontations with security forces and government officials, meticulous documentation of evictions and the strategic use of litigation stand out in the history documented here, as does leveraging local and international allies and media outlets as a way of shaming government for carrying out unlawful evictions and using violence against Abahlali members and settlements.

The movement has been targets of both state-sanctioned and political violence because of their objectives, style of organising and in particular, what leaders refer to as their audacity to organise beyond the confines of formal politics. They are unapologetically vocal about ANC shortcomings.

Abahlali's survival and resistance expose both the limits and opportunities of organising in South Africa's post 1994 democratic environment. On the one hand, the movement has been able to draw on South Africa's constitutional prescripts and use existing legislation to assert the socio-economic and civil and political rights of informal settlement residents. By taking advantage of strategic interest litigation, Abahlali baseMjondolo has advanced South Africa's housing jurisprudence, and ensured that the right to be protected against unlawful eviction has been realised for thousands of people.

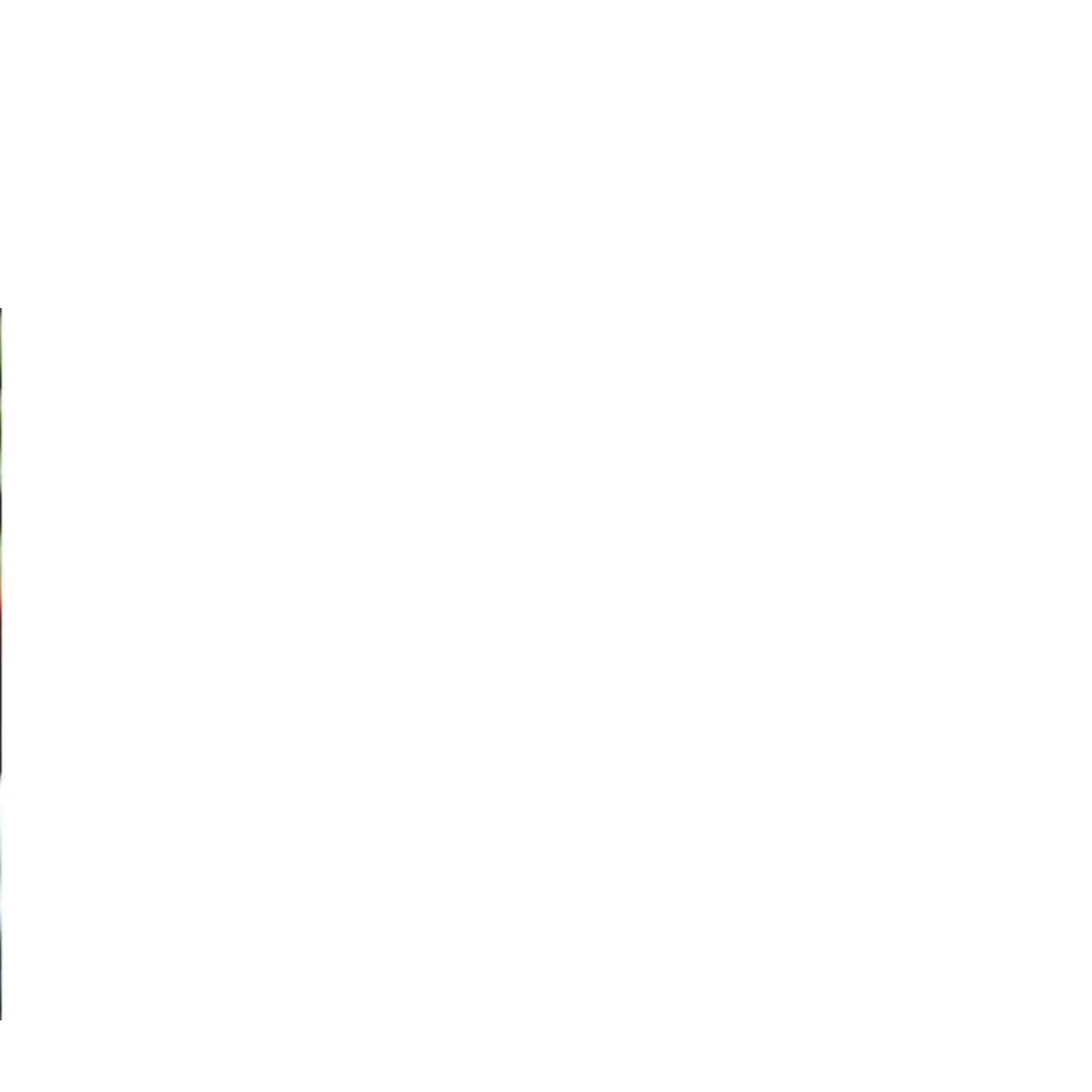
However, on the other hand, Abahlali's experience also shows that neither court judgments in their favour nor other protections in the Constitution can safeguard its members against harassment and

assassinations, unlawful evictions, or excessive uses of force by the local and national police and other private security agencies. Abahlali's experience illustrates that South Africa's democracy has a limited tolerance for ideas and movements that threaten dominant interests and the political status quo. While Abahlali's seventeen-year history is a struggle for expanding political space, it also tells of the risks and costs of confronting deeply-embedded political interests.

Abahlali's experience shows that organising outside the formal political terrain has violent and sometimes deadly consequences, and that the democratic project is challenged when the holders of political power are threatened by the alternative which Abahlali's living politics presents.



Still from *Dear Mandela*





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