

A Progressive Policy without Progressive Politics: Lessons from the failure to implement 'Breaking New Ground'

Richard Pithouse

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"Depoliticization is the oldest task of politics."
- Jacques Rancière (2007: 19)

Abstract

This article provides a brief overview of post-apartheid housing policy. It argues that, in principle, 'Breaking New Ground' (BNG) was a major advance over the subsidy system but that the failure to implement BNG, which has now been followed by more formal moves away from a rights based and towards a security based approach, lie in the failure to take a properly political approach to the urban crisis. It is suggested that a technocratic approach privileges elite interests and that there could be better results from an explicitly pro-poor political approach – which would include direct support for poor people's organisations to challenge elite interests, including those in the state, and to undertake independent innovation on their own.

'N PROGRESSIEWE BELEID SONDER PROGRESSIEWE POLITIEK: LESSE GELEER UIT DIE MISLUKTE IMPLEMENTERING VAN "BREAKING NEW GROUND"

Hierdie artikel verskaf 'n kort oorsig van post-apartheid behuisingsbeleid. Die oorhoofse argument is dat "Breaking New Ground" (BNG) in beginsel 'n radikale verbetering van die subsidie sisteem was maar dat die mislukte implementering daarvan - intussen opgevolg deur 'n grondige klemverskuiwing wég van 'n regs basis in die rigting van 'n sekuriteitsbasis - dááaraan te wyte was, dat dit nie 'n deeglik politieke benadering tot stedelike krisis gevolg het nie. Die artikel argumenteer voorts dat 'n tegnokratiese benadering elitistiese voorregte verskans en dat 'n eksplisiet politiese, pro-armoede benadering meer vrugbaar sou wees. So 'n benadering sal, onder andere, menseregorganisasies ondersteun in hulle poging om die verskansing van elitistiese voorregte, veral in die staat, te betwis en hulle sodoende bemagtig om onafhanklike verandering teweeg te bring.

KE LEANO LA TSWELOPELE LE HLOKANG DIPOLOTIKI TSA TSWELOPELE: HO ITHUTA HO HLOLEHENG HO PHETHAHATSA 'HO PHUNYELE TSA'

Ditaba tsena di fana ka bonyane diphetho tsa leano la matlo la nako e fetileng ya kgethollo ka mmala. Di hanyetsa ka hore, tsela ena ya ho phunyeletsa e bile katleho e kgolo mokgweng wa dithuso tsa dijhelete, empa hore ho hloleha ho phethahatsa leano lena la ho phunyeletsa, leo hajwale le latelwang ke ho sutha ka molao katamelong ya motheo ya ditokelo esitana le mabapi le ya tshireletso, ho robetse ho hloleheng ho nka katamelo ya sepolotiki e nepahetseng bothateng bona ba dibaka tsa metse ya ditoropo. Ho entswe tlhahiso ya hore katamelo ya tsa botegniki e fana ka menyetla ho batho ba nang le bohona le hore e ka ba diphetho tse ntlenyana ho hlaha ka lehlakoreng la batho ba ratang katamelo ya sepolotiki ya bafumanehi, e ka boelang ya kenyeletsa le yona tshetso e otlohlileng ya mekgatlo ya ho phepetsa menyetla ya barui, esitana le bao ba mmusong, le ho nka ketapele motho ka mong.

1. INTRODUCTION

After apartheid South Africa developed a relatively progressive rights based legal framework with regard to housing. There has also been a relatively progressive policy framework since 2004 when the BNG policy was adopted. However in some parts of the country municipalities have routinely acted towards the poor in ways that are unlawful and, in strict legal terms, criminal. This has included unlawful and often violent evictions, demolitions, forced removals and repression of poor people's organisations (COHRE, 2008; Huchzermeyer, 2008a). For instance in Durban Mahendra Chetty, Director of the Durban office of the Legal Resources Centre (the organisation that has assisted the majority of those shack dwellers in that city who have been able to seek legal recourse against the state) attests that:

I have never come across one incident where the City has acted in accordance with the law in terms of Section 21 of the Constitution and PIE Act. There is not one instance that we know of where the City has evicted with a court order. The City, as a matter of regular and consistent practice, acts in flagrant breach of the law... A recurrent theme with these evictions is the simple callousness with which they are carried out. They are carried out in an extremely authoritarian and high handed manner against the most vulnerable people in our society – poor black women, old people and the unemployed" (Chetty, 2007).

Moreover at all levels of government, and in all parts of the country, there has been a systemic failure to implement the substantive content of BNG that recommends and makes financial provision for participatory and collective *in-situ* upgrades (Ardé, 2008; COHRE, 2008; Huchzermeyer, 2008a).

Although houses have been built at scale they have been too small, often of very poor quality and most often built in peripheral ghettos that have entrenched the spatial logic of apartheid.

These peripheral townships are ghettos as defined in Loic Wacquant's formulation: "one must stress that the ghetto is not simply a topographical entity or an aggregation of poor families and individuals but an institutional form, that is a distinctive, spatially based, concatenation of mechanisms of ethnoracial closure and control" (2008: 49).

Furthermore these housing developments have often taken the form of what Frederick Engels (1979: 71) named as Haussmann:

the practice ... of making breaches in the working-class quarters of our big cities, particularly in those which are centrally situated, irrespective of whether this practice is occasioned by considerations of public health and beautification or by the demand for big centrally located business premises or by traffic requirements.

Moreover housing developments have often been undertaken in a top down and highly authoritarian manner (COHRE, 2008). The recent return to the apartheid and colonial strategy of forcibly removing people from shacks to transit camps - also officially known as temporary relocation areas or decant areas - and popularly known as *amatins* or government shacks, is both a strategy by which inadequate structures are, in the words of Engels (1979: 74) "not abolished, they are merely *shifted elsewhere!*" and a form of semi-carceral social control (Huchzermeyer, 2008a; Chance, Hunter & Huchzermeyer, 2009).

One of the reasons for the contradiction between the law and formal policy positions on the one hand, and the altogether more grim reality of state action on the other, has been that for some years key figures in the national political elite have promoted an anti-poor discourse about 'clearing' or 'eradicating' 'slums' that has, in practice, had more influence on state officials and much of civil society than the formal policy and legal commitments to which the state is bound in principle. This has been compounded by the aggressive capture of development by local elites, usually via local party structures, that has tended to orientate development towards the interests of local elites and against those of the poor.

In recent months the state has demonstrated a willingness to take on some forms of the endemic corruption on the part of local political elites, particularly with regard to the allocation of houses (Sokomani, 2007: 11). However there has been a simultaneous shift towards the formalisation of the anti-poor slum clearance discourse. This retrogression is most advanced in KwaZulu-Natal where the *Elimination & Prevention of Re-emergence of Slums Act* was passed into law in 2007¹. However the often stated commitment to extend similar legislation to the rest of the country was included in the resolutions of the ANC's 52nd national conference in Polokwane (ANC, 2007) and received enthusiastic public support from [the now former] national Housing Minister Lindiwe Sisulu (South Africa. Department of Housing, 2009). The general trend towards rolling back formal commitments to rights based practices has also included the proposed amendments to the *Prevention of Illegal Eviction from and Occupation of Land Act* (1998)² and a rapidly escalating discourse from political elites that seeks to stigmatise and criminalise popular responses to failed state planning - e.g. the refusal to accept forced removal from well located shacks to peripheral housing developments, the abandonment or sale of peripheral houses in order to return to well located shacks and so on (Hweshe, 2008).

The reasons for this turn to an urban agenda that is both elitist and authoritarian are multiple and complex. They include an international shift towards a security driven approach to the urban poor (Zibechi, 2007), the renewed sense of possibility for the longstanding elite aspirations for an 'international' modernity read in the apparent success of profoundly authoritarian models of development, often based on accumulation by violent dispossession, in countries like Dubai, India and China and, of course, the class agenda of the ANC.

The reasons why the ANC has been able to successfully affect this turn, despite sustained (although fragmented) grassroots resistance (Pithouse, 2009), are also multiple and complex but certainly include the demobilisation of the civic movement in the early 1990s (Neocosmos, 2007), the top down

political structures of the party (Heller, 2001), its often violent intolerance to autonomous organisation on the part of the poor (Lynch & Nsiband, 2008) and the general failure to develop popular political support to defend and deepen progressive policy innovation. However recent local break throughs in Cape Town and in Durban indicate that different types of political challenges to the ANC can realise some of the positive potential in existing policy frameworks.

This article begins with an examination of the international policy consensus and shows that independent innovation from that consensus is possible. It then notes some of the weaknesses of the post-apartheid subsidy system and the consequent emergence of a state led 'slum eradication' discourse and the policy innovation of BNG. The article then argues that the 'slum eradication' discourse has trumped BNG and suggests that this was able to happen due to a lack of political support for the policy innovations in BNG. The last section of the article makes some brief remarks about the first attempts to implement BNG and argues that, certainly in Durban, this has been consequent to popular pressure. The article concludes by noting that although there is a marked resurgence in shack dweller's activism movements operate on hostile terrain and remain fragmented and fragile.

2. THE INTERNATIONAL POLICY CONSENSUS

There is no *a priori* reason why the international policy consensus should limit the prospects for innovation in South Africa. On the contrary one of the failures of post-apartheid South Africa has been the extent to which we have, often with uncritical and at times clearly neo-colonial recourse to ideas about what is world class or what constitutes established best practice, allowed the international policy consensus to shape the limits of elite thinking on the urban question - including its now routine reduction to a housing question and the equally routine reduction of the housing question to a simple issue of the number of 'units delivered'. This has often been at the direct expense of the innovations developed during the mass popular uprising in the 1980s (Huchzermeyer, 2004; Mayekiso, 1996) and the contemporary

¹ For a collection of responses to the Act see the documents archived at: <http://abahlali.org/node/1629>

² For a collection of responses to the proposed amendment see the documents archived at <http://abahlali.org/node/655>

³ Where references are not given to claims made with regard to these movements they come from my own direct involvement over a period of some years.

thinking and discussion occurring in communities and the new generation of smaller grassroots movements.³ It is entirely possible to, with the young Manuel Castells (1977: x) conclude that it is: "necessary to oppose to the International of technocratic experts a new International of 'social scientists' who...meet in the conviction that cities are made by people and with the determination that they should be made for people."

However the structural political weakness of poor people as a class in contemporary South African society means that arguments made from what Partha Chatterjee (2006) calls political society are often invisible to, or deliberately ignored, dismissed, slandered or criminalised by the state and civil society.⁴ But debates in civil society around housing policy and practice, especially in the media and the courts, are taken seriously by the media, judiciary and political elite. These debates often take the form of contestation around what constitutes international best practice. Claims in this regard are deployed by the state in an attempt to discipline civil society critics and by many civil society critics in an attempt to discipline the state. Although this fact indicates how far we are from a situation where popular power could, even to a small degree, subordinate the state to society it is, therefore, nevertheless essential to begin any discussion on policy questions with some remarks on the international policy consensus. A sense of the limits of that consensus is also essential for an informed response to the institutions, states and donors that shape it and advocate for it.

The World Bank, the United Nations and the United States Agency for International Development, along with allied donors, NGOs and research institutes – have, to a considerable degree, created an international set of shared ideas and practices around housing policy. It is often noted that this network is neither static nor monolithic and that there are vigorous internal debates. But it is less well noted that some governments do not accept this policy consensus, and produce independent approaches. These can be progressive, as with the 1997 *Kaantabay sa Kauswagan* Ordinance (Partners in Development Empowerment Ordinance) in Naga City in the Philippines or the 2001 City Statue in Brazil. They can also be deeply reactionary, as with the 2005

Operation *Murambatsvina* (Operation Drive Out Trash) in Zimbabwe. There is also insufficient attention paid to the innovation, be it progressive (as with the Movement of Workers without a Roof in Brazil) or terrifyingly reactionary (as with *Shiv Sena* in India), generated by grassroots movements.

Some argue that the international policy consensus is producing a slow but steady enlightenment. Janice Perlman (1990: 6) concludes that: "Experience has shown that there is often a 20-25 year time lag between new ideas and their incorporation into public policy." She suggests that ideas trickle up from shack dwellers to researchers, then to international agencies and then down to national governments and, lastly and often only partially, to local governments. Others caution about an assumption that such a slow and steady progress exists. Huchzermeyer & Karam (2006) argue that progression and regression both occur, and conclude that continuing pressure from shack dwellers' organisations is essential to balance the pressures brought by other forces, with different interests in, and visions for, cities:

Examples across the developing world show that some countries have progressed from repressive to transformative policies, while others have reverted back to repression. This indicates that informal settlement policy is an area of continuous political contestation, with civil society groups engaged in an ongoing struggle to oppose repressive policies, achieve progress towards transformative policies, or contest reversion back to repression (Huchzermeyer & Karam, 2006: 7).

Gita Verma, writing from India takes a still more pessimistic position. She notes that since the 1960s housing standards for the poor (in terms of plot sizes, location, services and so on) have consistently worsened while, at the same time, a development industry has celebrated its own progress and innovation with equal consistency. She diagnoses a policy merry-go-round in which old policies are realised to have failed and new policies developed and celebrated while no one grasps the nettle of the fundamental problem which is that:

It is widely accepted that inequitable land distribution is a

major factor in the emergence of slums...[and therefore] the root cause of urban slumming seems to lie not in urban poverty but in urban wealth (Verma, 2002: 6).

From the beginnings of the international policy consensus in nineteenth century British colonialism to the late 1970s the ideas that the 'slum' was a key urban problem, and that the solution to it was 'clearance' or 'eradication', were central to that consensus. By the 1960s authoritarian modernising regimes, including the South African state (Maylam & Edwards, 1996), could still receive international sanction for slum clearance programmes. For instance in Brazil the military dictatorship that took power in a 1964 *coup* set up a National Housing Bank to: "direct, discipline, and control the financing of a housing system aimed at promoting home ownership for Brazilian families, especially among the low income groups" (Perlman, 1976: 201). The Bank made loans, which the relocated occupants were expected to repay. The dictatorship aimed at full-scale 'slum eradication,' and insisted that there would be "no more people living in slums in Rio de Janeiro by 1976" (Perlman, 1976: 202). The creation of the National Housing Bank was lauded by the United Nations Committee on Housing, Building and Planning as "the most advanced system of housing finance in Latin America at the present time" (Perlman, 1976: 204).

However this model ran into serious problems due to popular resistance to forced removal and the inability of people relocated from centrally located *favelas* to peripheral housing developments to pay their housing loans. In response to this crisis the once-off capital subsidy was developed in Chile in 1978 by American academics, advising the military dictatorship that had come to power in the 1973 *coup*. This model was then widely replicated in other Latin American countries and later became the standard World Bank model (Smit, 2005).

The World Bank argued for this model on the grounds that it brought an end to illegal land occupation, that it restricted expenditure (because the subsidy is set at a certain figure per household) and that it successfully provided housing to the poorest part of the population. However - although the use of the

⁴ The most important theorisation of this in South Africa is provided by Michael Neocosmos (2007). However it is important to note that the disjuncture between civil and political society is not unique to South Africa. See, for instance, Peter Hallward's (2008) account of recent politics in Haiti.

subsidy system, along with a relatively large dedication of total government expenditure to housing, significantly reduced the housing backlog in Chile - various failures have been identified. They include: the poor location of most new housing developments on the urban periphery, an increase in social problems (including family violence) in relocation settlements, a failure to integrate housing development with other forms of development, and the dominance of large construction companies in driving housing policy (Smit, 2005). Smit (2005) refers to surveys of people relocated in Santiago in the 1980s to show that more than half of the people in the formal relocation settlements wanted to return to their former shack settlements. It is also clear that the political consequences of the fragmentation of existing communities of struggle, and the banishment of the poor to the periphery of the cities, were entirely to the liking of both the World Bank and the Pinochet dictatorship they were supporting. But it is important to recognise that even when shack settlements are not home to critical movements they can still be interpreted as threatening, especially by authoritarian states. Henri Lefebvre (1991: 374) argues that the appropriation that is inherent to the shack settlement – the appropriation of land, planning and style produces “an extraordinary spatial duality. And the duality in space itself creates the strong impression that there exists a duality of political power.” In anxious reaction to this duality strategic space – “a space that *sorts* – a space that *classifies* in the interests of a class” (Lefebvre, 1991: 375) can become very attractive to state and private power.

By the early 1980s there was a general shift internationally towards recognising the functionality of shack settlements for their residents. The reasons for this included popular resistance to forced removals, the widespread although not universal inability of removal strategies to successfully ‘eradicate’ shacks, and a general decline in elite support for state centric response to social welfare issues. Following this shift shack settlements were more usually termed ‘informal settlements’ rather than ‘slums’ and by the late 1980s the move away from seeing relocations as good practice was largely hegemonic in even the most mainstream policy circles. However two schools of thought had developed about *in-situ* upgrades.

Huchzermeyer (2004: 53) explains them as follows:

One is concerned primarily with technological deficiencies, thus packaging a once-off physical intervention...referred to as comprehensive externally designed upgrading. The other is socially...inspired, concerning itself primarily with the people that experience the many and changing dimensions of poverty...referred to as support-based intervention.

The second, socially inspired, model has been used in countries such as Zambia, Sri Lanka and Brazil. Its ethic is very well described in Patrick Chamoiseau’s visionary novelistic history of Texaco, a shack settlement in Martinique. He describes a long “fight to be part of City” (1996: 25) on the part of the settlement which runs from its founding by Maroons to resistance to “the modernizing city council which destroyed poor quarters to civilize them into stacks of projects” (Chamoiseau, 1996: 11) to an eventual incorporation into the city via a socially inspired *in-situ* upgrade in which:

Each inhabitant told social workers, sociologists, architects, of his tastes, desires, needs. All of this was taken into account in the restoration of the hutches [shacks], a restoration respectful of the souls of the hutches. The town council had purchased the oil company’s space [on which the settlement was built] and organized the hutches according to their own logic (Chamoiseau, 1996: 389-390).

This kind of state response to shack settlements requires a major paradigm shift from experts. Academics in Sri Lanka have argued that it requires a “non-dominating and sensitive professionalism...the opposite of the traditional, packaged, all-knowing professionalism, where the bureaucrat and technocrat have all the answers” (Huchzermeyer, 2004: 65). It is certainly more time consuming than the first, formal and technological, model. The rates of satisfaction and well being amongst residents are significantly higher, however. Although the World Bank has moved away from recommending the first model, it still continues to finance these types of project and they remain common in many countries.

While the preference for upgrades over relocation has been widely welcomed it has often been argued that, while this is progress, it is very limited progress. For instance Verma argues that India’s Draft

National Slum Policy (DNSP), which was circulated in 1999, and which strongly advocated *in-situ* upgrades rather than relocation, carried the seeds of inevitable failure. Despite all the rhetoric about justice, rights and participation it did not challenge the inequitable distribution of land and thereby implicitly but “wholeheartedly advocates an option that directly endorses the notion that a majority section of the urban population must live in a very small share of urban land” (Verma, 2002: 17). Verma notes that although the policy of *in-situ* upgrades was better for shack dwellers than one of relocation - and although the right to stay was vastly better than compulsory eviction - nonetheless, these victories only translated into an acceptance of the *status quo*. In Delhi, this meant that “one-fifth to one-fourth of the city’s population [were] living on just 5 percent of the city’s land” (Verma, 2002: 73). Her recommendation is for a partial decommodification of urban land via a system of land reservation for the urban poor. However she made no proposals for a political strategy to secure support for decommodification.

2.1 The Return of the Slum

The international policy consensus has not endorsed the decommodification of urban land let alone the shift in power relations that would be required to make such a strategy viable. There has, instead, been a vigorously contested (Abahlali base Mjondolo, 2007; Angotti, 2006; Gilbert 2007) return to the old language of the ‘slum’. The return of this language is often traced to the Habitat 2 progress meeting in Vancouver, in 1999, at which the Cities Alliance was formed by UN Habitat and the World Bank. At this meeting, the new Cities Alliance developed a ‘Cities Without Slums’ campaign. The Alliance provides six criteria for the definition of a ‘slum,’ the presence of any one of which results in an area being designated as a ‘slum’. They are: a lack of basic services, inadequate building structures, overcrowding, unhealthy and hazardous conditions, insecure tenure, and poverty and exclusion (Huchzermeyer, 2008a).

The goal of target 11 of The Millennium Development Goals is to ‘have achieved a significant improvement in the lives of at least 100 million slum dwellers as proposed in the ‘Cities Without Slums’ initiative’ (United Nations, 2000). The target will be achieved once 100 million ‘slum dwellers’ have received an improvement in any

one of the six criteria used to define a 'slum'. So for instance if water and sanitation are provided the target would be considered to have been achieved, even though tenure may be not secured. Huchzermeyer (2008a: 338) points out that, according to UN statistics, the figure of 100 million 'slum dwellers' represent no more than 10% of the world population currently living in 'slums.' The figure for the global 'slum' population is expected to double to 2 billion people by 2030, making this a very modest target. She adds that this is especially so given that the UN estimates that two out of five of Africa's slum dwellers are estimated to be living under life-threatening conditions. It is therefore clear that:

Achieving the modest Target 11 would hardly result in 'Cities Without Slums', and a closer look at the *Cities Without Slums* Programme suggest that its slogan was not intended directly as a target – it promoted only the modest improvement of 100 million slum dwellers' lives by 2020, subsequently incorporated into the Millennium Development Goals. As one of the programmes under UN-Habitat's Global Campaign for Secure Tenure, the intention of the *Cities Without Slums* Programme is to strengthen institutions and partnerships for slum upgrading initiatives at citywide level, with decision-making that is inclusive of the organisations of slum dwellers and their supporting NGOs. *Cities Without Slums* is referred to as the most successful and best resourced programme under the Global Campaign for Secure Tenure.

However, as Huchzermeyer (2008a) shows, the misleading slogan - 'Cities Without Slums' - for the project to create secure tenure for shack dwellers has been widely misunderstood as indicating that 'slum eradication' is a Millennium Development Goal. Politicians and the media have both presented it in this way, to the point where this misunderstanding has considerable popular currency. In fact, reducing the tenure security of shack dwellers in the name of 'slum clearance' would create more 'slums' - as

tenure insecurity is one of the project's definitions of a 'slum'.

3. PROSPECTS FOR INDEPENDENT INNOVATION

Although it would be a mistake to under-estimate the influence of institutions like the World Bank, UN-Habitat and various donor agencies it would be equally mistaken to assume that their influence absolutely precludes independent innovation by states or popular movements. When this innovation is progressive its starting point is often the recognition that cities are and should be shaped by the agency of ordinary people on the basis of equality. The Brazilian urbanist Marcelo Lopes de Souza (2006: 328) observes that: "Curiously, even progressive planners usually share with their conservative counterparts the assumption that the state is the sole urban planning agent." This is not, however, the case as both private and popular interests also participate in planning. The actual development of cities is inevitably a result of actions undertaken from below - by ordinary people - as well as of planning from above - by the state, as well as by other social forces, such as private developers and NGOs. These various modes of planning are usually interdependent in that they respond to and change each other, as well as responding to all kinds of other pressures and opportunities. This idea of interdependent modes of planning is not, at all, alien to contemporary orthodoxy with its commitment to public/private partnerships and the tripartite model of state, capital and civil society (usually implicitly conceived of as NGOs⁵).⁶ But Souza is looking past this orthodoxy to also recognise ordinary people, whether engaged in survivalist or explicitly political acts, as grassroots urban planners.

Of course official discourse from the triad of state, capital and civil society is enormously supportive, at the levels of discourse and financial and political backing, of the language of popular empowerment when it is, as for instance with Shack Dwellers' International (SDI), mediated through and clearly dominated by the commanding heights

of this triad. But Souza is talking about something entirely different. His work is explicitly organised around the ideal of autonomy – "conscious and explicitly free self-rule" (2006: 188) and not the fantasy of an equal partnership between the most and least powerful groups in the contemporary world with the latter financed by the former. This idea, the idea that there can be a fourth force – popular action - outside of the triad of state, capital and civil society, remains fundamentally transgressive and its assertion is often swiftly denied, repressed and stigmatised by elites operating across this triad.⁷ The will to deny both the existence of this fourth force and its prospects for progressive action – be it organised on a survivalist or explicitly political basis – has a long history but it certainly has no historical basis. Manuel Castells recently summarised his findings in *The City and the Grassroots* (1983) as follows:

[T]he decisive contribution of social struggles to the actual forms and meaning of urban space, and to the cultural construction of cities throughout history, was generally overlooked in social sciences, as well as in planning and architectural practice. Citizens were considered to be consumers of the city, not its producers. I believe the historical record, when carefully examined, provides evidence to the contrary (Castells, 2006: 219).

It is notable that in cities or countries where there has been progressive innovation independent from, and sometimes directly opposed to, the international policy consensus grassroots organisations have achieved considerable power and often have some degree of autonomy from party politics allowing them to represent the interests of their members directly.

3.1 The City Statute in Brazil

In Brazil, there has been an important step towards the kind of innovation that recognises the urgent need to secure well located land for the urban poor outside of the exclusionary logic of the market, as called for by Verma in India. It is important not to be overly optimistic about the situ-

⁵ In light of the deeply problematic tendency to assume that civil society in the form of NGOs is the space for popular participation in politics Partha Chatterjee's distinction between civil and political society is particularly useful.

⁶ The fact that in South Africa none of the advocates of official forms of public participation, whether located in the state, academy or NGOs, have spoken out against the numerous incidences of violent state repression of autonomous poor people's organisations indicates, clearly, the limits to the seriousness of their commitment to public participation outside of spaces structured in dominance.

⁷ For analysis of recent examples see Hallward (2008).

ation in Brazil, however. As Huchzermeyer notes there have long been:

two tendencies in the Brazilian debate on informal settlements, one seeking to humanise favelas, the other unrealistically wishing to eliminate the phenomenon... The intervention ideas they produce are opposed – one seeks improvement and integration, and the other wishes to remove the phenomenon of informal settlement from the middle class existence (Huchzermeyer, 2004: 9).

Nonetheless, in 2001 the City Statute was promulgated in Brazil, after many years of activism by organised shack dwellers. The Statute has been described as recognising the 'right to the city' as a collective right within a legal framework governing urban development and management. In other words, it sees Brazilian cities as "fulfilling a social function, particularly with regard to the access, usage and the fair and equitable distribution of the opportunities and wealth" (Fernandes, 2007: 207). It includes regulations designed to guarantee the social function of property, to regularise land occupation and to achieve the democratic management of cities. This means that the City Statute not only commits Brazil to guaranteeing tenure security but also commits the state to prioritise the social use value of urban land and the value of that land for the poor, over the commercial value of that land for the rich. The commitment to democratic city management adds a commitment to substantive political inclusion alongside the commitment to physical inclusion. However, the implementation and the development of associated policies has been uneven (COHRE, 2003; Dede, 2004).

3.2 The Empowerment Ordinance in Naga City, Philippines

One of the most successful Municipal level innovations has been developed in Naga City in the Philippines.⁸ In the late 1970s, Naga, like other cities in the Philippines, began to face an acute urban crisis brought upon by the high rate of urbanisation and the lack of affordable housing. The state often attempted to recast the housing crisis as a policing problem rather than as a welfare problem or a social justice problem. The result was that, by the early 1980s, Naga was well known for the adversarial relationship that had

developed between poor communities and their organisations, on one side, and private landowners and the City, on the other. Evictions and demolitions were common. These failed to resolve the housing crisis, however, and in fact worsened it. People evicted from one place simply moved to another - even more marginal and unsuitable - location. This led to a situation of growing animosity and social conflict.

By the late 1980s, the poor had become increasingly organised and began to forcefully articulate their concerns. In 1986, the success of the People's Power movement opened up the society to popular participation. Shack dwellers in Naga City took this opportunity to step up their level of organisation. In 1988, Jesse Robredo was elected as the new mayor. The new administration pursued a programme of 'growth with equity' through its own initiatives and using its own resources, mostly without support from the national government. The programme was founded on the recognition that although many were benefiting from the steps that had been taken to improve the business climate, an equal number were also being forced to pay a 'social cost' as a consequence of this growth. Robredo also made a decisive break with the long entrenched practice of categorising the housing strategies of the poor as policing problem, and thus considering organisations of the poor as threats to be crushed or co-opted.

Over time, various strategies to avoid evictions and to secure the right of the poor to the city were developed in a partnership between the Mayor's office and popular organisations. These innovations have been institutionalised in various ways.

A key moment in the institutionalising of innovation was the passing of the Empowerment Ordinance of 1997. This landmark legislation was known as *The Kaantabay sa Kauswagan Ordinance* (Partners in Development Empowerment Ordinance) and mandated the city government to initiate the establishment of a system of partnership with popular poor people's organisations into the Naga City People's Council (NCPC). The NCPC was empowered to:

- appoint representatives from poor people's organisations to

various special bodies of the city government;

- observe, vote and participate in the deliberation, conceptualization, implementation and evaluation of projects, activities and programmes of the city government;
- propose legislation, participate and vote at the committee level of the city council; and
- act as the people's representatives in the exercise of their constitutional right to information on matters of public concern and access to official records and documents.

It is striking that in both Brazil and Naga City there are very strong movements of the poor. In view of this fact it is unsurprising that Huchzermeyer has concluded that there is an urgent need for innovative solutions that are not emerging from within the planning elite as well as a shift in power relations than can enable these solutions to actually be implemented. Therefore "The demand for alternative intervention might well have to be made from informal residents themselves. In this regard, progressive long-term support for community organisations is required" (Huchzermeyer, 2004: 235).

4. POST-APARTHEID HOUSING POLICY

4.1 The Subsidy System

The post-apartheid housing deal was negotiated at the National Housing Forum in 1993, the last year of the interregnum between apartheid and parliamentary democracy. It was developed from local capital's engagement with World Bank models, a process that began in anxious response to the 1976 Soweto uprising (COHRE, 2008; Huchzermeyer, 2004).

Sarah Charlton and Caroline Kihato follow Marie Huchzermeyer in arguing that two main groups were represented at this forum – one linked to the ANC, trade unions and the civic movement and the other linked to business. The group aligned to business interests promoted the model of a capital subsidy driven individual freehold site and service approach. The other main group, aligned to popular political forces, promoted a state-built rental model based on the European social

⁸ For a fuller account of this see *Averting Evictions* (COHRE, 2009)

democratic approach. The final compromise saw a state-built 'starter house' added onto the site and services model. It has been widely noted that, amongst other questions, "critical debates on the spatial impact of capital subsidies and urban restructuring were never resolved" (Charlton & Kihato, 2006: 272).

In 2001, writing in a Fanonian vein, Nigel Gibson ascribed the general ideological capitulation of the ANC to a failure to develop a popular radical intellectual praxis adequate to the challenges of the transition (Gibson, 2001). In the same year Patrick Heller also pointed to the vanguardism of the ANC and noted "the irony of an increasingly Leninist party defending neoliberal economic orthodoxy" (Heller, 2001: 134).

It has often been noted (e.g. Neocosmos, 2007) that after its unbanning in 1990 the African National Congress (ANC) moved swiftly to demobilise the popular organisations that had done vastly more to break the iron fist of apartheid than the ANC's fantasies of armed struggle. But it is also important to understand that the significant degree of autonomy that had been developed by popular organisations was lost completely as they were bought under the control of top down party structures. In the case of ANC aligned shack settlements each local organisation had to reconstitute itself as a 'Development Committee' affiliated to and under control of the ANC aligned South African National Civics Organisation (SANCO). In the period between the unbanning of the ANC in 1990 and the first democratic election in 1994 SANCO had argued for the democratisation and decommodification of state housing but after 1994 SANCO not only abandoned these positions but also sought to become a shareholder in the privatized commodification of essential services (Huchzermeyer, 2004). My own experience and interviews over a number of years have consistently indicated that a bottom up social movement quickly became a top down institution of social control under party authority.

The outcomes of the subsidy system here have been broadly similar to those elsewhere. There has been significant success in building houses at scale - in March 2007 the National Department of Housing announced that a total of 3 043 900 subsidies had been approved

and 2 355 913 houses had been built since 1994.⁹ However, as the state notes the backlog is actually increasing (SABC News, 2007). Smit (2004) noted that around 6% of Chile's national budget has been dedicated to housing - the average for developing countries, however, was only 2%. He argued that in South Africa the 1.3% of the national budget dedicated for housing would have to be significantly increased if there was to be any chance of reducing the housing backlog via this subsidy model.

But the weaknesses of the system relate to the quality as well as to the quantity of housing. It has been widely noted that both the quality and the location of these developments has often been very poor. The exact form of these houses varies according to provincial standards, but the national Department of Housing's minimum norms and standards require 30 square metres of floor space and the provision of water through, at least, a stand pipe in the yard. People have complained that "Mandela's houses are half the size of Verwoerd's" (Charlton & Kihato, 2006: 267).

There have also been major problems with the quality of the houses. According to Gardener (2003: 30): "Defects are common, and have worsened as increased minimum standards, and the erosion of the subsidy due to inflation have squeezed [private] developers' [profit] margins." It has also been argued that the subsidy system can have negative impacts on the poor, as its individualising effects reduce community cohesion and as its commodifying effects can make people poorer.

According to Thembinkosi Qumbela, of the South African Shack and Rural Dwellers' Organisation in Durban:

When these houses are built there is no proper infrastructural foundation, they just put slabs, there is no foundation. The building material is of a low quality. Everything immediately begins to break. The houses are too small to accommodate bigger families. This becomes a big problem in the situation where parents have grown children...who need their own privacy, who at certain situations have their own families. The allocation of these small houses will go to the parents only (Qumbela, 2007: personal communication).

Alex Mhlakwane of the Siyathuthuka Development Programme, also in Durban, makes a similar point about the size of the houses: "In the settlements people are able to build two bedrooms shacks and at least there is a privacy for the parents. In the small houses there is no privacy and no dignity for anybody" (Mhlakwane, 2007: personal communication).

Moreover the new townships were, in fact, often built on land first acquired or zoned for township development under apartheid (Charlton & Kihato, 2006: 268). This was usually on the periphery of existing townships and so these new townships generally reinforced the spatial segregation of cities, the isolation of the poor from livelihood opportunities and social services, as well as the tendency towards urban sprawl. This problem has often been exacerbated by the fact that there has also been little co-ordination between government departments to ensure that public transport, schools, clinics, libraries and so on are provided for the new community. Numerous research projects have shown that although people with better jobs and incomes usually do well in relocation sites, poorer people often suffer a calamitous drop in income, risk increased rates of depression and family violence and struggle to access schools, clinics, policing and so on.

Sarah Charlton has concluded that "Housing projects tended not to be fully functional neighbourhoods, but rather basic, highly inadequate environments, with land reserved for facilities remaining largely undeveloped" (2003: 271). Pearl Sithole's work (2002) has shown that in many instances people were economically worse off in far flung greenfield relocation settlements than they had been in better located shacks due to the distance of the relocation sites from their livelihoods and schools. Recent research (Hunter, 2006) indicates a clear correlation between high rates of HIV infection and peripheral spatial location and links this finding directly to the reduction in women's economic autonomy that results in physical marginalisation from urban opportunity.

Thandi Khambule, a young domestic worker, who, when she was interviewed in 2007 was living in the centrally located shack settlement of Shannon Drive in the suburb of Reservoir Hills, in Durban, and was facing forced removal

⁹ See the National Department of Housing website at <http://www.housing.gov.za>

to the peripheral ghetto of Parkgate, near Verulam explained that:

For government this is an informal settlement but for the people who stay here it is formal. We take our lives and our place very seriously. Yes it is not formal in the way that the buildings are not formal and need to be made formal and in the way that we need toilets and electricity and in that way it must be made formal. But it is wrong to say that it is informal as if it doesn't matter, as if we don't care. The thing is that if you are staying in the shacks you have got the hope that things will get better. If you are staying in Underberg [where she comes from] you won't have any hope. If they take you to a rural house in a place like Verulam you won't have any hope. Here the people have the hope.

Mr. S Msimango moved to the Canaan settlement in Clare Estate, Durban from Vryheid in 1991 to seek work. In 2003 he was moved, against his will, to Parkgate. When asked how he felt about the move five years later he replied:

I have lost my job because of being moved here. I am no longer working. We were moved from Canaan to Egypt. We were told that they had failed to get land near the city and that we had to come here. Everything was demolished. We would have loved to stay in Canaan – even if we stayed in the jondolos and never got the housing subsidy. The reason for this is that there we were close to work (Msimango, 2008: personal communication).

Government is publicly committed, at all levels, to developing 'integrated human settlements'. For instance In Durban the eThekweni Housing Department's Mission Statement declares that the City aims to:

Ensure that the provision of housing opportunities and the development of balanced neighbourhoods will become part of a broader strategy to re-structure and transform the present sprawling and inequitable urban form into a more compact, integrated and accessible environment (eThekweni Housing Department Mission Statement, n.d.: online).

And the state is very aware that it is failing in this respect. A key finding of the 2006 *State of the Cities* report was that:

New housing developments built since 1994 have perpetuated...

low-density urban patterns. Housing schemes, generally using project-linked housing subsidies, have promoted the familiar one-house per plot housing typology – often on the urban periphery reinforcing the sprawling, fragmented, racially divided character of South African cities (South Africa cities network, 2006: 59)

Nevertheless the forced removals continue, often at gunpoint (COHRE, 2008).

Across the country it has not been unusual for people to simply abandon relocation houses and move back to better located shacks or to refuse to leave shacks for relocation houses, as often happened under apartheid and has often happened with forced removals to peripheral relocation sites the world over. For example, in the low-cost housing development of 'France' in Imbali, outside Pietermaritzburg, more than 100 houses built at the cost of over R2 million have been vacant since their completion in 2002. The intended beneficiaries have refused to take occupation or transfer on the grounds that the houses are too far away from the city. In the words of one community member: "We want to stay here because we don't pay for transport to the city. It is better for us to stay in our mud houses rather than be forced to relocate to a place that we don't like." The Ward Councillor of the area commented that: 'The situation is beyond our control... We have contacted people in the informal settlement and requested that they take occupation of the houses but they have refused' (Hans, 2004: 3).

Other well-known problems with the housing subsidy programme include widespread local corruption in the allocation of low-cost housing units and subsidies (Sokomani, 2007: 11), as well as in the allocation of construction contracts. There is often a considerable degree to which this has taken the form of the capture of development by local elites in and around party structures organised around a politics of patronage with the result that attempts at rational planning on the part of officials have been fundamentally distorted by local party political interests (COHRE, 2008).

Moreover it is widely recognised that in South Africa, as elsewhere (Davis, 2006: 121-150), many shack dwellers live in life-threatening conditions. Fire and diarrhoea are usually the two most immediate dangers. These conditions can be easily ameliorated within current budgetary limits by the

immediate provision of basic support to shack settlements. However, it seems that a major reason for the general failure to provide this support is that the housing subsidy system has created a widespread view that shack settlements are temporary phenomena that will soon be replaced by formal housing. Indeed many government officials have stated this directly. However despite the large numbers of houses built via the subsidy system in the first five years after apartheid there was not a decline in the number of people living in shacks. There is, therefore, no rational basis for the assumption that, under current policies and practices, shacks will soon be eradicated. For this reason the failure to provide basic life saving services to shack settlements - such as electricity, toilets, sufficient water, fire hydrants and so on - must be deemed a major failure on the part of the state.

The technocratic reduction of the urban question to a housing question by the state and much of civil society after apartheid resulted in a radical evasion of politics in the sense in which the term is used by Rancière (1999, ix) – "that activity which turns on equality as its principle". Urban planning was reserved as a state and NGO function and progress was assumed to be a quantitative question of 'units delivered', something that accountants could audit. In the rush to 'deliver' more 'units' it was forgotten that at the heights of its power the apartheid state had been one of the largest builders of state housing in the world and that a properly post-apartheid approach to housing would have to consider questions such as the quality of houses built, the location of those houses, the nature of their ownership, the degree to which they were served by affordable transport, the processes by which they were planned and built and so on. If we accept Henri Lefebvre's (1996: 141) argument that "the democratic character of a regime is identifiable by its attitude towards the city, urban liberties and urban reality, and therefore towards segregation" then there is a considerable extent to which the technocratic agenda, with its inability to enable genuinely popular participation in planning and its inability to confront elite interests with popular counter power, is inherently undemocratic.

4.2 The First Cracks in the Post-Apartheid Deal – Popular Ferment and the Return of 'Slum Eradication'

By the turn of the millennium cracks began to appear in the post-apartheid consensus at both the top and bottom of society. The beginnings of a popular urban ferment were first organised with the formation of the Anti-Eviction Campaign in Cape Town in 2000. A year later the Landless People's Movement developed some strength in shack settlements around Johannesburg. Both of these movements contested evictions and forced removals to the urban periphery as well as, crucially, the technocratic approach to urban development (Pithouse, 2009).

In 2001, the year after the launch of United Nations Millennium Development Project in 2000, the then South African president Thabo Mbeki mandated the Department of Housing to eradicate informal settlements (Huchzermeyer, 2008b:12). In that same year, the late Dumisani Makhaye, then Minister of Housing in KwaZulu-Natal, introduced a Slum Clearance programme with the following remarks:

Today, we are announcing a R200 million slum clearance programme that is specifically targeted at slums in and around the Durban area. When you enter the city of Durban you are met by slums and when you leave it is slums that bid you farewell. Unfortunately, this phenomenon is not only exclusive to Durban. Almost all the cities in our province have the same problem. That is why, as a Department, we decided that certain drastic steps had to be taken (COHRE, 2008: 100).

The fact that this 'slum clearance' project largely began with the shack settlements in the centre of the city, in areas reserved for people classified as 'white', 'Indian' and 'coloured' under apartheid, rather than in the peripheral settlements where the conditions are the worst, clearly indicates that it was not primarily aimed at meeting the needs of shack dwellers. A number of newspaper reports at the time noted that it was welcomed by local ratepayers associations (i.e. middle class and wealthy residents). These reports were silent with regard to the views of shack dwellers (e.g. Makhanya & Sapa, 2001). Two years later the *Daily News* reported that:

Two years ago, former provincial housing minister Dumisani

Makhaye announced an ambitious R200-million programme to rid Durban of its burgeoning informal shack settlements... It was hailed by many formal communities as a breakthrough in stemming the rapidly deteriorating status that many suburbs found themselves assuming. However, two years down the line, try convincing residents in... neighbourhoods surrounded by informal settlements that the rickety structures will soon be demolished. So slow has been the implementation of this slum clearance project that many home owners have stopped believing the promises of their local councillors that the informal settlements will be relocated to make way for urban renewal programmes. Kenville councillor Deochand Ganesh said that, while he sympathised with residents, there was not much councillors could do..."We only follow official channels and hope the process is speeded up," he said. Ganesh said there was "great unease" in communities that were surrounded by informal settlements (Bisetty, 2003: 5).

In 2006, when an attempt was made to begin to implement the relocations, hundreds of shack dwellers in Kenville blocked a major road in protest. The police response left a number of people severely injured (Goldstone, 2006). Residents reported that one person later died and that another miscarried consequent to the police violence (Hlongwa, 2006). Government, typically, blamed the protest on a conspiracy on the part of the 'third force' instead of popular opposition to forced removal (de Boer, 2006: 2).

This protest was far from being an isolated event. On the contrary from 2004 a remarkable sequence of popular protests began to issue an urgent challenge to the state across the country. (Pithouse, 2009). John Pilger (2008) recently argued, apparently on the basis of 2006 statistics, that at a rate of 10 000 protests a year South Africa may have "the highest rate of dissent in the world." These protests were often organised from shack settlements and most often targeted municipal councillors. They are, in many cases, well described as municipal revolts. They most often took the form of blockading roads with burning barricades and generally targeted municipal party councillors. Although they were inspired by each other, via the media and the mobility that often characterises life in shack settlements, they certainly had no overarching, or even linking organisational structure.

4.3 Breaking New Ground

The high water mark of international policy remains support based intervention, which begins by securing tenure and then enabling governments to upgrade settlements, in partnership with credible community representation. This, in essence, was the promise of the BNG policy in 2004. It declared a 'shift' from 'conflict and neglect' to the integration of settlements "into the broader urban fabric to overcome spatial, social and economic exclusion" via 'a phased *in-situ* upgrading approach" (South Africa. Department of Housing, 2004: 12).

Government policy had always recognised the importance of ensuring that the poor are housed on well located land, but committing to this in principle is not the same thing as taking concrete steps to realise it in practice. BNG observed that: 'The acquisition of land to enhance the location of human settlements constitutes a fundamental and decisive intervention in the Apartheid human space economy' (South Africa. Department of Housing, 2004: 14). It put in place a number of practical measures to achieve this. These included plans to achieve the integration of peripheral housing developments into cities, and plans to ensure that future housing developments were on well located land. With regard to the former, BNG introduced a new funding mechanism to support the development of social inclusion and the integration of rehoused communities into the city by providing community facilities in housing projects. With regard to the latter, plans to access well located land included greater co-ordination between various Departments and planning processes, the transfer of state land and land owned by para-statal organisations at no cost, and, when such land is not available, the negotiated purchase of privately owned land which could also 'be expropriated at market value as a final resort' (South Africa. Department of Housing, 2004: 13-14). Throughout the document there is a clear commitment to placing:

greater emphasis on the process of housing delivery (emphasizing planning and engagement), the quality of the housing product (both in terms of location but also in terms of final housing form) and the long-term sustainability of the housing environment (leading to a focus on institutional capacity) (Ndlovu, 2007: 2).

BNG also sought to introduce policy mechanisms to promote the densification of urban areas - which is a critical strategy for ensuring that more people have access to the benefits of cities. New taxation measures were envisaged to promote densification and discourage sprawl. The plan also took the innovative and proactive step of proposing that new commercial residential developments be authorised only on the condition that they provide 20 per cent low income units. It suggested that initially these units could be located on alternative land, but that increasingly the requirement would be for these to be spatially integrated into higher income developments.

BNG made another important innovation by insisting that upgrades must be flexible, should cater for local circumstances, and should be undertaken as community projects. This commitment was not merely rhetorical. A new funding mechanism was implemented 'to support upgrading on an area-wide as opposed to an individual basis' (South Africa. Department of Housing, 2004: 17). The new funding instrument for informal settlement upgrading was thus organised around area-based subsidies, according to the actual cost of upgrading an entire settlement community rather than through the previous model of standardised and individualised capital subsidies allocated per household. No beneficiary qualification criteria or beneficiary contribution (e.g. saving) apply to this subsidy. This was an important break with the individualising aspects of the prior policy. An allied innovation was that there was a commitment to actively supporting the ability of communities, organised as communities, to engage with municipalities around strategies to identify and to meet their housing needs. Moreover BNG also sought to enhance housing quality, housing design and settlement design. However it was not a uniformly progressive document: undocumented migrants, if 'detected' in a shack settlement, were to be referred to the Department of Home Affairs.

Following the launch of the policy, a number of newspapers carried sensationalist articles about the prospect of low cost housing in elite suburbs - creating what Charlton & Kihato (2006: 256) described as an 'uproar'. But they report that:

The Minister of Housing, however, was quick to allay fears: "There is no intention by the Department of Housing to build a 'low cost house on the doorstep of R3 million house' as claimed by the *Sunday Times*...there is no reason for the Department of Housing to negatively affect the high income market."

Statements of this nature led some researchers to conclude that there was insufficient political will to seriously address the need to increase the density of cities and to ensure that poor people could access well located housing. Huchzermeyer (2004: 9) cautioned that 'while a policy shift is occurring in 2004, there may not be mainstream political interest in, nor bureaucratic support for, such progressive innovation'.

A second and directly related cause for concern at the time of the launch of BNG was the fact that it was accompanied by a discourse of slum eradication. Charlton & Kihato (2006: 258) note that in the speeches around BNG there was an "energetic focus on the eradication of existing informal settlements." For example, Minister Sisulu commented that:

The Premier of Gauteng has fired the first salvo in our war against shacks. His bold assertion that informal settlements in his province will have been eradicated in ten years, is the best news I have heard in my tenure as Minister.

The turn to slum eradication was energetically taken up in many provinces. For instance the KwaZulu-Natal Department of Housing's Strategic Plan for 2004-2007 ignored almost all of the innovations in BNG, and listed the entirely fantastical aspiration of 'eradicating slums' in the province by 2010 as the first of its strategic objectives (KwaZulu-Natal Department of Housing, 2004). In its report to the March 2005 Housing Summit, held specifically to discuss ways of implementing BNG in the province, the 'eradication of slums' remained a key priority, although the target date was now moved forward to 2011:

The need for housing in the urban centres in the province are [sic] reflected in the increase in densities (thereby leading to overcrowding in existing townships), emergence of informal settlements and also mushrooming of slum areas due to the locational opportunities presented by areas that are in

close proximity to employment opportunities. It is in the light of this background that the slum clearance projects have become the priority programmes for the Department. The Provincial target for clearance of all slums is 6 years from the 2005/06 financial year (KwaZulu-Natal Housing Summit, 2005: 6).

All the democratic innovations contained in BNG were ignored, and instead the Summit recommended coercive strategies to keep poor people without access to formal housing out of the cities:

The municipalities must be urged and assisted to introduce and enforce of [sic] municipal legislative and policy instruments such as by-laws, especially with regard to the clearance of slum areas. Municipalities must secure their environments against new invasions. They should also monitor the destruction of the shacks once beneficiaries have been allocated houses (South Africa. Department of Housing, 2004: 34).

The illegal occupation of land by illegal occupants has to be addressed by the Department. This will require close cooperation between the Department and the law enforcement agencies such as the South African Police Services (SAPS), the National Intelligent [sic] Agencies, amongst others (South Africa. Department of Housing, 2004: 35).

While BNG remains the official policy of the National Department of Housing, in practice the language of 'slum clearance', 'eradication' and 'elimination' drives much of the current common sense around housing. This is often apparent in comments and actions by politicians, officials, police officers, social workers as well as in the understanding of the housing policy in the media. With the passing of the *Slums Act* in KwaZulu-Natal, this language has been translated into law. At the ANC conference at Polokwane in December 2007 it was resolved, despite clear opposition to the *Slums Act* from organised shack dwellers and South African and international human rights organisations¹⁰, to extend the Act nationally.

Experience throughout the world has shown that allowing the market to determine housing patterns will result in the exclusion of the poor. A government that is serious about avoiding this simply

¹⁰ There is a collection of statements on the *Slums Act* at <http://abahlali.org/node/1629>

has, at least to some degree, to put the social function of urban land before the market function. It is now clear that there wasn't sufficient political will to achieve this or sufficient political pressure to create the political will to achieve this. Although BNG remains official policy, most of the policy innovations in the document have simply not been implemented.

There is a basic contradiction between BNG, with its focus on a holistic and consultative process based on the development of housing as a form of support for communities, and 'slum eradication' measures. BNG takes inadequate housing as the fundamental problem and seeks to take action to develop more adequate housing. 'Slum eradication' takes shack settlements as the fundamental problem and seeks to get rid of them. The distinction between these approaches lies in the fact that, in the absence of other viable options, shacks are the most adequate housing currently available to millions of people. In some circumstances they are more adequate housing options than small, poorly constructed houses in peripheral relocation projects. For many people they are also the only option for accessing the city or for setting up an independent household in the city. Using coercive policing and security strategies to forcibly eradicate shacks will inevitably result in the housing conditions of millions of people being radically worsened. Perhaps the most disturbing policy consequence of the language of 'slum elimination' is that it makes shacks, which are nothing more than the self built housing solution of the poor, appear as a threat to society. This implicitly justifies coercive actions against shack dwellers, their communities and their homes when it is poverty and the absence of viable housing support for the poor that is the threat to society, not shacks. Shacks are a material expression of a popular response to deeply entrenched social crisis - they are not the crisis.

The only way to get rid of shacks without doing major damage to the well being of millions of people is to develop better alternatives in terms of cost, location, services and the quality of the structures. However, despite the clear contradiction between BNG and 'slum eradication,' Huchzermeyer's (2008b: 14) studies show that in fact: "The 'slum eradication' rhetoric has increased with the new housing policy of 2004." We await a full study of how

the political elite came to be gripped with the fantasy of 'eradicating slums' but it is clear that political will was vastly more responsive to elite rather than popular interests and that this was due to the systemic disempowerment of the latter. It seems fair to conclude that, in Patrick Heller's words, one of the reasons for this was that "a once strong social-movement sector has been incorporated and/or marginalized by the ANC's political hegemony, with the result that organized participation has atrophied and given way to a bureaucratic and commandist logic of local government reform" (Heller, 2001: 36).

4.4 Recent Local Innovation

Housing policy discourse is being pushed in a sharply authoritarian and anti-poor direction by the national government with the full support of the ANC, resulting in alarming new practices, such as the use of 'transit camps' and a stated intention to develop the legal framework in a markedly more coercive direction.

However in Cape Town and Durban this national shift is being simultaneously accompanied by a limited degree of progressive innovation at the local level in the form of the first attempts to actually implement BNG. In Cape Town the Development Action Group (DAG), a development NGO is working to upgrade the Hangberg settlement in Hout Bay via BNG (Huchzermeyer, 2008b). In Durban, following a year and a half of negotiations, Abahlali baseMjondolo and the eThekweni Municipality signed a deal on 9 February that promises the *in-situ* upgrade of three settlements and the provision of some basic services to 14 settlements (Abahlali baseMjondolo and the eThekweni Municipality, 2009). The memorandum specifically commits the Municipality to seek to take the upgrades forward in terms of BNG.

If it is properly implemented this deal will mark considerable progress in Durban including a decisive break with the spatial logic of apartheid (the settlements to be upgraded are in the inner suburban core), an acknowledgment that settlements need services and that development is not an all or nothing once off event limited to 'delivering housing opportunities', a recognition that development can be a collaborative process between communities and the state and, also, a recognition that shack dwellers have the right to organise outside of party structures.

In the case of Durban it is clear that this innovation has come about through sustained organisation over the last 4 years by Abahlali baseMjondolo. This has not been easy, the movement was criminalised from its formation in 2005 through to late 2007 and there was a long and difficult process of negotiation with the City during 2008 (Pithouse, 2009). In Cape Town the strength of grassroots organisations like the Western Cape Anti-Eviction Campaign and the Joe Slovo Crisis Committee could well be factors in the willingness of the City to experiment with more progressive development models.

There are no guarantees that the attempts to implement BNG in Durban and Cape Town will be successful. However they do mark progress and they do indicate, clearly in Durban and possibly also in Cape Town, that the state can respond to the urban poor in a more humane fashion when there is a political imperative to do so.

However it must be noted that in both Durban and Cape Town local experiments with progressive policy do not indicate a general shift away from repressive practices. On the contrary in the case of Durban it seems that the City may well be hoping to demobilise Abahlali baseMjondolo with limited concessions while simultaneously adopting a generally more coercive and security driven approach to the urban poor. There has been an alarming increase in attempts to use armed force to intimidate people living in settlements not affiliated to Abahlali baseMjondolo into accepting relocation to transit camps.

But while grassroots movements like Abahlali baseMjondolo in Durban, the Anti-Eviction Campaign in Cape Town, and the Anti-Privatisation Forum and Landless People's Movement in Johannesburg have often been quite effective at winning and defending some gains at the local level they do not currently have the capacity to take on the national government (outside of the courts where this is sometimes possible). However in July 2008 Abahlali baseMjondolo launched a Cape Town branch and in September Abahlali baseMjondolo joined with the Western Cape Anti-Eviction Campaign, the Landless People's Movement and a new church linked rural movement in KwaZulu-Natal, the Rural Network, to form the Poor People's Alliance. How the alliance would work given both the geographic distance between Durban,

Cape Town and Johannesburg and the fact that it has no donor funding is not clear. In the past, when Abahlali baseMjondolo was only operating in the province of KwaZulu-Natal, it often proved very difficult to keep the struggles in Durban and Pietermaritzburg sufficiently connected. If the alliance is to succeed it may well be necessary to seek non-dominating donor support in order to have the material basis to sustain a practical and effective solidarity.

One promising aspect of the alliance is that, with its slogan 'No Land! No House! No Vote!' it has stuck to the rejection of electoral politics first taken up by the Landless People's Movement in 2004 and then joined by the Anti-Eviction Campaign and, later, Abahlali baseMjondolo. In a context where no political party proposes a programme in the interests of the urban poor and no political party actively supports the struggles of the urban poor this enables the movements to sustain a clear focus on their key issues and, in those areas where the movements are hegemonic, to develop a degree of dual power. This is important because, as Rick Turner foresaw back in 1971:

The political party as mediator between the individual and government tends to take on the characteristics of the system itself, the 'party machine' dominates the membership and the rank and file become increasingly divorced from policy making....The political arena becomes polarised between an atomised mass and a number of small groups trying to manipulate the mass in order to get political jobs. The result of this is to move the source of power in society out of the political arena and into the control of functional power groups... (But) there must be other additional centres of power which can be used by the people to exert their control over the central body (Turner, 1971: 81)

5. CONCLUSION

Given international experiences, and, also, recent experiences in South Africa, and in particular recent developments in Durban, it seems that there are good grounds for endorsing Huchzermeyer's (2004: 34) conclusion that: "progressive long-term support for community organisations is required".

But this call to support community organisations is not uncomplicated. The mainstream contenders like Slum Dwellers International are resolutely anti-political and deeply implicated in the key institutions of contemporary domination and, for this reason, which is probably the key reason for their attraction to elites, failing to effect systemic change. Moreover some of the most powerful contenders from the NGO and academic left subscribe to a top down mode of politics that responds to the self organisation of the poor with a paranoia, and a propensity to authoritarianism and slander that has clear echoes with state practices. Left hostility towards the urban poor ('the lumpen-proletariat') remains common. There is a significant degree to which the self constituted and self directed organisations of the poor are on their own in extremely hostile terrain.¹¹ If the slide into an alarmingly anti-poor national housing agenda is to be arrested, and if new ground it to be broken nationally, it will require enormous and sustained courage and commitment on the part of ordinary people. And it is in the struggles of progressive poor people's organisations to increase their power and to reduce that of elites across the triad of state, capital and civil society that academic urbanists will have the best prospects for effecting positive change in practice rather than, as with BNG thus far, merely in principle. Indeed, without a progressive politics to support them, and to push for their further development, progressive policy innovations will just be fig leaves for repressive practices.

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¹¹ The best statement of this is probably still S'bu Zikode's (2005) We Are the Third Force.

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