

**KEEPING STOLEN LAND
KWAZULU-NATAL'S
LAND, LABOR & HOUSING STRUGGLES**

A Thesis

**Presented to the Faculty of the Graduate School
of Cornell University**

**in Partial Fulfillment of the Requirements for the Degree of
Master of Professional Studies in Africana Studies**

by

Jeffrey Lee Purcell

August 2007

© 2007 Jeffrey Lee Purcell

ABSTRACT

This thesis explores the common roots of several contemporary social movements in Durban, South Africa. My point of departure is a series of community meetings in May, June, and July 2006, during which geographically separated Black and Indian community organizations expressed remarkably similar grievances against the municipality and government, all rooted, I argue, in the colonial dispossession and alienation of Africans, and later in the enforced marginalization of Indian communities. Largely, these dispossessions occurred in the 19th century and early in the 20th century – decades before the policy Apartheid began in 1948. It is the continued relationship of exclusion and repression in relation to land and space in Natal, I argue, that accounts for the common struggles of these movements. I shall cite Antonio Gramsci extensively in order to argue that his conceptions of “consent” and “coercion” explain the perpetual success of policies designed to preserve colonial and Apartheid dispossession. Moreover, several labor struggles will be considered in order to illustrate the degree to which the majority’s consent has been secured, and to offer evidence that Gramsci’s theories are powerful assistance to us. Mahmood Mamdani’s identification of “subject” and “citizen” will factor, as the transition from Apartheid to ANC rule has essentially cemented the status of landless South African subjects. His lengthy iteration of indirect rule in Apartheid South Africa will become crucial to understanding how the transition was ineffectual for many.

In addition, by surveying documents relating to the management and control of these populations, I argue that KwaZulu-Natal’s managers, through several succeeding governing regimes, have implemented policies of great similarity to achieve the same effect – keeping the power of land and space of Natal in the hands of Europeans. In response, a range of land, labour and housing community organizations have protested

their government and voiced demands that show a continued resistance to policies of exclusion from and access to valuable land and space in the province. From their concerns and mobilizations, I will finally attempt to construct an understanding of what has, and has not, changed in South Africa.

BIOGRAPHICAL SKETCH

Jeffrey Purcell graduated from Cornell University's College of Arts & Sciences in 2001, triple majoring in Government (*cum laude*), Philosophy and History. He also graduated with Distinction in All Subjects. After receiving his MPS at the Africana Studies & Research Center, in 2007, he entered the Department of Political Science at the University of California – Los Angeles, to begin his Ph.D. in Comparative Politics.

ACKNOWLEDGEMENTS

The research for this project could not have been undertaken without generous support and friendship from the Centre for Civil Society at the University of KwaZulu-Natal, Howard College, www.ukzn.ac.za/ccs, where I was a Visiting Scholar in 2006. The thoughtful and friendly assistance of Amanda Alexander, Raj Patel, Shannon Walsh, Ashwin Desai, Molefi Ndulovo, Ntokozo Mthembu, Patrick Bond, Helen Poonen, Lungile Keswa, Des D'sa, Shirley, and Orlean Naidoo opened my eyes widely and helped me enormously. In addition, a Sage Fellowship from Cornell University allowed me to travel to South Africa for three months. A glance at the resources consulted will make clear that this is very much a Centre for Civil Society product – the scholastic and political activities of the CCS were of enormous value to my research and understanding of these issues. Finally, and of most import, I must thank the members of the Abahlali baseMjondolo, Westcliff Flats Residents Association, Wentworth Development Forum, South Durban Community Environmental Alliance and those in Durban whom I forget. It is their courage and stamina that brought my attention to this project.

TABLE OF CONTENTS

Introduction & Methods	1
Gramsci in Durban - <i>Consent & Coercion</i>	11
Gramsci's Explanations	13
Securing Consent	19
The State's Means	21
Chapter One – The First Claims to Natal	30
Consolidation	36
Governing Natives	40
Chapter Two – Apartheid's Land Policies	46
Remaking Durban	48
Space During Apartheid	53
Chapter Three - Planning for Post-Apartheid	62
The <i>Strydom Report</i> & White Paper on Urbanization	63
<i>Strydom</i> & The White Paper in Practice	71
Evictions, Demolitions	74
Chapter Four – Gramsci & Transition, Reforming Apartheid	78
Protesting the Clause	81
Conflict-Free Workplaces	84
Chapter Five – Shutting Down Labour	91
VW, Engen, Textiles	96
SEWU	99
Chapter Six – Constrained Land Reform	107
Protecting Land from Reform	108
Return to Removals	116
Chapter Seven – Conclusion	124
Durban's Warriors	135
Some Concluding Thoughts	142
APPENDIX I	145
APPENDIX II	146
BIBLIOGRAPHY	158

LIST OF ABBREVIATIONS

AbM	Abahlali baseMjondolo
ANC	African National Congress
BEE	Black Economic Empowerment
CB	Collective bargaining
CCS	Centre for Civil Society, University of KwaZulu-Natal
CIEWU	Chemical Engineering and Industrial Workers' Union
COFESA	Confederation of Employers South Africa
COSATU	Congress of South African Trade Unions
GAA	Group Areas Act
GEAR	Growth, Employment and Redistribution
GNU	Government of National Unity
IFI	International Financial Institution
KZN	KwaZulu-Natal
LTAB	Land Tenure Advisory Board
LPM	Landless Peoples Movement
LRA	Land Relations Act
NCMA	Natal Clothing Manufacturing Association
NEM	Normative Economic Model
NP	National Party
NUM	National Union of Mineworkers
NUMSA	National Union of Metalworkers, South Africa
PIEOLA	Prevention of Illegal Eviction from and Unlawful Occupation of Land Act
RDP	Redistribution and Development Program
SA	South Africa
SACP	South African Communist Party
SDCEA	South Durban Community Environmental Alliance
SEWU	Self-Employed Women's Union
SPN	<i>Selections from the Prison Notebooks</i> , by Antonio Gramsci
TRC	Truth & Reconciliation Commission
Tri-Partite Alliance	ANC-COSATU-SACP
TSC	Durban's Technical Sub-Committee on Group Areas
UKZN	University of KwaZulu-Natal
VW	Volkswagen

Introduction & Methods

Durban, 1897

“The ruling power of South Africa is the power of the Anglo-Saxon race.”¹

Harry Escombe in the Natal Colony Legislature, motivating the Zululand Annexation Bill

Soweto, 1990

When Walter Sisulu was released from prison and went back to Soweto, he had said, ‘Much of Soweto has not changed since I first came to live here in the thirties...with few exceptions the matchbox houses are very much the same. A government who is not addressing the basic issue of decent housing is *not seriously committed towards political change*.’²

Mandela Park, 2000

People who had been evicted from their homes by the Group Areas Act during apartheid, who had been forced out of ‘coloured’ townships as the government tried to police a ‘coloured labour preference policy,’ who had been forced to find shelter in squatter settlements, now find *the same thing happening to them again*.³

Life before Jan van Riebeeck stopped at the Cape in 1652 was neither idyllic nor pristine. Hierarchies, sexism, violence and poverty are not new, of course, and we delude ourselves when we represent pre-European Africa as virginal. But it is not Shaka Zulu’s biography that weighs greatly in the contemporary lives of KwaZulu-Natal. Whatever life was like, things undoubtedly changed a great deal when the British firm JR Thompson & Company sent 26 to the area called Port Natal in 1823 to begin a trading post.

The day I arrived in Durban in May 2006, I sat outside the Workshop bus station. A middle-aged white man stopped to talk to the obviously-out-of-towner. “What you have to understand, you see, is that South Africa is a first world country and a third world country,” he told me, a bit of a grin hanging from his lips.

¹ Brookes, Edgar H., and Webb, Colin de B. *A History of Natal*. Pietermaritzburg: University of Natal Press. 1964. at 187.

² Desai, Ashwin. *We Are The Poors*. New York: Monthly Review Press. 2002. p. 91. (emphasis mine)

³ Desai, Ashwin, and Pithouse, Richard. “‘But We are Thousands.’ Dispossession, Resistance, Repossession and Repression in Mandela Park.” *UKZN CCS* 9. 2003. p. 14. (emphasis mine)

Broadly, this thesis argues that the two are more than just linked – they are fraternal twins – as a result of the continued existence of a distribution of resources, ownership and land that befits a settler colony. This settler colony is special in that North and South co-exist between the poolside and laundry room, within spitting distance of each other. Following Gramsci⁴ and believing that the state’s first purpose is to mold the population according to the needs of production, and then to protect and retain property for the owning classes, I will argue that successive governing regimes in South Africa have performed this task with remarkable consistency. I will then attempt to sketch an understanding of some of the social movements in Durban today that, in different ways and to different degrees, resist these consistencies. It is only by overturning the enduring white ownership and domination of property, I will finally argue, that these movements will achieve even some of their professed aims.

Largely, it suffices to say that these property-distributions and owning-relations were established during the period before 1913, and have since been retained and strengthened. “‘Equal rights for all civilized men south of the Zambezi,’ that clarion call of Cecil Rhodes, was inscribed in a propertied franchise, one that would ‘naturally’ exclude the vast majority of natives on ground of their propertyless civil status.”⁵ These are the origins on KwaZulu-Natal’s current land, labour and housing struggles.

In exploring these issues, I examined existing literature on post-colonial legacies, land reform, and transition in South Africa, and traveled there. Between May and August, 2006, I worked at the Centre for Civil Society in Durban. As a Visiting Scholar, I was able to participate in many community meetings and workshops, becoming acquainted

⁴ See Gramsci, Antonio. *Selections from the Prison Notebooks*. Hoare and Smith, translators and editors. New York: International Publishers. 1999, 1971, and Gramsci, Antonio. *Pre-Prison Writings*. Bellamy, editor, Cox, translator. New York: Cambridge UP. 1993

⁵ Mamdani, Mahmood. *Citizen and Subject*. Princeton: PUP. 1996. p.69.

with dozens of local activists and organizers from environmental, housing, and social justice organizations. Most importantly, I observed the planning, scheduling and organizing of the Social Movement Indaba. The SMI brought together over 200 community activists from the province to the headquarters of the Abahlali baseMjondolo in Kennedy Road, Durban. In the course of these meetings, I was tasked to organize and run an isiZulu & English writing workshop for several of the invited groups. There, group members articulated their groups' short histories, methods and goals, to be included in programs for circulation at the Indaba. I did some formal interviewing, but found that patiently listening to the concerns and campaigns of Durbanites and participating in their organizing was more effective than removing the actors from their circumstances and formally interviewing them. Through these interactions and observations, I witnessed the persistence of the land questions in a variety of campaigns and protests.

Again and again, non-white South Africans heard “there is no land” and that the status-quo of power relations, established long before Apartheid, are non-negotiable. Most clearly expressed in the formidable Property Clause of the 1994 Draft and 1996 Final Constitutions, the right to *own* the dividends of colonial South Africa and Apartheid is simply beyond debate. In terms of resources, factories, golf courses and farms, what was expropriated by settlers and master planners in 1880 or 1913 or 1962 *must stay* in the hands of a white elite. “What we have before us,” then and now, “is a bifurcated world, no longer simply racially organized, but a world in which the dividing line between those who labour on the land and those who do not.”⁶ In this persistent relationship, between natives and citizens, between owners and tenants, the misdistribution of land, property and resources is maintained. And by examining how the ANC-led Government has

⁶ Mamdani p.61.

protected these distributions, we better understand the endurance of poverty and landlessness in South Africa.

It is often the government's position that where land is available, subsidies will be paid to erect housing. But for almost all whom I met, the place where the government would pay to build was distant from employment opportunities and in the periphery of urban centres. The transport costs associated with long commutes made these peripheral locations unliveable. Very striking was the Republic of South Africa's claim that there was no land available. Almost inevitably in the same breath, residents are told that they will someday be *moved* to the periphery if they do not move themselves. Most familiar with South Africa are quick to recognize these arguments, and these national and provincial pressures to abandon the urban centres and relocate to the periphery. In 2006, South Africa's urban policies show remarkable consistency with their Apartheid predecessors. In labour disputes as well, the government's opposition to and marginalization of the largest labour federation, COSATU, demonstrates the post-1994 government's purpose to muzzle the elements that brought down its predecessor. In turn, the effect of this anti-labour effort is nothing short of removing the element that most forcefully challenged, and eventually stopped, Apartheid.

The research libraries of the University of KwaZulu-Natal and Cornell University, and the National Library in Cape Town, proved enormously useful. The Howard Law College Library at UKZN and the National Library in Cape Town, both contained valuable documentary evidence of the legislative and administrative management of the city.

Relevant Literature

The urban squatter or shack dweller has been studied by radical geographers, political scientists and sociologists. That capital's forces and effects have moved huge numbers of rural persons into cities is unquestioned, but only some of its effects are understood. Mike Davis' important article⁷ recently demonstrated that the urban slum is becoming *the* new form of populations. "Only the slum remains as a fully franchised solution to the problem of warehousing the twenty-first century's surplus humanity."⁸ As global capitalism's destruction of small-scale agriculture has caused millions to flee toward the city centers for hope of any employment, there is not nearly enough (housing, jobs, social services). "Most new housing and most new neighborhoods in Third World cities are organized, planned and built outside the law. Most urban citizens have no choice but to build, buy or rent an 'illegal dwelling' since they cannot afford the cheapest 'legal' house or apartment."⁹

Durban, South Africa, a city of three million in which one third of the population lives in "squatter settlements" and shacks, presents some problems to the understanding of shacks and squatters that presuppose a natural or inevitable process of urbanization. For one, these shacks have not formed due to "natural increase and to migration"¹⁰ only, and many of them were not created recently. Rather, Apartheid legislation, the Group Areas Act of 1952 and Native Land and Trust Act of 1913¹¹ notably, intentionally created these areas.

⁷ Davis, Mike. "Planet of Slums." *New Left Review*, 26 2004.

⁸ Davis at 28.

⁹ Hardoy, Jorge, and Satterthwaite, David. *Squatter Citizen*. London: Earthscan Publications. 1989. at 12.

¹⁰ Ulack, Richard. "The Role of Urban Squatter Settlements." *Annals of the Association of American Geography*, Vol. 68, No. 4. (Dec., 1978), pp 535-550. at 535

¹¹ Natives Land Act of 1913, Natives Trust and Land Act of 1936; then in 1991 the Abolition of Racially Based Land Measures Act, the Upgrading of Land Tenure Rights Act, and the Less Formal Township Establishment Act; then in 1991 the White Paper on Land Reform, Pretoria 1991. "The 1913 Natives Land Act reserved 7 percent of South Africa's land for 'native reserves' and prohibited Africans from buying land elsewhere. The issue of the augmentation of the reserves was unresolved until the 1936 Native Trust and LAct Act made provision for the acquisition of addition land by the Native Trust (later the South African Development Trust). This would raise the area of the reserves to 13.6 percent, a process that had

Under that mandate, “the all-white Durban City Council appointed a Technical Sub-Committee to replan the city, and this Sub-Committee took as its guiding axiom the proposition that contact between races in residential areas leads to conflict. It even regarded as ‘most objectionable’ the large-scale movement of pedestrians of one race through the area of another. It decided to make use of natural boundaries such as ‘rivers, steep valleys, cliffs and hill-tops’ to effect as complete a racial separation as possible.”¹² These cantons were designed to restrict movement, secure borders, and formally institutionalize space. Much of the painfully dilapidated neighborhoods in and around Durban, then, are not the result of an organic migration from rural or urban areas, a sea change in populations. Rather, Townships were demarcated in urban areas, and property ownership and renting were restricted by race. Hundreds of thousands of so-called Bantu, Indian and Coloured South Africans were shuffled throughout the Apartheid period when a tract of land was re-designated. It was always a driving motivation of the successive National Party (the architects of Apartheid, in power between 1948 and 1994) regimes to maintain a black labour force in proximity to its population centers – these slums were planned.

The abject poverty of the townships was/is one of the persistent indictments of the Apartheid systems. At most every anti-Apartheid demonstration in South Africa, one could find signage demanding better housing. The Freedom Charter, written in 1955, demands

There Shall be Houses, Security and Comfort!

All people shall have the right to live where they choose, be decently housed, and to bring up their families in comfort and security;
Unused housing space to be made available to the people;

not been completed by 1991.” Hall, Righ, and Williams, Gavin. “Land Reform: The South African Case.” In *Cape to Congo*, Baregu and Landsberg, eds. London: Lynne Rienner. 2003. at 114.

¹² Kruper, Leo, Watts, Hillstan, and Davies, Ronald. *Durban – A Study in Racial Ecology*. New York: Columbia UP. 1958. at 14.

Rent and prices shall be lowered, food plentiful and no-one shall go hungry.¹³

Indeed, upon his release from prison in 1990, at Mandela's first public event in Johannesburg, some of his first complaints with the Apartheid system that had imprisoned him for 27 years was its perpetuation of deplorable housing – slums. Before a crowd of 120,000, amidst the “teeming metropolis of matchbox houses, tin shanties, and dirt roads, the mother city of black urban South Africa,”¹⁴ he began, “Today, my return to Soweto fills my heart with joy. At the same time I also return with a deep sense of sadness. Sadness to learn that you are still suffering under an inhuman system. *The housing shortage...*”¹⁵

According to the Abahali base Mjondolo (“Shack Dwellers” in isiZulu), there are at least 800,000 shack-dwellers around Durban. Fourteen settlements have recently joined to form the group. Its elected leader S'bu Zikode, links their struggle to the previous social movements in South Africa in a press release titled “The Third Force.” “The First Force was our struggle against Apartheid. The Third Force will stop when the Fourth Force comes. The Fourth Force is land, housing, water, electricity, health care, education and work. We are only asking what is basic - not what is luxurious. This is the struggle of the poor. The time has come for the poor to show themselves that we can be poor in life but not in mind.”¹⁶

The privatization of public housing is only one of these exacerbating trends reflecting Harvey in *The Urbanization of Capital*. “The urbanization process,” he argues, “has created scarcity where there was none before. If rent is a transfer payment to a scarce factor of production, then the urbanization process has also multiplied the opportunities

¹³ <http://www.anc.org.za/ancdocs/history/charter.html>. The statement's first line is a subject header in the original document; I embolden it.

¹⁴ Mandela, Nelson Rolihlahla. *Long Walk to Freedom*. Boston: Little Brown. 1994. at 496.

¹⁵ Mandela at 497. emphasis added.

¹⁶ Zikode, S'bu. “Durban: The Third Force.” Posted to SA-Indymedia, Friday November 18, 2005 at 10:08 AM. Available at <http://southafrica.indymedia.org/news/2005/11/9253.php>

for realizing rent.”¹⁷ If this point is accurate – that the townships creation reflected a broader system of exploitation (Apartheid) and their placement was designed to maximize the demands of the minority society at the expense of the majority (anti-democratic), the perpetuation of these spaces is the maintenance of the Apartheid system. The class-monopoly rents charged to the Townships, increasingly through privatization, are “realized by speculator-developers only if they possess mechanisms for expressing their collective class interest.”¹⁸ Is it possible that a mechanism exists *not* possessed by the NP when these borders were drawn? Law was what they said it was; the NP had what Gramsci considered “maximum of legislative capacity.” It “can be inferred when a perfect formulation of directives is matched by a perfect arrangement of the organisms of execution and verification, and by a perfect preparation of the ‘spontaneous’ consent of the masses who must ‘live’ those directives, modifying their own habits, their own will, their own convictions to confirm with those directives and with the objectives which they propose to achieve.”¹⁹ And that purpose, broadly, is the maintenance of a white supremacist regime in tight collusion with corporate interests to exploit the majority so-called African, Indian and Coloured populations.

Wallerstein’s and Arrighi’s analysis of World Systems and their theses on anti-systemic movements are illustrative considering *why* the Freedom Charter remains unfulfilled.²⁰ South Africa’s has been influenced by global pressures (in this case, capitalism) since the Portuguese explorer Vasco de Gama landed in what he called Natal (the province now known as KwaZulu-Natal, in which Durban sits) on Christmas, 1497. Discovery of diamonds and gold in 1886 and 1867, respectively, had the function of linking South

¹⁷ Harvey, David. *The Urbanization of Capital*. Baltimore: JHU Press. 1985. at 64.

¹⁸ Harvey at 68.

¹⁹ Gramsci, Antonio. *Selections from the Prison Notebooks*. Hoare and Smith, trans and eds. New York: International Publishers. 1971, 2005. at 266.

²⁰ Arrighi, Giovanni, Wallerstein, Immanuel, and Hopkins, Terrance. *Antisystemic Movements*. London: Verso. 1989.

Africa to English and American capital; JP Morgan was one of the earliest and most prominent investors in the conglomerate Anglo-American (managed by the Oppenheimer family, it once controlled at least 3/7 of the wealth on the Jo'burg stock exchange).²¹ An animating principle of the domestic political economy of Durban, and South Africa at large within this world system, has remained “that cities were the creation and preserve of whites, that the African presence should be temporary and limited to serving the interests of white citizens and that ruthless controls over African movement and contracts were the mainstay in maintaining a labour market convenient for the dominant interests of the city: in short a basis for a cheap labour system.”²²

The South African economy is typically cut in three: agriculture; minerals and the secondary industries that result from the extraction and servicing of the mines; and service, finance and tourism. Durban, in particular, has been the focus of particular labour controls and regimes designed by both British colonists and Afrikaners after the 1948 Afrikaner Nationalist takeover of Parliament. The city “which has been acclaimed from the turn of the century as one of the most effective city governments in the country has, for decades, rested on binding and oppressive relationships which has limited its ability to meet the human needs of the majority of its inhabitants.”²³ The importance of Durban within the South African context has been noted for decades; planners became aware of the successes the city maintained in its rigid and highly structured control of its population. “The Durban [labour] system, as the set of institutions and controls were termed, was added to, expanded, reproduced through legislation, and copied throughout southern Africa.”²⁴

²¹ Pallister, David, Stewart, Sarah, and Lepper, Ian. *South Africa Inc: The Oppenheimer Empire*. New Haven: Yale UP. 1988.

²² Hemson, David. “Breaking the Impasse, Beginning the Change.” In *(D)urban Vortex* Freund and Padayachee, eds. Pietermaritzburg: University of Natal Press. 2002. at 197.

²³ Hemson at 197.

²⁴ Hemson at 198. internal parenthesis omitted.

In short, Durban has never been an island, and it along with South Africa has remained very tightly linked to global economic patterns. The ANC could not simply undo these relations. But what could the ANC do, but that which it attempted? One activist considers the situation this way:

The Apartheid system was defeated but nothing changed. This is a farm. South Africa is a farm. And the whites were the farm managers. Now they've been kicked and we have black farm managers, same mother fuckers, same minds, same greed, different color, it's a little paint. It's the haves and the have-nots. It's always been the haves and the have-nots. Simply put, the Americans, Germans, Canadians, who had so much invested in keeping us miles under the ground digging our gold and diamonds, they found out that their shares were at risk, all right, because the mineworkers were organizing themselves and so they went to the ANC who had been in bed with the communists for all that time, and they says,
"Are you willing to manage our business?"
"What's your business?"
"South Africa"
And they said "sure."
So now, in fact, our government is the farm managers. I'm a field nigger. South Africa is a farm.²⁵

As for a possible explanation for the South African population's enormous support for the ANC, despite the ANC's demonstrated failures to dismantle Apartheid, Gramsci's conception of consent and coercion will be referenced. The former, he argued, was secured through the hegemonic ideology of the state, and diffused by agents of civil society. It is the hegemony of the idea that the ANC defeated the NP, and that Apartheid ended, that prevents the mass opposition to the Apartheid apparatuses. This, we shall discover, is a pitfall of the national consciousness. The persistence of this myth is important. Saul and Bond will be referenced to demonstrate the extent of "change" in South African life since Apartheid. In his thesis "South Africa's Frustrating Decade of Freedom", Bond writes "The reality is that South Africa has witnessed the replacement of

²⁵ Unattributed interviews in the film "The Fourth World War." Likely Milo, Yazir Henry, Ashraf Cassim, or Zane Ibrahim, as credited in the company details under "South Africa – Interviews." Big Noise Tactical Productions: 2003.

racial Apartheid with what is increasingly referred to as class Apartheid – systemic underdevelopment of the oppressed majority through structured economic, political, legal and cultural practices.”²⁶ It cannot be forgotten that the South African population has almost tirelessly opposed injustice in the twentieth century, but their recent quiescence to the persistence of Apartheid can, I submit, be explained with Gramsci’s political theory.

Gramsci in Durban - *Consent & Coercion*

In this section I will attempt to sketch an understanding of Antonio Gramsci’s theories on consent and coercion. Chiefly through his Pre-Prison Writings and Prison Notebooks, with some assistance from secondary readings, I will argue that Gramsci’s political theories demonstrate that hegemonic ideology in bourgeois democracies is maintained via these related forces. By bourgeois I mean capitalist-based and elite-run systems of political economy in which the demands of production and property take precedence over social welfare. Convincing populations that these systems are acceptable and legitimate is in large part the task of the State and its subordinates – securing consent to these arrangements, and coercing those who do not consent. Consent takes precedence in democratic states, Gramsci argued, as rulers must maintain the appearance of freedom in their ranks and constituents, a distinction between modern systems and their predecessors. Those at the commanding heights can no longer simply rule with “brute force”²⁷; they must dissemble and win consent. That ideology and the processes that legitimate and further it are of great concern to Gramsci and the immediate project. Here it is worthwhile to consider how these imperatives were re-made policy in South Africa. In the course of this thesis, I will explain the stated desires of the Apartheid rulers –

²⁶ Bond, Patrick. “From Racial to Class Apartheid: South Africa’s Frustrating Decade of Freedom.” *Monthly Review*, May 2004; 55, 10. at 47.

²⁷ Gramsci, Antonio. *Selections from the Prison Notebooks*. Hoare and Smith, translators and editors. New York: International Publishers. 1999, 1971. (SPN) p.298.

expressed in their White Paper, and *Strydom* and *Venter* Reports – to preserve land allocations. Yet they knew they would soon accede power to the Black majority. So, on the other hand, we will soon witness what the ANC did – what policies they promulgated, and the ways they secured consent for them.

Therefore, I will then consider whether Gramsci can be used to better understand a current political situation, namely the enormous and nearly uncontested political success of the African National Congress (ANC) in South Africa. Since elections in 1994, the ANC has ruled South Africa as a “one-party dominant democracy, characterized by corporatism and elite pacting.”²⁸ In those twelve years, the first ten of which are gushingly called the “Decade of Democracy,” almost every social indicator has fallen and life for the majority of South Africans has become increasingly unlivable. Unemployment and inflation have boomed, while access to water, electricity, and decent housing, and life expectancy have plummeted. Yet the ANC and its deputies in civil society are adamant that they are the only “party of liberation”²⁹ and the genuine representative of the (Black majority) people. Election returns and quiescence in the majority of the population ostensibly confirm their pronouncements, although “the powerful working-class support for the ANC has faced the uncomfortable reality of a decline in stable waged employment, swelling joblessness, and the proliferation of ‘atypical’, de-unionised and highly vulnerable occupations.”³⁰ Marginal movements and civics, however, indicate in their discourse that the ANC has largely failed to deliver on its earlier promises, and has instead “sold-out” the people and sold-off the assets that could have improved society. The subaltern has much to say.

²⁸ Louw, P. Eric. *The Rise, Fall, and Legacy of Apartheid*. Westport, Connecticut: Praeger. 2004. p.195.

²⁹ African National Congress Constitution, as amended p.51st National Congress, December 2002. available p.<http://www.anc.org.za/ancedocs/history/const/const2002.html>

³⁰ Barchiesi, Franco. “Classes, Multitudes, and the Politics of Community Movements in Post-Apartheid South Africa.” *UKZN CCS Research Report No. 20*. August 2004. p.10.

Gramsci's Explanations

To introduce Gramsci very briefly, the Italian Marxist believed that struggle against the ideological support for the capitalist system was extremely important. By attacking the “hegemony,” or overarching self-concept/identification of the state and its role in maintaining the productive requirements of society, he argued, the passage to a regulated state was possible. In modern democracies, Gramsci believed, these ideological processes were more totalizing and stronger than in earlier states in which brute force dominated any war of ideas. Gramsci spends much space relating the function of intellectuals in society to the hegemonic ideology. They work as its distributors, disseminating through the population the official explanation on how and why government and society run. They are tasked to explain and justify these distributions of wealth and power in political society (the government) and civil society (churches, schools, civic organizations). On the division of political and civil society (two major superstructure levels) and intellectuals, he says “civil society, that is the ensemble of organisms commonly called ‘private’”³¹ and “political society’ or ‘the State’”³² comprise the relevant space where the ideological battle must be fought (and won in pursuit of a new state and economic system). The former “correspond[s] on the one hand to the function of ‘hegemony’ which the dominant group exercised throughout society” and the latter to “‘direct domination’ or command exercised through the state and ‘juridical’ government.”³³ In these both, intellectuals work as “deputies” for the dominant group, though ideologically the function which these deputies perform are generating “the ‘spontaneous’ consent given by the

³¹ SPN p.12.

³² SPN p.12.

³³ SPN p.12.

great masses of the population to the general direction imposed on social life by the dominant fundamental group.”³⁴

The intellectual in civil society manufactures ideological arguments that maintain and justify the existing power relations of a society, while in politics s/he executes the coercive apparatus. Consent, in this meaning, is “given” to “imposed” circumstances: it is manufactured intentionally, proceeding with the appearance of a natural intellectual evolution along strictly regulated lines. The ideological discipline required to maintain these intellectuals is considerable, for their task is quite often the demonstration of magic. Witness elite intellectuals at government-sponsored think tanks writing on the “freedom” that has been brought to Iraq by Americans for an immediate illustration of highly-disciplined intellectuals.

As Gramsci concerned himself with the ideological struggle that must be won before proletarian and subaltern groups can replace the capitalistic state, he focused on the ways and means of ideological maintenance in states with apparently functioning democratic systems. During election cycles, “generic consent” is sought.³⁵ The proclamation of a “mandate” is common following elections in these states, whereby politicians can rhetorically insist that their cause or purpose is victorious. Consent is claimed: the appearance of (s)elections functions to legitimize hegemonic power. Regardless of the difference between candidates or officials, that one is chosen over another demonstrates the victor’s ability to govern “by consent of the governed.” Thus, the social contract is negotiated via elections in modern democratic states and consent is claimed by elites when the masses “go along” by failing to rebel. It is more the style of governors than their substance that is contested in bourgeois elections – all the candidates, as members of

³⁴ SPN p.12.

³⁵ SPN p.259.

the ruling class, have tacitly agreed that certain issues are non-negotiable. These combinations of TINA (there is no alternative) issues largely comprise the hegemonic ideology of a state. And that hegemony will never be tested in an election (unless the wheels have really fallen of the wagon). Only if the entire system of social and productive relations is contested will these core issues be seriously challenged, and at that point the state's hegemony has vanished. Asking the question "should the US possess nuclear weapons?" is an abandonment of the ideology currently most dominant in America relevant to the issue of nuclear proliferation in Iran, for instance.

According to Gramsci, elites are unanimous, and have sufficiently inundated citizens of the state's naturalness such that it is unchallenged. Consent is generated because of the idea's obvious-ness, and thus there is little need to coerce dissenters. "Hegemony may be defined as the means by which the modern state generates consent without the use or threat of force. Consent is most easily generated in civil society, which appears to be independent of political control. In fact, all of the institutional mechanisms of civil society are saturated with politics. Hegemony is the exercise of control over the masses through the swindle of consent. It will be superseded in the 'regulated society.'"³⁶ We find a manufactured lack of alternatives and a repetition of the current system's strengths in the hegemonic model. Consent flows in this tightly controlled environment precisely because it can go nowhere else – TINA.

Thus far we have ascertained that "consent" is arranged for the masses in modern democratic states; intellectuals act as "deputies" to indoctrinate the population according to the hegemonic ideology – what in elections is only the short distance between the hegemony's peripheries. "This consent is 'historically' caused by the prestige (and

³⁶ Germino, Dante. "Antonio Gramsci: From the Margins to the Center, the Journey of a Hunchback." *Boundary 2*, Vol. 14, No. 3, The Legacy of Antonio Gramsci. (Spring, 1986). Pp. 19-30. p.26.

consequent confidence) which the dominant group enjoys because of its position and function in the world of production.”³⁷ And so it appears less the value or virtue of the dominant group and more the strength of the status quo that demands “consent,” for other options are dismissed as “naïve” or impossible. Precisely because some subaltern opinions challenge the hegemony, these ideas are not seriously entertained, and the appearance of a distance between the two hegemonic poles appears larger: there are no other options in this imposed setting, and consent will be given based on a lack of alternatives and the oppression of those who attempt to implement counter-hegemonic options. The hegemonic ideology spans the distance between what the productive requirements of society will tolerate, and “the bourgeois State is the liberal State par excellence. In it, everyone can express his opinion freely by means of his vote. This is what formal legality in the bourgeois State really comes down to: the exercise of the right to vote.”³⁸ Witness the ghastly example of the US occupation of Iraq: elections managed by the US Army in January 2005 boasted of their democratic credentials, yet the most important possible question for Iraqis (“Should the Occupation continue,” to which conservative polling indicated at least 70% of the population would answer in the negative) was not asked of the population. This situation is admittedly different, as coercion far outstrips consent in Iraq in 2006, yet the appearance of the election was important. The hegemonic ideology persists (the US is a force of liberation, and the Occupation has just given the gift of democracy to Iraq), and intellectuals are required to legitimize and substantiate the status quo, awarding *it* with *their* intellectual justifications and support.

³⁷ SPN p.12.

³⁸ Gramsci, Antonio. *Pre-Prison Writings*. Bellamy, editor, Cox, translator. New York: Cambridge UP. 1993. (PPN) p.230.

Consent becomes something more of an appearance than an actual process of persuasion: it becomes forced when groups can do nothing other than consent to issues that are almost never contested. And for the role of intellectuals in coercion, they are charged to maneuver “the apparatus of state coercive power which ‘legally’ enforces discipline on those groups who do not ‘consent’ either actively or passively”³⁹ The process is again managed by the dominant’s group’s deputies – intellectuals orchestrating political governance. Gramsci continues with details of “other distinctions” that must be made as well, “distinguished in terms of [the intellectual activity]’s intrinsic characteristics.”⁴⁰

Aside from intellectuals as technicians in the maintenance of hegemony, a larger discussion of consent/coercion takes place in the sections titled “State and Civil Society.” In this discussion of Gramsci’s Theory of the State, we find at least three definitions of the State and Civil Society. Notably,

1. “one might say that State = political society + civil society, in other words hegemony protected by the amour of coercion.”⁴¹
2. “The massive structures of the modern democracies, both as State organizations, and as complexes of associations in civil society, constitute for the art of politics as it were the ‘trenches’ and the permanent fortifications of the front in the war of position: they render merely ‘partial’ the element of movement which before used to be ‘the whole’ of war, etc.”^{42,43}
3. “the State is the entire complex of practical and theoretical activities with which the ruling class not only justifies and maintains its dominance, but manages to win the active consent of those over whom it rules.”⁴⁴

³⁹ SPN p.12.

⁴⁰ SPN p.13.

⁴¹ SPN p.263.

⁴² SPN p.243.

⁴³ He continues, “This question is posed for the modern States, but not for backward countries or for colonies, where forms which elsewhere have been superseded and have become anachronistic are still in vigour. (243). Is it plausible to assume that these “backward countries or...colonies” will mostly proceed to more closely resemble the bourgeois democracies of the “modern states?”

⁴⁴ SPN p.244.

In all of these definitions we find the architectural metaphor of planned growth around a core set of beliefs or structures. This root, fundamentally, is capitalism, and the social arrangements it requires are its branches. The maintenance of the capitalistic society is the task of the state – it must control society and dominate the public, molding them and their lives to the dictates of production. Securing consent to these relations is the core requirement of sustaining the capitalist system; the state’s task in its civil and political forms is convincing people that their only options are within the hegemonic framework. “The State apparatus is far more resistant than it is often possible to believe.”⁴⁵

Comprising “all forms of association...insofar as they have emerged and developed on the terrain of liberal democracy” the pieces of the “bourgeois system and the capitalist structure of society”⁴⁶ function as consent-generators. Working to reinforce the existing systems of power relations by explaining their processes and results as “natural” or “inevitable,” civil society pursues the hegemony (consent from the governed), while political society legitimately coerces the governed. Landy explains the dimensions of Gramsci’s discussion as

Proceed[ing] from the assumption that everything in life is in constant motion, that everything is interrelated rather than rigidly schematic and systemic. In Gramsci’s analysis of institutions, the church, schools, corporations, trade unions, and forms of “entertainment,” social structures are conceived of as a source of lived social relations and as sources of constant conflict, though the tensions may not be directed toward the transformation of social conditions *but toward the legitimization of existing conditions.*⁴⁷

Given the State’s “aim is always that of creating new and higher types of civilization; of adapting the ‘civilization’ and the morality of the broadest popular masses to the necessities of the continuous development of the economic apparatus of production,”⁴⁸

⁴⁵ PPN p.297.

⁴⁶ PPN p.173.

⁴⁷ Landy, Marcia. “Culture and Politics in the Work of Antonio Gramsci.” *Boundary 2*, Vol. 14, No. 3, The Legacy of Antonio Gramsci. (Spring, 1986), pp. 49-72. p.52. emphasis added.

⁴⁸ SPN p.242.

we should expect consent and coercion to exist as mutually reinforcing pressures – and not just at election times but constantly. The productive requirements of the economy change, and the state’s task is to mold society to them always, in whatever ways seem necessary to maintain the exploitative status quo, the “economic apparatus of production.”⁴⁹

Securing Consent

In his section “On Americanism and Fordism,” Gramsci devotes a substantial section of his notebooks to issues that could be labeled “moral,” and how civil and political societies impose conditions for securing consent in this area to economic demands, and punish those who do not offer their consent. The example he chooses illustrates how seemingly disparate issues – alcohol or marriage and mass production of automobiles – are completely linked. Largely speaking to the regulation of alcohol and sexual habits, he notes,

up to now all changes in modes of existence and modes of life have taken place through brute coercion, that is to say through the dominion of one social group over all the productive forces of society. The selection or ‘education’ of men adapted to the new forms of civilization and to the new forms of production and work has taken place by means of incredible acts of brutality which have cast the weak and non-confirming into the limbo of the lumpen-classes or have eliminated them entirely.⁵⁰

But times change, and serfdom and slavery have been replaced with industrialized urbanization, thus the opening in control has been filled by civil society where once the Lord or Overseer functioned. Consent is manufactured in numerous areas of civil society, all serving the same purpose. “Puritan ideologies develop which give an external form of persuasion and consent to the intrinsic use of force.”⁵¹ And in confronting these pressures, “these masses have either acquired the habits and customs necessary for the

⁴⁹ SPN p.242.

⁵⁰ SPN p.298.

⁵¹ SPN p.299.

new systems of living and working, or else they continue to be subject to coercive pressure though the elementary necessities of their existence.”⁵² Attitudes are molded, consent is imposed with the explicit threat of coercion should consent be withheld. “Government with the consent of the governed,”⁵³ Gramsci writes, is related to the modern class-State, and its legitimacy rested on its self-identified democratic arrangement. “But with this consent organized, and not generic as it is expressed in the instant of elections,”⁵⁴ he continues, the consent is not arrived at from a free-thinking and wide-ranging map of options. “The State does have and request consent, but it also ‘educates’ this consent, by means of the political and syndical associations...left to the private initiative of the ruling class.”⁵⁵ Thereby relinquishing its authority to the “civil” sphere of the State, consent can flow and exist without the appearance of the State’s imposition. Of course he recognizes that capitalism, as an organization of society, cannot be prevented “from corrupting the functionaries of the civil service, the military and the Church, from corrupting journalists and ‘creating’ just that public opinion which suits them.”⁵⁶

This last comment merits closer attention: *creating just that public opinion*, he writes, is a function of the journalists. In their power to explain and excuse official State action and “private” economic development, the journalists working in the bourgeois State present reality to channel popular perception toward consenting to the hegemonic ideology’s explanation of and justification for existing power and economic relations. Consent emerges as the crucial condition for an economically productive society that is not totalitarian – the “free” must be controlled and by restricting their options civil society manages the liberated. Withholding consent is the key to dismantling the state. Gramsci’s

⁵² SPN p.299.

⁵³ SPN p.259.

⁵⁴ SPN p.259.

⁵⁵ SPN p.259.

⁵⁶ PPN p.133.

interest in civil society is brilliant as we observe ever more closely the multitude of consent-generating actors in the modern democracy.

The State's Means

Through legal channels the threat of coercion is codified and executed. Consent and coercion, we can recall, are the two primary movers of the society into the arrangements that best serve its productive forces, such that “if every state tends to create and maintain a certain type of civilization and of citizen (And hence of collective life and of individual relations), and to eliminate certain customs and attitudes and to disseminate others, then the Law will be its instrument for this purpose.”⁵⁷ Legal systems, invented and orchestrated by elites, protected in their positions by gatekeeping, is and “must be conceived of as an ‘educator’, in as much as it tends precisely to create a new type or level of civilization. Because one is acting essentially on economic forces, reorganizing and developing the apparatus of economic production, creating a new structure, the conclusion most not be drawn that superstructural factors should be left to themselves, to develop spontaneously, to a haphazard and sporadic germination.”⁵⁸ Legal thought is precise and regulated by its own internal codes, “the repressive and negative aspect of the entire positive, civilizing activity undertaken by the State.”⁵⁹ In that it is inherently a tool of the propertied classes (for they alone write law) to police the great masses of society (for they are those whom it regulates), our conception of law “will have to be freed from every residue of transcendentalism and from every absolute.”⁶⁰ It is, like other inventions of political society in the modern democracies, a weapon of class power. The legal instrument is used as another molder of populations: abstemiousness is encouraged from

⁵⁷ SPN p.246.

⁵⁸ SPN p.247.

⁵⁹ SPN p.247.

⁶⁰ SPN p.246.

the pulpit and hiring hall, and those who fail to practice what is preached will be policed into doing so. Likewise, the state's property regulations (land reform) express the productive demands of the land-owning classes. We should find in them statements of elite-focused wants demanded on the majority.

But, he advises, these lines are not so dark: laws and the norms they require "must be conceived of as an 'educator', in as much as it tends precisely to create a new type or level of civilization."⁶¹ "The distinction between ordinary men and others who are more specifically legislators is provided by the fact that this second group not only formulates directives which will become a norm of conduct for the others, but at the same time creates the instruments by means of which the directives themselves will be 'imposed; and by means of which it will verify their execution."⁶² The former, if we read closely, assists in protecting norms by practicing, respecting, and internalizing them. Laws are teachers as much as they are disciplinarians. This framework offers guidance to our examination of Apartheid and post-Apartheid land law.

Gramsci's second definition as well merits a close reading. His discussion of a transition to a "regulated society" (socialist) indicates that "it is possible to imagine the coercive elements of the state withering away by degrees, as ever-more conspicuous elements of regulated society (or ethical State or civil society) make their appearance."⁶³ The State could no longer be run by and for plutocrats, and could begin to identify with "civil society," leaving its coercive apparatus to only a "nightwatchman"⁶⁴ role. What emerges first is the idea that these elements are not eternal: the reader is charged to understand how hegemony works to defeat it. Within the trench theory already mentioned, the

⁶¹ SPN p.247.

⁶² SPN p.266.

⁶³ SPN p.263.

⁶⁴ SPN p.263.

political society's coercive powers can recede under the command of more progressive leadership, of the proletariat in Gramsci's mind. These coercive powers will never be eliminated (Gramsci was not a pacifist): in the "nightwatchman" conception, the State becomes "a coercive organization which will safeguard the development of the continually proliferating elements of regulated society, and which will therefore progressively reduce its own authoritarian and forcible interventions."⁶⁵ At the same time, we can note, civil society's function has altered, and it will be reflective of the "new social group which has founded the new type of State,"⁶⁶ i.e., a society progressing toward communism. But the difference between the regulated state and that which it destroys is substantial. Whereas the previous state was an expression of the bourgeois class and worked chiefly to settle elite disputes and perpetuate social systems most advantageous to capitalist accumulation of wealth, i.e. the demands of production⁶⁷, the socialist state will accelerate the "rhythm of production" and redistribute wealth.⁶⁸ Given the ANC's record in fulfilling the Apartheid-era strategy of "concentrating on perpetuating what has been achieved,"⁶⁹ we should now better understand why land reform failed – it was written to extend history, not to alter its trajectory.

We can expect the consent function to disappear as the state actually serves the people – when society is regulated to best provide for all, consent is a priori. For if the masses are making the policies, their consent is inherent. What is here crucial is a meter for a state's ethical composition, or political legitimacy. If regulated states needn't impose consent and are rarely coercive, its antithesis that goes to great lengths of indoctrination and coercion is the anti-utopia, a state that must dissimulate and dismember to persist. Surely

⁶⁵ SPN p.263.

⁶⁶ SPN p.263.

⁶⁷ PPN p.61.

⁶⁸ PPN p.17.

⁶⁹ *Strydom Report* p.29.

there is a useful gauge in this concept – the more one must use force to achieve an end, the less legitimate his aims.

Until that revolutionary period, however, civil society functions to ensure social hegemony, imposing consent and minimizing the number of coerced persons. The state's outer defenses guard against the most recalcitrant elements with coercive force, and its inner guards (ostensibly without the use of coercion) continue to secure the consent of the masses for the ruling powers. Here, again, the first definition is relevant: the "State is the entire complex of practical and theoretical activities with which the ruling class not only justifies and maintains its dominance, but manages to win the active consent of those over whom it rules."⁷⁰ A manifold of possibilities for the execution and implementation of a hegemonic ideology is presented, and the possibility emerges that there are throughout society a thousand small governments, a million minor militia, all of which operate within the confines of the hegemonic ideology to continuously reinforce and secure consent. At one end, the "maximum of legislative capacity can be inferred when a perfect formulation of directives is matched by a perfect arrangement of the organisms of execution and verification, and by a perfect preparation of the 'spontaneous' consent of the masses who must 'live' those directives, modifying their own habits, their own will, their own convictions to confirm with those directives and with the objectives which they propose to achieve."⁷¹ This massive arrangement, or complete social control, recalls Foucault's notions of self-discipline,⁷² in that society includes millions of minor mouthpieces reiterating TINA and preserving the hegemony. Gramsci explains,

*This does, if I read correctly, assume some decision-making strategies of the citizens, perhaps a "rational choice" model that is implicated in many current (neoliberal) economic paradigms. With all the information, would people really make the air force hold a bake sale to buy a bomber, and give all the money to schools?

⁷⁰ SPN p.244.

⁷¹ SPN p.266.

⁷² Foucault, Michael. *Discipline and Punish*. New York: Vintage. 1995.

This is a situation which cannot last and is certain to lead to a crisis of libertinism, but only when the masses have already assimilated ‘virtue’ in the form of more or less permanent habits, that is with ever-decreasing oscillations. On the other hand, in the case where no coercive pressure is exercised by a superior class, ‘virtue’ is affirmed in generic terms but is not practiced either through conviction or through coercion, with the result that the psycho-physical attitudes necessary for the new methods of work are not acquired. The crisis can become ‘permanent’ – that is, potentially catastrophic – since it can be resolved only by coercion. This coercion is a new type, in that it is exercised by the elite of a class over the rest of the same class. It can also only be self-coercion and therefore self-discipline.”⁷³

We are all under the coercive powers of the state to follow should we ignore its encouragement to consent. Consent is so furiously pursued, he argues, because “the bourgeois State, which is the more strong [sic], at home and abroad, the less its citizens can control and follow the exercise of its powers.”⁷⁴ What is here crucial is a population’s quiescence, their acceptance of the status quo as a natural outcome – as if it were the only arrangement possible. When these conjectures are internalized and naturalized, the consent-generating process is successful.

This elaborate examination of the consent imposed on the great mass of society is Gramsci’s demonstration of what must be done – fight ideologically the new war of position, as due to the development of the bourgeois democracy, the state’s coercive strength is no longer its primary offensive tool. “This is why it must be stressed that the political development of the concept of hegemony represents a great philosophical advance as well as a politico-practical one.”⁷⁵ For the coercive apparatus of the state is disguised, or considered retrograde in public view, the ideological apparatus of the state assumes greater responsibility over the perpetration of systems most advantageous to the productive forces of society. “Coercion has therefore to be ingeniously combined with persuasion and consent.”⁷⁶

⁷³ SPN 300.

⁷⁴ PPN p.106.

⁷⁵ SPN p.333.

⁷⁶ SPN p.310.

With this framework in hand, we can move to the facts on the ground in Durban. As aforementioned, millions in South Africa, and hundreds of thousands in Durban have not experienced changes in the areas of land and housing since 1994. Arguably, they have not experienced many positive changes in land and housing since 1824. Though today a democratically-elected government does offer some limited housing subsidies, and did oversee a brief and narrow land reform program, this thrust of this thesis has been to argue that the ruling power of KwaZulu-Natal since 1824's land claims have been exercised to extend and protect the minority's hold on the majority of the province's most valuable land. Including agricultural and urban areas, this grip by the few on the majority of the soil has proved highly pernicious to the capacity of the majority to live in safe dwellings and enjoy relocation. Following the transition to democracy, many land and housing rights remain unfulfilled, specifically positive rights to land and housing. Here, then, given the earlier discussion of colonial and Apartheid-era land and housing laws, it is prudent to use Gramsci and re-examine the process leading up to and including the transition.

Consent, in Antonio Gramsci's meaning, is "given" to "imposed" circumstances, rather than awarded to the most deserving or popular groups. "This consent is 'historically' caused by the prestige (and consequent confidence) which the dominant group enjoys because of its position and function in the world of production."⁷⁷ It appears less the value of the dominant group and more the strength of the status quo that demands "consent." The ANC, here, is thus still in power because of its old credentials – the neoliberal party still self-identifies as the only party of national liberation. The ANC-dominated "State is the entire complex of practical and theoretical activities with which the ruling class not only justifies and maintains its dominance, but manages to win the

⁷⁷ Gramsci at 12.

active consent of those over whom it rules”⁷⁸ all in the service of the productive needs of the ruling class. In short: townships are created to maintain pools of surplus labour near white cities for domestic and manufacturing work; post-Apartheid, these needs have been retained, but as manufacturing and industry has declined from the IFI assault, the townships were privatized to maintain the overall standards of living of both the ruling class and the masses of South Africa. These conditions have naturally been opposed since their enactment. Resistance is everywhere; it is the lethargy of the academy that has been slow to discover these simple truth, not the pace of the poor to object to their condition.

Mamdani’s *Citizen and Subject* considers some of these issues. Chiefly, the text is concerned with the methods of colonial power – how it is exerted and through whom. Mamdani argues the Apartheid apparatus was not, as commonly claimed, unique or exceptional to African colonial history, but was instead the final iteration of indirect control. Most often first associated with Lord Lugard’s reign over Northern and then United Nigeria, indirect control as an apparatus of colonial social control, aimed to shrink the Empire’s office while simultaneously expanding its reach. Using intermediaries – most frequently, chiefs – as deputies for the colonial power, indirect control aimed to meet the ostensibly contradictory goals of minimal appearance of external domination *and* extensive control of local populations. In Nigeria then elsewhere throughout the African Continent and elsewhere below the Equator with similar political histories, the English aimed to *tribalize* the native. Insofar as these efforts were successful of stripping the “native” of his/her place within the colony, native authorities were both to blame and be petitioned for redress by the “native.” These “stateless peoples”⁷⁹ were manufactured

⁷⁸ Gramsci at 244.

⁷⁹ Mamdani p.80.

by indirect rule, relegated during Apartheid, and though fully enfranchised in 1994, never redressed for their historical lack of full South African citizenship.

As much as indigenous institutions continued to be accessible, accountable, and observable to the “native,” the tribal authority could function as an effective social controller, leaving the colonial power less hindered in its extractive aims. Pushing the “native” toward his or her “tribal” identity, and away from his or her European dominator, then, establishes mechanisms for indirect control and closes channels for resistance to that controller. As aforementioned, those in Durban lacking land are consequently more *subject* to the law than they are involved in it. The security of white land establishes their presence and guarantees their security in Durban. Lacking a plot today is not very dissimilar to lacking a pass 40 years ago. One’s status is precarious, and continuously subject to relocation to the periphery. Then, and now, Mamdani’s distinction helps us theorize the root issues at play, so much so that we could reformulate his question and ask, “are the Poores in Durban subjects or citizens?” Simply, does lacking property in Durban make one an outsider to it? Of course, the people in question are not Egyptians or the French – they are Zulu-speaking South Africans with roots in KZN far deeper than any other.

This thesis aims to describe how and why the landless in Durban arrived in this location and status, with a debt owed to Mamdani’s theoretical groundwork. It is worth noting that Mamdani writes it was in Natal that the “separate but subordinate state structure for natives” was first codified in Natal.⁸⁰ At several points in the following pages, Durbanites will be considered as foreigners. By means of legislative fiat and spurious treaties, many who were in KZN became subjects of it, or outsiders to it. The century-old dispossessions

⁸⁰ Mamdani p.62.

“Established the social prerequisites of a single legal order in a colonial settler society: appropriation of land, destruction of communal autonomy, and establishment of the ‘freedom’ of the individual to become a wage worker.”⁸¹ These alienations, I contend, are most powerfully expressed in the soil – the land question.

In South Africa, more than elsewhere according to Mamdani, indirect control found its nadir, or apex, in Apartheid – the apartness of races, the separate development. As Apartheid’s creators described South Africa as a country of many nations, and self-identified as one minority group among eleven, their initiatives to repatriate the Zulu to Zululand, and end the ability of the Xhosa to leave the Transkei “*where he belonged*,” represented the indirect control at its finest/worst. Mamdani does consider the methods for these crimes, largely among them land expropriation and exploitative labour relations. Where he does not focus extensively, and where I will, is just how the land question was answered in Natal well before 1910, when the Union of South Africa came into being. In a relatively short period of just several decades, where once several hundred thousand Zulu-speaking persons lived, Natal *and* Zululand were created. My focus, then, is how these borders remain intact. Mamdani is certainly expert on how varying regimes of control expressed themselves and exercised their hegemony in the late colonial period, though my focus is more on soil than colonial apparatuses of control. His eponymous distinction between those with access to government and those the government controlled is nonetheless highly valuable.

⁸¹ Mandani p.66.

Chapter One – The First Claims to Natal

The First Invasion

Our histories indicate that a document appeared in 1824 ceding the full port of Natal, the hundred miles inland to 25 miles north and 10 miles south, to the FG. Farewell and Company. This rectangular block, 3 500+ square miles, appears to become British in the history books. Did Shaka Zulu mean for the cession to be eternal, or temporary? Did he mean to allow for the men to trade but not live in perpetuity? Did Shaka sign under duress, and did he in fact sign at all? These questions are completely irrelevant, as our engagement thereof requires the attachment of some form of legitimacy to the sale of space from under the feet of those who inhabit it. It doesn't matter if Shaka sold the rivers, the soil, and the air – because such privatizations of the commons are wholly illegitimate, then, now, tomorrow. Territorial secessions to colonizing Europeans, each and every one if we are honest, were bogus. Whether \$21 was traded for the island of Manhattan or a kingship was recognized in exchange for the control of “Zululand,” either way the few men who oversaw such transfers had as much authority over great numbers of people as the Coalition Provisional Authority did in Iraq when it slashed corporate taxation, privatized state industries and remade the Iraqi economy in 2003-4.

Nonetheless, a wholly different logic underpinned the decisions of the colonizers. The King of England, through the Governor of the Cape Colony, wasn't sure if Natal offered commercial enrichment to the tune necessary for its defense under the Crown. It was thus not for another 20 years that Port Natal, soon the Republic of Natalia, as the English and Boers called it, was shackled to the British Empire. During this period we find several enduring patterns that are maintained to this day: namely, the alienation of Zulu or African-occupied land to Europeans, by force, fraud, legislation, or other means. In addition, then and now, we find a concerted and diligent effort to control the African

population by geographically confining it and strictly regulating African travels outside of the areas to which it was/is confined. The method of these activities is of great interest.

We soon find the trading post and its new territory engaged in ivory sales and other exchanges. The area was not at this point a settler colony, though the area that is now considered Durban was already alienated from African control. During the time of the Republic of Natalia so-called⁸² natives were already legally excluded from living in it. A squatters law in 1839 and an 1840 resolution of the Volksraad, the legislative body of the Republic of Natalia, prevented greater than four Zulu families from living on any European farm. “The objects of this legislation appear to have been, first to limit the total number of ‘natives’ in the white area, and second to secure an equitable distribution of the labour supply.”⁸³ Zululand, a construct of European imagination and policy, emerged as the “reserve” area where the Zulus were instructed to remain. Here we find an attempt to expel the population unnecessary to European farm labour by “annex[ing] all Natal and a great part of Zululand, [and by] turn[ing] part of the population into farm labourers and to transfer the rest to an area which it did not in fact control.”⁸⁴ The Republic of Natalia became a European domicile in contrast to the African Zulu-land.

Shortly after it was “recognized,” Zululand was cut in half after Mpande, a Zulu chief, was forced to cede all space in between the Tuglea and Black Umfolosi rivers to the Republic of Natalia after a defeat against Boers in the region. Next, in 1841, the colonizers, some claiming to flee the British Empire in the Cape Colony and others representing British commercial interests, confined “the surplus African population by placing it on a tract of land between the Umtamvuna and Umzimvubu rivers to the south

⁸² “So-called” should be placed in front of “native(s)” and “coloured(s)” p.each iteration. For purposes of space, I shall not.

⁸³ Brooks and Webb p.37.

⁸⁴ Brooks and Webb p.38.

of the Republic.”⁸⁵ This area was outside the jurisdiction of the Volksraad, and moreover outside its sphere of effective control. It was selected precisely because it was foreign to Natal. In 1843-5 the Queen of England decided to bring the Republic of Natalia under the protection of the Crown in the form of a district of the Colony of the Cape of Good Hope, but with three conditions: abolition of slavery, end of aggression toward natives outside the colony, and the extension of all laws to cover all inhabitants, regardless of color, creed, or origin.⁸⁶ That the Volksraad in Pietermaritzburg assented to these terms and fulfilled but one of them is indicative of the long and deep pattern of disingenuousness and dissimilitude in the legal codes and proceedings of government. Meanwhile, St. Lucia Bay was alienated from Mpande, and in a separate conversation the land between the Tugela and Black Umfolosi was returned to Zululand.

As Boers and others continued to enter Natal and desired to stay, the Volksraad enacted policies that allowed any person to stake a claim on land that was not already claimed.⁸⁷ On a rapacious scale, settlers used these mechanisms to speculate wildly — laying claim to and titling large tracts of land they neither occupied nor improved.⁸⁸ “Ultimately a great proportion of the land of Natal passed at incredibly low figures into the hands of speculators.”⁸⁹ Despite the land grants made to them in encouragement of settlement, many Boers were uneasy with both the pace of government titling, and the presence of the Zulus who, absent more effective government, continued to “enter” Natal. The government had not, we can assume, informed them that they were no longer occupants or owners of the land. In a more clear indication of their alienation, the Natal District passed an ordinance in 1849 that recognized Chiefs as the custodians of the natives and

⁸⁵ Brooks and Webb p.37-8.

⁸⁶ Brooks and Webb p.40.

⁸⁷ Brooks and Webb p.50.

⁸⁸ Over 60% of Natal was claimed by 1843, though 6/7^{ths} of that land was not used at all, “owned by absentee speculators, and four-fifths of all the claimants had left the colony.” Brooks and Webb p.61-2

⁸⁹ Brooks and Webb p.51.

determined that tribal law would govern Zululand. The point of these moves was to expand the effective distance between settlers and natives, Natal and Zululand. But to facilitate control over the 100,000+ Zulus in Natal, the Shepstone system was created. To a large extent, it still exists in effect today with slight moderations, and until 1994 existed almost as enacted in 1845. It must be recognized that these provisions entailed both dispossession and alienation: forceful takings and legislative deracination. These “natives” were no longer members of the area – they were aliens to Natal and thus made to live not as participants in the society and its space.

A first proposal to crudely “send them back” was rejected as “neither just nor practicable,”⁹⁰ we can imagine with more emphasis on the latter. Thus six Locations or Reserves were demarked as per the findings of a Commission investigating one of the first native “questions.” The 1846 Commission recommended Locations that were criticized as “too large, [but] not that they were unnecessary,”⁹¹ and the Commission’s recommendations for the erection of schools and industrial education were dismissed as too costly. Nonetheless, between 80,000 and 100,000 Africans were moved from Natal into these “places where the Africans could live their own lives”⁹² in the next few years, areas that comprised roughly 10% of the District. This idea of Africans “living their own lives” assumes that a separate existence encompass include the Europeans in Natal. There became two places: Natal + Zululand, and with locations for the Zulus in Natal. These Locations included the present-day townships of Umlazi, Inada, and Umvoti. The balance of territory was reserved for settlement of, then, approximately 10,000 Europeans. A Land Commission in 1848 was charged to investigate the sizes of the Locations, and made recommendations that they be decreased. Fortunately this did not occur, but in fact

⁹⁰ Brooks and Webb p.58.

⁹¹ Brooks and Webb p.59.

⁹² Brooks and Webb p.59.

the opposite in the next two decades did occur. By 1864 the borders of 42 Locations and 21 Mission Reserves were etched, and as “the total combined acreage differed very little in 1961 from the figures of 1864,”⁹³ we might well consider them etched in stone. And yet in 1848, the District offered some 2,000,000 acres of land to 360 Boer families as an inducement for them to stay in the District.⁹⁴ As the African natives were all scheduled to be removed to their Locations, and had no formal place in the legal system, we find that Zulus in Natal were positioned as foreigners. Brooks and Webb explain, “The four years of 1845-9 made Natal a British, rather than Afrikaner territory, with a large African majority.”⁹⁵ Yet this alien majority, as they were constructed, marks the presence of the settler colony’s strength in the new territory. For their ability to occupy, deed, and settle the land in marriage to alienating, dispossessing and resettling Africans, the colonizers must be recognized as incredibly productive for Europeans and those who would settle on the lands that became European. It should not be surprising, then, that the Locations were most often barren, “rugged in the extreme, not suitable for cultivation or even pasturage”⁹⁶, and thus their placement reinforced “the white ruling class’s control over the water, forests, minerals and energy sources[,] leaving the Africans with only those limited and soon depleted resources within the reserves.”⁹⁷ Between 1849 and 1852, five thousand more European immigrants came to Natal to exploit its resources and make it their own.

The management of the Zulu population consumed Natal’s government. Settlers required surplus labour, yet the restrictions on movement and occupation for the Africans in Natal made this difficult. And while “the Boers had left a legacy of unbelief in the propriety or

⁹³ Brooks and Webb p.60.

⁹⁴ Brooks and Webb p.64.

⁹⁵ Brooks and Webb p.62.

⁹⁶ Brooks and Webb p.69.

⁹⁷ Cottle, Eddie. “The *Class* Nature of *Free* Water in South Africa: From Past to Present.” The Research Library of the Center for Civil Society – University of KwaZulu-Natal, Durban: June, 2004. p.7. available online p.<http://www.ukzn.ac.za/ccs/default.asp?3,28>

fitness of the Native to acquire or receive wages,”⁹⁸ the English who rapidly descended to the area were not inclined to revise the Location system to the extent that a labour supply could freely and regularly service their agricultural and trading needs. So as to never allow some aliens (Africans) into Natal on a regular basis – for such an occurrence would produce friction between races and, more importantly, introduce a limiting factor to the scale and size of the European settlement – Natal’s management turned to India for indentured labour. As sugar exports surpassed ivory in the 1860s, residents complained that the “over-sized” character of the Locations bore responsibility for the “unwillingness of Africans to labour in the sugar plantations.”⁹⁹ “In Shepstone’s eyes Natal consisted of two watertight compartments, Native and European. To coerce the Native to become dependent on the European by economic pressure was not compatible with this outlook.”¹⁰⁰ It seems unlikely that those who were critical of African “unwillingness” considered the existing restrictions on decent pay, liberty, movement and full citizenship as factors that might dissuade potential labour. We must recognize, however, that the “unwillingness” was only part of the issue. If Natal were to remain European despite its minority population, the majority Zulu-speakers must be compartmentalized elsewhere. When they did cross the “border” into Natal, they could be constructed only as outsiders and aliens if the integrity of Natal were maintained.

Nonetheless, in 1859, the Natal Colony¹⁰¹ began sponsoring five-year contracted Indians, who after ten years in the Colony could be repatriated at no cost. Within a year 6,000 Indians were working in the sugar plantations, and by 1885 their numbers equaled whites, finally surpassing Europeans in 1904. Given the manner and fashion in which Europeans

⁹⁸ Cited in Brooks and Webb p.71.

⁹⁹ Brooks and Webb p.81.

¹⁰⁰ Cited in Pachai, B. *The International Aspects of the South African Indian Question 1860-1971*. Cape Town: C. Struik. 1971. p.3.

¹⁰¹ In 1856 the Charter of Natal formally ended Natal’s status as a district of the Cape Colony. More self-government followed, yet legislative maneuverings had restricted the franchise to white males with property, despite an ostensibly color-blind Constitution.

in Natal treated Africans, it is unsurprising that Indians were regularly flogged, fined of all wages and earnings, and treated as sub-human objects of labour and nothing more. Conditions were so appalling that the Government of India, around the time the first labourers returned, enacted legislation prohibiting emigration to Natal.¹⁰² In response the Government of Natal enacted legislation creating an office known as Protector of Indian Immigrants, paid some doctors to visit the sugar estates, and even offered land grants to expired Indians near Durban. Unsurprisingly, given the mindset of the settler colony and its bottomless hunger for land, these grants were rescinded in later years¹⁰³, and as the Indian population grew and some pockets of prosperity emerged, efforts arose to forcibly repatriate every Indian in Natal. Speaking for the master race, the Attorney-General of the Colony in 1893 explained, “Indians were appreciated as labourers only and were not welcomed as settlers and competitors.”¹⁰⁴ Thus for a brief period Indians were granted titles and space to remain, but they too soon became targets of white domination. The Natal Colony was to remain in the hands of whites, whose prosperity hinged on the exclusion of Africans and Indians from profitable ventures and spaces.

Consolidation

Since Shepstone had stared at maps and played God a few decades earlier, Locations throughout Natal had lacked some clear boundaries and also a legal status. Boers from the Transvaal had made numerous raids toward Zululand and other locations, and in 1869 Mpande, Cetshwayo and others asked the Natal Government to establish a border between the Boers and Africans so as to allow some security of territory. This matter was never settled, and raids continued. But the earth under the feet of indigenous Africans

¹⁰² Act VII of 1871, section 57.

¹⁰³ Pachai p.8.

¹⁰⁴ Pachai p.9.

was redesignated by other means around the same time. By Letters Patent of 27 April 1864, the Natal Native Trust was brought into creation. It assumed ownership and control over all the Locations, “in trust for the African population as a whole.”¹⁰⁵ The Location System’s borders were largely unchanged, yet the final authority therein and thereof became the Crown representing the interests of fewer than 20,000 Europeans in the Colony with nearly 300,000 Africans. Efforts to annex Basutoland, in addition, illustrate that the Crown’s hunger for the landmass was increasing at all times. A police force was commissioned in 1873 to put down rebellions, a signal that the spatial ordering of the Colony was in need of some protection or at least was considered under some threat. In hindsight, the anxiety of Natal management indicates a continuous resentment and at times rebellion against these conditions by the so-called Native population.

The full crushing of the Zulus was not the result of the mounted police force just aforementioned, but instead achieved through the annexation of the then-independent Transvaal to the British. As part of confederation the boundary between Natal and Transvaal would be formalized with great harm coming to portions of Zululand. It was demanded that Cetshwayo, the Zulu “King,” disarm completely and come under more subordinate control of the British and Boers, then encroaching on all sides. An ultimatum was put to Cetshwayo that “virtually meant the repudiation of the Zulu traditions and the surrender of the independence of the Zulu nation”¹⁰⁶ in December, 1878. As a refusal was pre-ordained, the invasion of Zululand commenced soon thereafter, inaccurately called the “Zulu War” to this day. British armies invaded Zululand in January, 1879 with the intent and purpose to subdue any Zulu resistance to the full dominance of Europeans in the Transvaal and Natal. Bishop Colenso wrote three days after the invasion: “it has been intended from the first to annex or subjugate Zululand...this has been the policy of the

¹⁰⁵ Government Notice No. 57 of 27 June 1864. Brooks and Webb p.103.

¹⁰⁶ Brooks and Webb p.134-5.

British Government and the real object of these proceedings, and that the Commission has been merely a means of gaining time for warlike preparation.”¹⁰⁷ Armed with spears and shields against artillery and infantry, the Zulus were slaughtered by the thousands. Cetshwayo sued for peace repeatedly but the British commitment to a completely subdued Zulu nation triumphed. Great similarities exist between this war and a great many other wars between colonizer and conquered,¹⁰⁸ in which the purpose of hostilities, stated or otherwise, was the expulsion or elimination of indigenous peoples from the lands they once occupied freely and peacefully, by an army of technologically superior and morally primordial Europeans. After the invasion’s successful completion, Zululand was carved into thirteen distinct districts of a “manageable” disposition of “smaller and more numerous” proportions¹⁰⁹, each without sovereignty. Cetshwayo was also deposed from the throne that Shepstone had created for him, the position no longer serving its purpose. The local chiefs who had some administrative function were limited in their powers and functioned as titular “chiefs.” More Boer encroachment from the Transvaal followed the cessation of hostilities, and Boers extracted concessions of some 4,000 square miles from Zululand. This area, much like others, was excised from its inhabitants and settled by colonizers, and the Zulu population therein dispossessed, alienated, and robbed in different ways at different times along the prevailing trends already discussed. What did this resemble? I haven’t dug in that direction. There may be collected oral histories of those who experienced these dispossessions; given the character of the disposers, it seems unlikely that any realistic observers would be funded to capture these crimes accurately. So let us briefly indulge fiction. Ngùgì wa Thiong’o’s *Petals of Blood*:

After the first big war there was no more land in which to move...

¹⁰⁷ Cited in Brooks and Webb p.128.

¹⁰⁸ For comparison, Ward Churchill’s *A Little Matter of Genocide*. City Lights Publishers, 1998, is unmatched. His focus on the dispossession, alienation and genocide of indigenous peoples throughout the Americas is thoroughly disturbing.

¹⁰⁹ Brooks and Webb p.148.

... You forget that in those days the land was not for buying. It was for use. It was also plenty, you need not have beaten one yard over and over again. The land was also covered with forests. The trees called rain. They also cast a shadow on the land. But the forest was eaten by the railway. You remember they used to come for wood as far as here – to feed the iron thing. Aah, they only knew how to eat, how to take away everything. But then, those were Foreigners – white people.¹¹⁰

The experience of the British invasion of Zululand and “European encroachment had uprooted clans, reawakened old jealousies and deprived the Zulu people of much of the land that had once been theirs.”¹¹¹ At the same time settlers were offered plots of land up to 159 acres in parts of Natal, estimates indicate that 300,000-400,000 Zulus lived in the forty-two Locations and twenty-one Mission Reserves. White farming was privileged and heavily subsidized while Africans were confined to the barren Locations and Reserves. By 1935, at least 87 acts of the Union Parliament would strengthen white farming at the expense of the African population, notably the subsidization of white farming via construction of “an extensive system of irrigation that allowed expansion of white commercial farming in a water stressed or semi-arid country.”¹¹² The intent of these programs was as much to support agriculture as it was to ensure that white agriculture would dominate, and be staffed by the enormous Black underclass. The magistrate of Helibron summarized the effect of the Natives Land Act, 1913, perfectly: “This Act is one by which a man is reduced from being a farmer in his own account to being a servant at one stroke.”¹¹³ The Natives Land Act of 1936, later prevented Blacks from using tractors and irrigation in their reserves, while the subsidization (in some cases at 100% of

¹¹⁰ Thiong’o, Ngũgĩ wa. *Petals of Blood*. 1977. London: Penguin. 2002. p.98-99.

¹¹¹ Brooks and Webb p.155.

¹¹² Cottle p.7.

¹¹³ Bundy, Colin. “Land, Law and Power.” in *No Place to Rest*. Christina Murray and Catherine O’Regan, eds. Cape Town: Oxford University Press. 1990. p.6.

costs¹¹⁴) of white irrigation loans facilitated white agriculture and created a wealthy and powerful political force. Africans were permitted to reside on white-owned farms insofar as they were employed by that farm's owner, an arrangement "which undoubtedly was found profitable to farmers and even gave rise to speculation in both Crown and private land by Europeans."¹¹⁵ Surplus persons were forbidden as per the Private Locations Act of 1909; only the required number of labourers could exist outside of (rural) reserves, scheduled areas and released areas.¹¹⁶

Governing Natives

The history of Natal in the decade preceding the turn of the twentieth century includes the political negotiations for greater independence from Britain in the form of "responsible government," the advocates of which did nothing to hide their true motivation of "want[ing] responsible government mainly in order to control 'Native policy.'"¹¹⁷ Political maneuverings were geared to prevent British interference in the colonists' control of and violence to indigenous populations that outnumbered them 10-1 in Natal. With greater local powers, the Natal government enacted a campaign against Indians: to disenfranchise, impoverish and repatriate. The Disenfranchisement Law passed without objection in both houses of Natal's parliament, and the Indian Immigration Law of 1895 began taxing Indians who did not leave Natal following the conclusion of their indenture. "Thus in the first four years after responsible government the Natal Legislature had closed the franchise to Indians, endeavored to stop Indian immigration, imposed a heavy tax on indentured Indians refusing to re-indenture or return to India , and made it difficult

¹¹⁴ Cottle p.8.

¹¹⁵ "South African Native Land Laws." Excerpt of report by E. L. Matthew, C.M.G., Law Adviser to the South African Department of Justice, 1913. reprinted in *Journal of the Society of Comparative Legislation*, New Ser., Vol. 15, No. 1 (1915), pp 9-16. p.11.

¹¹⁶ Landis, Elizabeth S. "South African Apartheid Legislation I: Fundamental Structures." *The Yale Law Journal*, Vol. 71, No. 1. (Nov., 1961), pp. 1-52. p.17.

¹¹⁷ Brooks and Webb p.175.

for new arrivals to obtain trading licenses.”¹¹⁸ These measures lack counterparts concerning the African population for the simple reason that pre-existing statutes and regulations were successful. In other words, Africans were already without the vote, deprived of arms, and unable to trade freely, and as such, legislation enacted in the early years of the 20th Century when Mahatma Gandhi lived in Natal and protested its draconian treatment of non-whites, was not tailored to deprive Africans of rights. Africans, as stated earlier, were considered aliens in Natal, despite the formal annexation of Zululand by the Crown in 1887¹¹⁹ and the supremacy of British civil servants over the locations and reserves. The Crown owned Zululand, but Zulus were not even second-class citizens – when a Zulu had the audacity to cross the “border” and enter European Natal, s/he was a resident alien holding almost no rights. That the Constitution of 1893 allowed Natal a free-hand in denigrating and repressing Africans, and served to facilitate the movement of “both the Indians and Zulus more or less where the white colonists wanted them,”¹²⁰ was, after all, the purpose of responsible government.

Zululand shrank again in size in 1897 when it was annexed to Natal “largely because more land was required for growing sugar.”¹²¹ The Zululand Land Commission was charged to demarcate reserves in the newly-annexed space, and they totaled 3.8m acres, excluding 2.6m acres for “privately owned European sugar and wattle plantations and vested European interests...in the heart of Zululand.”¹²² Between the end of this commission’s tenure in 1904 and 1913, as per the commission’s recommendations, Africans were permitted to purchase land outside of their Locations and Reserves.¹²³

¹¹⁸ Brooks and Webb p.184.

¹¹⁹ On 14 May, 1887, the Crown annexed Zululand. Later, Natal Act 37 of 1897 annexed Zululand to the Natal Colony, specifically.

¹²⁰ Brooks and Webb p.188.

¹²¹ Brooks and Webb p.186.

¹²² Brooks and Webb p.186.

¹²³ Minaarr disputes this, and argues that a 1903 statute forbade the purchase of land outside the locations and reserves. A trip to the archives would likely settle this confusion, but I do not imagine that this window – if it existed – matters much p.all.

They were, however, confronted with a host of discriminatory subsidies, indignities and mechanisms that privileged white speculation and settlement, and this “open window” should not be overestimated. When the Boers and English went to war over political control in 1899, they did not fight over Native policy. In Natal, conflicts were largely confined to the siege of Ladysmith. Boer attempts at invasion to secure the port, their access to the outside world, failed. Though they did succeed in annexing Natal north of the Tugela, the area around Vryheid was returned to Natal after the war’s cessation. The Treaty of Vereeniging in 1902 did not affect Natal’s land or native policies much at all, and the Colony did not contribute large numbers of men to the British armies, though they remained solidly British. European settlement increased again by migration and natural increase, and the process of Union formation proceeded with a conservative answer to the “Native Question.” During the pre-Union maneuverings, the South African Native Affairs Commission came into being, and from 1903-1905 it worked to consolidate and standardize the administration of native affairs. In other words, the elites from the four Colonies, now under British rule, worked toward a common understanding of subjugation of Africans while working to protect the landspace already removed from them. In Natal, given that the Zulu areas had already been divided and were formally ruled by the white government, answers to the “Native question” could only involve the protection of borders and the prolongation of white domination over the vast majority of arable, valuable, and productive land. The Natal represented at Union conferences represented only those who were considered of Natal¹²⁴, and the Natal presented at the Union conferences was precisely the earth underneath and owned by those considered from Natal. Locations and Reserves were, for all intents and purposes, holding pens of labour. While the Native Affairs Commission’s report did not become policy at the time of publication in 1905, many of its recommendations were taken up post-Union. But that

¹²⁴ There were, in fact, three Zulus registered to vote in 1905. Brooks and Webb p.216.

the Commission recommended Africans possess no ability to purchase land outside of certain areas demarcated by legislation should alert readers to the anxiety of elites in 1905 regarding the ability of Africans to own anything immovable inside South Africa. This pattern seems as flat as Table Mountain, as “most of the Natal witnesses” before the Commission “were strong advocates of tribalism and rule by chiefs, or in short of the now somewhat ossified Shepstone system.”¹²⁵ Meanwhile, new Indian trading licenses were prohibited in 1909, and after the Natal Government rejected a tax on unoccupied lands, a poll tax was imposed on Africans. The Bambata Rebellion, partially inspired by that tax, was ruthlessly put down by the guardians of culture and literature, though summary executions among other means.¹²⁶ In seeking to understand the causes of the rebellion, one commission criticized the Shepstone system and its oligarchic control over Natives, in turn recommending that the Native Affairs be “taken out of politics.”¹²⁷ Act 1 of 1909 aimed to implement some of these plans with the attempt to “gradually supplant the chiefs”¹²⁸ with unelected civil servants presiding over districts of locations and reserves.

The Union of South Africa came into being in 1910, in the process abolishing Act No. 1, out of concern for standardizing tariffs, customs, and railways throughout the four colonies. Participation at Union conferences was delegated based on white population, of course, though a census taken one year after Union indicated that of the 1.2 million persons in Natal, 98,000 were white, 133,000 were Indian, and over 950,000 were African, the huge majority of which were forced to live in the locations and reserves.¹²⁹ When the Union moved in 1913 to prohibit Africans from purchasing property outside the reserves, it certainly prevented some from moving, but given that the vast bulk of

¹²⁵ Brooks and Webb p.217.

¹²⁶ Brooks and Webb p.224.

¹²⁷ Brooks and Webb p.228.

¹²⁸ Brooks and Webb p.228.

¹²⁹ Brooks and Webb p.248.

Natal was allocated to whites and was “being well developed as rich sugar and wattle plantations,”¹³⁰ we can assume that the opportunity to purchase land even without the Natives Land Act was a small one. The right of “access,” then and now, is illusory to the poor. In the following decades, the control of reserves was legislated with the Native Administration Act of 1927¹³¹, “based largely on the later Natal tradition – the Shepstone policy as it was applied after Shepstone’s retirement.”¹³² When the Natives Land Trust Act of 1936 added 22,000 square miles as “potential” Native areas, Natal farmers expressed hostility at the prospect of any increase in the size of the locations, as their predecessors did before them a century earlier. The farmer’s urban counterpart likely voiced no objections to the Urban Areas Act of 1923¹³³, which aimed at and largely succeeded in restricting the permanent residence of Africans in towns and cities and their choice of work. These webs of laws and regulations should be considered with the understanding that those who governed Natal were fully of the opinion that Natal was not for Africans, and in fact legislators claimed, as they would again during Group Areas enactments, that the law was necessary because of the “unfairness of compelling municipalities to provide adequate housing for all Africans in their areas if they were to have no control over the influx of Africans in excess of labour requirements.”¹³⁴

Zululand was legally, spatially, and physically, a possession of the Natal Province in the Union of South Africa, yet those Africans within it were essentially imprisoned, and those Africans outside it had a precarious existence. As for Indians, the Relief Act of 1914 abolished some taxes, yet a year earlier the government had signaled its antipathy

¹³⁰ Brooks and Webb p.255.

¹³¹ Act No. 38 of 1927. In addition, the Native Affairs Administration Bill of 1917, the Native Affairs Act (No. 23 of 1920), Representation of Natives Act (No. 12 of 1936), and Natives Land Trust Act (No. 18 of 1936), formed a core body of *pre-Apartheid* legislation that functioned to cement existing relations and keep Natal European.

¹³² Brooks and Webb p.293.

¹³³ Act No. 21 of 1923.

¹³⁴ Brooks and Webb p.298.

when, after several earlier attempts, it ended Indian immigration.¹³⁵ Indians lacked free movement, the ability to acquire coveted trading licenses, and were fully disenfranchised by 1924. In preventing the ability of Indians to acquire immovable assets and settle themselves freely, the Smuts government in 1943 succeeded in what the Hertzog Government had failed to accomplish in 1925. The Trading and Occupation of Land Restriction Act¹³⁶ ended sales of land from whites to Indians, so as to “peg” the locations and percentages of Indian “penetration” in the Transvaal and Natal. In 1946 the 1943 Act expired, and was replaced with the Asiatic Land Tenure Act. When reviewing that act, a joint Transvaal and Natal committee “was at pains to stress that it favoured repatriation and that it saw segregation as the minimum required if Asians were to continue living in South Africa.”¹³⁷

¹³⁵ Union Immigrants Regulation Act of 1913 (No. 22/1913).

¹³⁶ Act No. 35 of 1943.

¹³⁷ Festenstein, Melville, and Pickard-Cambridge, Claire. *Land And Race – South Africa’s Group Areas and Land Acts*. Johannesburg: South African Institute on Race Relations. 1987. p.5.

Chapter Two – Apartheid’s Land Policies

In 1948 the National Party surprised electoral observers in South Africa and took power. In defeating Smuts’ Union Party, the NP did not repudiate a central principle of governance: white supremacy. The Union Government’s 1913 Native Land Act had the general effect of confining the majority population to what eventually became 13% of the landmass, and prohibiting any African from purchasing land outside of those regions. These restrictions “sealed” the earlier colonial thefts.¹³⁸

All land within the reserves was owned by the Crown in the form of the Native Land Trust. In urban and peri-urban areas, segregation was more local; Cape and Natal policies differed slightly, though each was guided by national laws, notably the Natives Urban Areas Act of 1923. This law, also enunciated and promulgated before 1948, placed restrictions on Africans living outside of the reserves; only domestic workers could reside in urban areas and property rights were again curtailed. Peri-urban areas also developed along peculiarly detrimental and brutally colonial/Apartheid lines, with the notable consequence of an absence of farming “rings” around South African cities.¹³⁹ The 1934 Slum Clearance Act added to the powers of the government to dismantle other settlements. The NP’s 1948 victory did of course announce the commencement of Apartheid, but the apparatus to affect and maintain Apartheid was already in place.

What was novel about Apartheid was the extent to which the state would control space and land. The Group Areas Act of 1950 (GAA) mandated that local authorities, composed entirely of whites and accountable only to white constituents, assemble a Group Areas plan for its municipality and submit it to the Land Tenure Advisory Board

¹³⁸ Tleane, Console. “Is There Any Future in the Past? A Critique of the Freedom Charter in the Era of Neoliberalism.” In *Articulations*, Alexander, ed. p.171.

¹³⁹ van den Brink p.27, n. 30

(LTAB). As has been shown, GAA “was not therefore simply the product of NP ideology, but the culmination of repeated attempts by white legislators to impose segregation more effectively in response to demands by white interest groups.”¹⁴⁰ Coupled with the Population Registration Act of the same year, Group Areas “is so vast [in scope] as to stagger the imagination,”¹⁴¹ aiming to make apartness concrete and permanent in South Africa. Upon receipt of a Group Areas plan, the LTAB performed “public” hearings in the cities where the Plans had been drafted, though the ability of “interested parties [to] voice their opinions”¹⁴² was curtailed by the repressive state apparatus. Southworth notes, “the Act provided no mechanism to ensure that the Board would heed public representations,”¹⁴³ and these events unfolded based on the “existence and growth of planning bureaucracies whose origins were wider than those of the [Group Areas] Act itself,”¹⁴⁴ thus building on existing – rather than new – apparatuses. The Board made recommendations to the Minister of the Interior, whose power to “proclaim Group Areas through the Government Gazette ‘whenever it is deemed expedient’”¹⁴⁵ sounded the official dirge of hundreds of thousands of homes, communities and settlements. Race and territory were fused, again, based on “two interlinked necessities on planning: allocation of racially-zoned land for new areas; and deciding on, and achieving, uni-racial areas where many ‘groups’ lived and worked.”¹⁴⁶ Thus, soil was made to function in line with the racist economic requirements of the white society: proximity to industry necessitated the urban township, and the Act strengthened the spatially-restrictive components of colonial South Africa. The alien Zulu was only in the

¹⁴⁰ Festenstein, and Pickard-Cambridge p.5.

¹⁴¹ Landis p.24.

¹⁴² Southworth, Hamilton III. “Strangling South Africa’s Cities: Resistance to Group Areas in Durban during the 1950s.” *The International Journal of African Historical Studies*. Vol. 24, No. 1 (191), pp 1-34. p.4.

¹⁴³ Southworth p.4.

¹⁴⁴ Mabin, Alan. “Comprehensive Segregation: The Origins of the Group Areas Act and Its Planning Apparatuses.” *Journal of Southern African Studies*, Vol. 19, No. 2. (Jun., 1992), pp. 405-429. p.429.

¹⁴⁵ Southworth p.4, internal citation omitted.

¹⁴⁶ Mabin p.423.

township temporarily. GAA operated, as has been seen, on top of other existing regulations and restrictions. And given that the Zulu “question” had already been answered in Natal, its effects were felt far more strongly in Indian and Coloured communities.

Remaking Durban

In 1950, the Durban City council appointed a Technical Sub-Committee to plan all of Durban’s areas, as per the GAA. After some tinkering at the insistence of whites who felt they were somehow shortchanged, the City Council voted in 1952 to approve the plan that “surpass[ed] the worst fears of Durban’s non-whites,”¹⁴⁷ and sent it to the LTAB. Hearings in Durban were confronted by Indian and African protests, though the respective organizations did not succeed in building viable coalitions. “The Act was not only notable for the segregation it sought to impose but for the racial and class tensions that its implementation aggravated.”¹⁴⁸ Given that Indians were, generally, better-off than Africans in Durban and owned more highly-valued land, their complaints were not identical to Africans, and the Group Areas designations worked to accentuate these differences. Group Areas “divided South Africa’s racial groups into competing factions, each fight[ing] for its own economic and social survival.”¹⁴⁹ The LTAB forwarded a slightly modified plan to the Minister of the Interior in 1954, who then had the prerogative to designate any portion of Durban as he saw fit; an announcement in the Gazette would alert residents if they had become illegal overnight.

Given the urban population increases of the 40s and 50s, their severe economic oppression and the effects of 1913 Native Reserves and 1923 Urban Areas Act¹⁵⁰, the

¹⁴⁷ Southworth p.9.

¹⁴⁸ Southworth p.7.

¹⁴⁹ Southworth p.25.

¹⁵⁰ Consolidated into the Black (Urban Areas) Control Act, No. 25 of 1945.

African population in Durban had already faced housing shortages. But as their dwellings were increasingly criminalized and their evictions grew, an already serious housing situation deteriorated. In 1952, one estimate indicated that 90,000 Africans lived in shacks.¹⁵¹ And “[w]hile the City Council recognized the problem, it refused to address it.”¹⁵² There is no simple way to determine how many of these 90,000 were among the 80,000 Africans whose movement was required according to the 1952 City Council plans.¹⁵³ What is clearer is the motivating force behind the movement of half the African population, whose full community represented “49.54 per cent of the labour force, through only 31.68 per cent of the whole population.”¹⁵⁴ The GAA in Durban would, like so many laws before it, ensure “the main residential core of the city from east to west and north to south, indeed most of the residential area of the city, is reserved for Europeans.”¹⁵⁵ Durban was rezoned, and writing in 1958 demographers commented, “it seems probably that Government policy will be directed toward the entire removal of the African population from the city into the peripheral zones.”¹⁵⁶ What those zones must necessarily abut will be addressed later. This, it must be noted, is nothing novel in Natal. These activities by government are the same undertaken by the Republic of Natalia, Natal District of the Cape Colony, Natal Colony, and Natal Province of the Union of South Africa. Let us not confuse past and present, however; what distinguishes GAA is its scale and its context. In terms of its reach, GAA was a more overwhelming and overarching attempt to cement the colonial land allocations by national policy. Moreover, GAA aimed to destroy Coloured and Indian property and possessions more than it aimed to affect Blacks.¹⁵⁷ It has been shown that Africans had already been relegated to Reserves,

¹⁵¹ Southworth p.16.

¹⁵² Southworth p.16.

¹⁵³ Kuper et al. *Durban – A Study in Racial Ecology*. New York: Columbia UP. 1958. p.15.

¹⁵⁴ Kuper et al p.54-5.

¹⁵⁵ Kuper et al p.198.

¹⁵⁶ Kuper et al p.202-3.

¹⁵⁷ There never were any Black group areas; Group Areas “anticipates group areas for Africans, [but] in fact none have ever been declared.” Robertson, Michael. “AN Introduction to Apartheid Land Law.” in *No*

Homelands, Locations, and other fixed areas as per a plethora of legislation, in addition to numerous colonial enactments. GAA also must be considered in light of Wolpe's examinations of the evolving political economy. The labour requirements of South Africa in 1846 were agricultural and rural; at the time of Union they were concentrated in the mining sector; and, by the time of GAA manufacturing and secondary industry was, with extractive industry, primary. As the economy changed, so did the repressive apparatus designed to comfort and provide for industry.¹⁵⁸

These massive and rapid forced migrations obviously had deleterious effects on the health and safety of those involved. Many with legitimately deeded-property were simply dispossessed of their holdings, but as well many tens of thousands were uprooted from their shacks and dwellings and simply trucked elsewhere.¹⁵⁹ New zones and Areas were neither designed nor prepared for their residents. Persons were most often simply dumped there. Sophiatown's tens of thousands were removed to an "open veld"¹⁶⁰ without completed dwellings, thirteen miles from the city. The Group Areas Board, we should note, is not charged with any responsibilities in this regard. "The only require[ment] under the Group Areas Act is that the Board *take into consideration* whether or not suitable accommodation will be available for persons displaced from Group Areas for Occupation or Ownership, and, as we have seen, no obligation is laid on the Board to act on any such consideration, or *to ensure* that accommodation *is* in fact available."¹⁶¹ The Group Areas costs are not clearly delineated in the legislation, including those associated with re-settling displaced persons. When the Durban Combined Indian Ratepayers'

Place to Rest, Christina Murray and Catherine O'Regan, eds. Cape Town: Oxford University Press. 1990. p.124.

¹⁵⁸ See Wolpe, Howard. "Capitalism and Cheap Labour-Power in South Africa: from Segregation to Apartheid." *Economy and Society* 1(4). 1972. 425-456.

¹⁵⁹ Those who were paid "just and equitable" compensation by the government for their *forced* removal are ineligible for land reform redress

¹⁶⁰ Life and Work of Father Trevor Huddleston."

<http://www.anc.org.za/ancdocs/history/solidarity/huddlebio.html#Removals>.

¹⁶¹ Kuper et al p.177.

Association included this oversight in their complaints to the LTAB in 1953, their voices fell on deaf ears. Durban City Councilor J. Bolton remarked: “The Government has made no provision for compensation. They are just not interested.”¹⁶² Forced removals to *nowhere*, then, increased shack, informal, and unsafe settlements and increased the housing shortage in Natal. Expressing his inability to act, Durban Mayor R.A. Carte reasoned “If the Native is to be housed, then land must be taken from the Europeans, and they are not willing.”¹⁶³ That the “Native” should be outside while the “European” is housed is simply inequitable in itself, but more interesting is the double-standard of property rights: Europeans are entitled to their lands (allocated by fiat, stolen in conquest, whatever), and retain the prerogative to dispense of them as they see fit. Their “unwillingness” is sufficient for their **eternal domination** of an erf or farm.¹⁶⁴ None of these statements apply to the Native or Indian, of course, whose property rights simply do not exist in the way the European’s do. Again, we cannot solely blame Apartheid for these activities, as Zulus had been foreigners in “Natal” since the trading port metastasized in 1824, and Indians were not accepted as permanent until the 1960s.

An interesting consequence of these dispossessions is the *creation* of slums. Clairwood, Durban, was home to some 25,000 persons of Indian descent. The population had grown since its beginnings, in the late nineteenth century, and had “built homes, factories, businesses, schools, temples, mosques and burial grounds.”¹⁶⁵ In 1956, the Durban City Council decided the land would be better used for “unfettered industrial expansion.”¹⁶⁶ Persons of any race could, technically, temporarily work or dwell in an industrial zone (with compliance to all Pass Laws, property-accumulating restrictions and other related

¹⁶² Cited in Southworth p.21.

¹⁶³ Cited in Southworth p.16.

¹⁶⁴ This “willingness” power was reinstated by the land reform model the ANC designed. Emphasis is mine.

¹⁶⁵ Southworth p.17.

¹⁶⁶ Southworth p.17.

repressive apparatuses, of course), but the rezoning of Clairwood would require the clearance of its Indian community. After the community rallied to inform its governors that under the 1946 Asiatic Land Act Clairwood was supposedly exempt from further rezonings, the deputy mayor assured them that any clearance was ten to twenty years away. This, unsurprisingly, did not assuage concerns, but rather had the immediate effect of making Clairwood moribund: property values collapsed as the indefinite demolition loomed large. And, as could be predicted then, Clairwood's residents "stop[ped] investing in their neighborhood and community; they would not paint or repair their homes, build new houses or develop community facilities...Clairwood's physical condition would slowly decline, turning the neighborhood into a slum."¹⁶⁷ In 1957 the Chamber of Commerce echoed the complaints of Clairwood's residents and others, citing a decline in investment and the stagnation of real estate markets due to uncertainty of future Group Areas proclamation. Likewise, the City's planners voiced complaints about the possibility of tax increases to pay for the resettlement of the dispossessed. Cato Manor, like Clairwood, was a point of contention between the national and local government, but not because either was even slightly concerned with the welfare of those targeted for removal. The *Natal Daily News* accurately characterized the white opposition: "Durban will have to foot the bill...there is nowhere for these [26,000] people to go, no alternative housing are ready for them and none is likely to be built in short time."¹⁶⁸

The extensive planning apparatus, we have seen, was not the product of the NP '48 victory alone, but the result of decades of like-minded policies. The repeated destruction of African and Indian property then decreased (destroyed?) any capital they had accumulated, and required their impoverishment – wages sank “since very little housing

¹⁶⁷ Southworth p.18.

¹⁶⁸ *Natal Daily News*, Feb 8, 1960. cited in Southworth p.30.

was provided by the municipality, [and] there was a proliferation of squatter settlements in the peri-urban areas, which further subsidized the costs of the reproduction of labour.”¹⁶⁹ In addition, as “the local state was not prepared to finance African housing from the municipal budget,”¹⁷⁰ the shack settlements Africans (re)built for themselves in other areas lowered the costs of their reproduction for Durban’s managers. Already impoverished in their settlements, the demolition of African settlements and their removals to open fields thus simultaneously caused new informal settlements with fewer resources.

Space During Apartheid

Moving on to the placement of the African population we find (shack) settlements were arranged where Africans were legally permitted to sleep (and other more precarious settlements where they were forbidden to sleep), and in keeping with the hyper-paranoid planning apparatus of Apartheid, these zones of African dwellings were located for optimal racial exclusion and economic efficiency for the planners. The placement of Africans has always been deleterious to them due to the excessive distances they are forced to travel. “because those who can least afford transport are forced to travel the longest distances to work, Black passenger transport has become uneconomical – and a highly politicized source of Black discontent and mobilization.”¹⁷¹ Durban was overdependent on African labour,¹⁷² the Technical Sub-Committee could not simply banish the labour supply. An obsession with managing the African population, “by and large just another factor of production”¹⁷³ after their liberation from land, property and any remaining rights in 1913, has been a chief motivation in the urban policies of South

¹⁶⁹ Maharaj, Brij. “Segregation, Desegregation, and De-Racialisation.” in *(D)Urban Vortex*. Freund and Padayachee, eds. Pietermaritzburg: University of Natal Press. 2002. p.174.

¹⁷⁰ Maharaj p.174.

¹⁷¹ Festenstein and Pickard-Cambridge p.23.

¹⁷² Kuper et al p.118.

¹⁷³ Mngxitama, Andile. “The National Land Committee, 1994-2004; A Critical Insider’s Perspective.” *UKZN CCS Research Report No. 34*. University of KwaZulu-Natal, Centre for Civil Society. p.60.

Africa's cities. Durban's rulers believed "that cities were the creation and preserve of whites, that the African presence should be temporary and limited to serving the interests of white citizens and that ruthless controls over African movement and contracts were the mainstay in maintaining a labour market convenient for the dominant interests of the city: in short a basis for a cheap labour system."¹⁷⁴ Therefore, the Technical Sub-Committee recommended "a narrow ribbon-like elongation of industrial areas, a solution compatible with the topography of the city. Racial zones would then radiate from the commercial and industrial belt, and workers could move directly from their own zones into racially neutral areas."¹⁷⁵ Rigid rules around industrial areas were discouraged, as the Natal Employers' Association, Chamber of Industries and Durban Chamber of Commerce all requested "on grounds of inconvenience, expense, unsuitable siting of factories, transport complications, and retardation of development"¹⁷⁶ that industrial areas not be subject to racial zoning.¹⁷⁷ Though elected leaders reasoned that the passage of one race in the area of another "causes friction"¹⁷⁸ and the Mayor in 1873 insisted that Indians "with the belongings of dirt and other objectionable things"¹⁷⁹ and "their habits and customs being, as is well known, [are] so totally at variance with and repugnant to those of Europeans,"¹⁸⁰ those who demanded apartness did not mind the mixture of races in industry.¹⁸¹ Using the Group Areas Act and legislation "like it, the National Party hoped

¹⁷⁴ Hemson, David. "Breaking the Impasse, Beginning the Change." In *(D)urban Vortex* Freund and Padayachee, eds. Pietermaritzburg: University of Natal Press. 2002. p.197.

¹⁷⁵ Kuper et al p.39.

¹⁷⁶ Kuper et al p.37.

¹⁷⁷ As if anyone missed the point, the last page of the *Strydom Report* includes a list of exempted firms. They include Anglo-American, Rand Mines, the Netherlands Bank of South Africa, De Beers, Witwatersrand Gold Mining Company, Consolidated Gold Fields, and Johannesburg Consolidated Investment Company. *Strydom Report*, Annexure 4. The Minister of Community Development in 1964 who exempted these firms from Section 33 of the GAA, 1957, was one P.W. Botha.

¹⁷⁸ Kuper et al p.36.

¹⁷⁹ Kuper et al p.32.

¹⁸⁰ Kuper et al p.32.

¹⁸¹ Kuper's text includes numerous maps and schematics of the LTAB and TSC's planning. An interesting project, no doubt, would superimpose those designs on current spatial patterns, likely revealing a horrible symmetry. It is also in these maps that we find the placement of the current-day South Durban flat communities sited directly against – that is, literally touching – the industrial corridor that is responsible for (hundreds of?) thousands of premature deaths from cancers, asthma, and toxic poisoning.

to solidify its electoral position. To this end, the Act enabled whites to broaden their economic power by controlling the ownership and use of nearly all property in South Africa.”¹⁸² It is obvious, then, that the selection of Group Areas locations was a tool for economic power and white supremacy, but one, like much of the Apartheid apparatus, that did not affect the landowning patterns of the natives already imprisoned in the Bantustans. It is worth remembering that Piet Koornhof, former minister of co-operation and development, who oversaw the forced removal of some 3,000,000 million people, applied for amnesty during the TRC. “With this application, says Koornhof, he wants to say all of this was wrong and he is sorry.”¹⁸³ These statements, from the man who indicated in 1981, “The resettlement of Black people is resorted to in order to ensure their national unity, to protect their ethnic and political interests, and to improve their living conditions and standard of life ,”¹⁸⁴ are rank and do much to establish the motives of the NP during its reign.

It should be clear, given the Sub-Committee’s own summary of its report that required residential zones to have “boundaries which should as far as possible constitute barriers of a kind preventing or discouraging contact between races” and “have direct access to working areas”¹⁸⁵ that in their placement of industrial and residential zones, the latter were intended to serve and suit the former. We can see this throughout the TSC’s plans, for their industrial and commercial demands have “extensive consequences” for the entire scheme: “The requirement of direct access to industrial and commercial areas, without traversing the residential zones of other race groups, is met by extending the working areas in a long band from north to south.”¹⁸⁶ In response to Group Areas, the ANC

¹⁸² Southworth p.3.

¹⁸³ Krog, Antjie. *Country of My Skull*. New York: Three Rivers Press. 1998. p.158.

¹⁸⁴ “Ex-Nat Piet Koornhof Joins ANC.” 23-Nov-2001. *Dispatch Online*.
<http://www.dispatch.co.za/2001/11/23/southafrica/KOORNHOF.HTM>

¹⁸⁵ Kuper et al p.40.

¹⁸⁶ Kuper et al p.191.

decried the attempt “to deprive them of the free occupation and ownership of land, so as to ensure that they will be Government tenants at all times, and hence a source of cheap labour.”¹⁸⁷ The Natal Indian Congress saw “the true aim as the redistribution of wealth and resources in favour of the Europeans, and the removal of Non-Europeans from their developed areas of residence and trade to the remote outskirts of the towns and cities.”¹⁸⁸ Bull’s eye.

As the TSC was disinterested in making provisions for those who were removed during GAA, these persons were forced to create accommodations for themselves, often after their dwellings were bulldozed or otherwise destroyed. Earlier legislation had “explicitly imposed segregation and aimed to clear Africans out of the mixed residential areas which had grown up in larger cities and rehouse them in locations; together with anti-squatting provisions and the Blacks Resettlement Act of 1954, it was used to enforce removals of Africans.”¹⁸⁹ The crucial term in this quote for interrogation is “rehouse,” as we have seen that Group Areas and its predecessors required only the “consideration” of new housing and suitable land for those removed. In areas that became “defined” or “proclaimed,” “no buildings could be erected or altered¹⁹⁰ without a permit; residents or owners, usually Blacks, who unlawfully altered these builds lost the right to occupy them. This froze development.”¹⁹¹ Housing shortages, already existing because of overcrowding in the Locations and Reserves, and maintained by Urban Areas and Pegging Acts, multiplied when Group Areas demarcations forced occupants out of dwellings. The Land Tenure Advisory Board purchased the land underneath many of these structures and was reputed to be the largest landowner in the country.¹⁹²

¹⁸⁷ Kuper et al p.182.

¹⁸⁸ Kuper et al p.181.

¹⁸⁹ Festenstein and Pickard-Cambridge p.4. internal citation omitted.

¹⁹⁰ Remember this.

¹⁹¹ Festenstein and Pickard-Cambridge p.8.

¹⁹² Festenstein and Pickard-Cambridge p.14.

Under the Community Development Act of 1966 and Group Areas Development Act of 1955, (as amended), the government assumed control of many of these parcels and assumed control of development there. These national bodies provided roughly 20% of the costs of new housing in these areas, and in the definition of an unfunded mandate, left 40% to local boards and the remaining 40% to private parties.¹⁹³ Here the First Report of the Commission of Inquiry into Township Establishment and Related Matters, the *Venter Report*, becomes relevant. Appointed in 1982, *Venter* was charged to investigate complaints about “the problem of acquiring land for housing purposes,” and the declining “rate of provision of building sites, especially for the lower and middle income groups.”¹⁹⁴ In contrast to other commissions of the same period, *Venter* examined all “population groups” including “Blacks or the needs of the lower income group.”¹⁹⁵ Therein we find the NP’s analysis of land and housing issues, especially in terms of economic and financial policies that affect housing delivery and land acquisition. One of their most important findings, which will be discussed in time, is “the private sector’s lack of confidence in the township establishment industry.”¹⁹⁶ Moreover, the commission’s report admitted the “shortages of building sites that already exist in certain urban areas” combined with the “accelerated rate of urbanization predicted on all sites for the immediate future, *up to the end of the century*”¹⁹⁷ will require new housing financing and land acquisition strategies if supply will come close to meeting demand. We should not assume that this is their goal, of course. While public sector investment remained static between 1960 and 1980, private sector investments decreased “sharply since 1971.”¹⁹⁸ This decline of already inadequate investment, was lower in the late 1970s than

¹⁹³ Festenstein and Pickard-Cambridge p.16.

¹⁹⁴ *Venter Report* p.1.

¹⁹⁵ *Ibid* p.1.

¹⁹⁶ *Ibid* p.1.

¹⁹⁷ *Ibid* p.1. emphasis added.

¹⁹⁸ *Venter Report* p.3.

in 1960. Given that the Commissioners find the housing industry is the most unstable in South Africa, and the already existing dearth of investment in housing for non-whites, the circumstances painted are grim. Other observers indicated that the Natal government offered no funds for housing during this time frame, and the Port Natal Administrative Board cut loans for African housing in 1973.¹⁹⁹ Yet the commissioners urge the private to be more closely involved in housing business for low-income persons. “In view of the limited funds available from the Government, the strategy depends on greater participation by the private sector and in particular by the individual in the provision of housing for the lower income groups.”²⁰⁰ That the recommendation of a “partnership basis by the private and public sectors ... will increasingly have to be conducted within the framework of the free market economy”²⁰¹ would be wholly inadequate for the demand is somewhat recognized by the authors, though they appear willing to accept that fact. Building society loans are urged, though they recognize that low income persons are unlikely to qualify for them.²⁰²

Township establishment was sickly, the cause being a severe shortage of space on which to build, and the enormous underfunding of any projects. Reliance on private sector involvement was failing, owing to their “lack of confidence”²⁰³ and observed “diminishing role”²⁰⁴ in the field, and the inability of low and no income persons to acquire credit from building societies added to the problem. Private sector involvement in the housing market, it was argued in 1990, means “high administrative costs associated with small loans” and when coupled with the fact that “the majority of urban residents

¹⁹⁹ Minnaar, Anthony. *Squatters, Violence and the Future of the Informal Settlements in the Greater Durban Region*. Pretoria: Human Sciences Research Council, 1992.

²⁰⁰ *Venter Report* p.12.

²⁰¹ *Venter Report* p.11.

²⁰² *Venter Report* p.11.

²⁰³ *Venter Report* p.1.

²⁰⁴ *Venter Report* p.24.

cannot afford the products the developers have to offer”²⁰⁵ results in the majority of any subsidy offered going toward more expensive housing with the lower income brackets excluded.²⁰⁶ The development corporation *Venter* considers, which “will be more dependent on funds from the private money market at normal economic rates”²⁰⁷ requires, of course, some extraction of surplus value, one consequence being that “steady supply of” housing sites will “except possibly the lowest group.”²⁰⁸ Just how deluded the commission was is unclear, as the document is contradictory at points and seemingly oblivious to its own conclusions at other points. Given that they recognize the unwillingness of the private sector to serve low-income groups, there are few ways to understand their insistence on great private capital participation. Indeed, we should consider the following paragraph if we hope to understand the purpose of *Venter*: In estimating the number of Africans who will be urbanized by the year 2000, commissioners reason,

It is assumed that for the most part, historical trends in the economic and the social field will continue in the future. Naturally it is not only influx control as such that prevented large-scale squatting in, and on the periphery of, South African cities in the past. With a sophisticated land use control system...local authorities are equipped to ensure the systemic development of the urban environment. This form of land use control, together with the land tenure system that applies in South Africa, possibly also played an important part in ensuring orderly urbanization in South Africa. This form of control of urban development will probably always play a part in future, as an indirect factor, in countering undesirable and uncontrolled squatting.²⁰⁹

This passage is important in that it reveals just how, beyond influx control, South Africa’s managers have worked to maintain the desired land control patterns of the colonial era. With the decline of the more obvious methods of spatial control like Group Areas and Influx Control, the reliance of private sector dominance in establishing

²⁰⁵ Sutcliffe p.96.

²⁰⁶ Sutcliffe p.96.

²⁰⁷ *Venter Report* p.22.

²⁰⁸ *Venter Report* p.25.

²⁰⁹ *Venter Report* p.19.

housing and space development in cities is an attempt to prevent low-income migration to cities by controlling the locations and methods of settlement. Remember that passage, as it will illuminate the work of the *Strydom Report* and White Paper on Urbanization. Land and housing, the requirements of healthy settlement, are obviously linked, and we should not consider these items separately. That the ANC today strives to consider them differently should, at least, be cause for skepticism. “The fact that the price of the erf and the cost of the house are linked, especially in the case of the lower income group”²¹⁰ is clearly related to the ongoing spatial arrangement of South Africa, whereby and wherein property near employment centres (cities) is still primarily in the hands of entrenched whites. Acquisition of land for non-white housing is a serious challenge given the perpetuation of the settler colony distribution of resources and parcels. “The inescapable fact that the provision of both the residential site and the dwelling should be treated as an integrated action”²¹¹ is lost on current South African President Mbeki, among others, who are careful to separate the land “question” from the housing “question.” Following the high-profile land occupations by the home and landless, Mbeki declared that “the problem in South Africa is homelessness, not land.”²¹² Alexander explains,

The Brendell occupation and similar occupations near Cape Town and Port Elizabeth were thus construed as outcomes of failed housing and ‘basic services’ (water, electricity, etc.) delivery. The urban poor were portrayed as homeless, not landless, actors; they were acknowledged as having land needs insofar as they needed land for building homes, but not necessarily for other purposes. Their relationship with urban land was thus mediated through a right to housing, but did not consist of a direct right to land.²¹³

²¹⁰ *Venter Report* p.1.

²¹¹ *Venter Report* p.11.

²¹² Laurence, Patrick. 2002. ‘Struggle for land, a crucial new chapter.’ *Focus* (28). Johannesburg: Helen Suzman Foundation. December. 1. cited in Alexander p.1.

²¹³ Alexander 2006 p.1.

Separating land from housing disguises the central issue in South Africa, which Greenberg²¹⁴ and others argue is fundamentally land. When the landless are portrayed as homeless, bureaucratic designs are considered as “solutions” to backlogs and inadequate delivery. Services, not soil, we are told, are the issue in the new South Africa. But in the “old” South Africa, when Influx Control and Group Areas were in decline, let us turn to see how land was addressed. Greenberg argues that these property relations are crucial in understanding the loss of citizenship rights for South Africans, and redressing them is as important a step as could be taken toward making non-white South Africans full persons before the law again. This was not in the interest of capital or the ANC if we are to take their policies as any indication of their interest. A strong protection of property in the new Constitution, landless groups screamed during negotiations, “would actually ensure that historic land theft would be legitimized by the new Constitution, thereby limiting the possibilities of land reform in the post-Apartheid era.”²¹⁵

²¹⁴ Greenberg, Stephen. “Post-Apartheid Development, Landlessness, and the Reproduction of Exclusion in South Africa.” *UKZN CCS Research Report No. 17*. May 2004. p.13.

²¹⁵ Mngxitama p.58.

Chapter Three - Planning for Post-Apartheid

As NP power ebbed in the 1980s official Group Areas were relaxed. The Group Areas Amendment Act of 1984, and Riekert (1979) and Strydom (1984) Committee Reports acknowledged the inevitable decline of Apartheid, and by 1986 the Durban City Council had opened its central business district to all races for commerce. Simultaneously, “the combination of repressive urbanization policies, acute housing shortages, the recession, and conditions in homelands and farming areas, all conspired to produce a wide array of shack settlements.”²¹⁶ But “politicians moved to protect the racial order that Group Areas had established over forty years”²¹⁷ as it became clear Apartheid as a legal system was moribund; as a social and economic system, it was still alive. And in important ways, the legal system was more updated than repudiated. “There is no clear break with colonial and Apartheid relations of oppression, exploitation and indignity for these landless, less so with capitalist property relations and ownership of land.”²¹⁸ The ANC-led government demonstrated as firm a commitment to white private property as did its predecessor, though we must be clear on the NP’s record during the last years of Apartheid. As their system of codified racism became unstable, the South Africa’s management put into place policy recommendations that focused on “concentrating on perpetuating what has been achieved.”²¹⁹ Let us concentrate on their plans and, in turn, consider how they have been implemented by the Republic.

Prime Minister Malan called Group Areas “the essence of the Apartheid policy,”²²⁰ and the abolition thereof marked an ostensible sea change in the spatial management of land

²¹⁶ Sapire, Hilary. “Politics and Protest in Shack Settlements of the Pretoria-Witwatersrand-Vereeniging Region, South Africa, 1980-1990.” *Journal of Southern African Studies*, Vol. 18, No. 3. Special Issue: Political Violence in Southern Africa. (Sep., 1992), pp. 670-697. p.673.

²¹⁷ Southworth p.33.

²¹⁸ Mngxitama p.38.

²¹⁹ Report of the Technical Committee of Enquire into The Groups Areas Act, 1966, The Reservation of Separate Amenities Act, 1953, and Related Legislation. (The *Strydom Report*). Pretoria. 1983. p.29.

²²⁰ Schoombee, J.T.. “Group Areas Legislation – The Political Control of Ownership and Occupation of Land. 1985 *Acta Juridica* 77

and the social management of persons in South Africa. This development goes to the credit of those who resisted Apartheid, but we must also recognize that the abolition of Group Areas and Influx Control occurred largely because they had achieved their purpose. The “vital question of how the land question would be resolved [that] was discussed as early as the 1980s,”²²¹ was thoroughly joined to these events and was in many ways answered in the 1984 *Strydom Report* and 1986 White Paper on Urbanization. Here the Afrikaner-controlled National Party announced that Group Areas and Influx Control, the “essences” of Apartheid, would be rescinded. The Rubicon was crossed, but critically engaging these sources and related legislation and policy since the ANC assumed control of the South African state reveals that much late-Apartheid policy focused on retaining the gains of Apartheid and earlier colonial land theft. And it is the ANC – whose motives can be discussed later – that has accepted these perpetuating frameworks and indeed made them their own. Regarding new housing, spatial distribution and urbanization, the NP and ANC selected policies to achieve the same goals, namely to keep South African property firmly in the hands of whites²²² with diligent focus on the maintenance of white land, “concentrating on perpetuating what has been achieved.”²²³

The Strydom Report & White Paper on Urbanization

In pursuit of retaining the gains of Apartheid, namely in terms of immovable assets,²²⁴ the continued spatial separation of whites via the exclusion of Africans, Indians and so-called Coloureds, the *Strydom Report* was commissioned. Given the increasingly hostile climate of ungovernability and the forebodings of sanctions and divestment, the authors were

²²¹ Ntsebeza p.79.

²²² BEE is a very, very small exception to this trend. And it is a cosmetic p.that.

²²³ *Strydom Report* p.29.

²²⁴ Patrick Bond has shown how movable assets fled the country after 1994. see his Wolpe Lecture, “Ten Years of Democracy: A Review.” In *Articulations*, Alexander, ed.

forced to find means to perpetuate the status quo without the enormous apparatus that was Apartheid. “Taking everything into account the Committee is of the opinion that the principles of the [Group Areas] Act should be retained but with a new political dispensation for Whites, Coloureds and Indians imminent, the question arises whether possibly another and more suitable form of legal coercion can be found to replace the Group Areas Act whilst preserving residential separation.”²²⁵ Commissioners show that 90% of disqualified persons had been moved under GAA by 30 September 1982, concluding that “the pressure to proclaim group areas has drastically diminished”²²⁶ and “the proclamation of group areas is practically concluded.”²²⁷ In seeking that new basis of coercion, the authors were “unanimously of the opinion that the form and method of such coercion as embodied in the Group Areas Act, is not indispensable and can be suitably be substituted.”²²⁸ Coercive means were hardly rejected²²⁹, yet the authors made conscious and explicit efforts to find other means of control. *Strydom* recommended that conditions of title be attached to all property, much like earlier Pegging Acts, that “will ensure countrywide freezing of ownership and occupation of land between the various population groups.”²³⁰ Enforcement devolution was encouraged repeatedly in an attempt to localize Apartheid down to the level of the property owner whose evictions rights would be expanded. This should be seen in tandem with title deeding and the abolition of Group Areas and Influx Control. “Orderliness is strived at by substituting State control with control by the owner and manager.”²³¹ The authors crafted legislative recommendations around the “responsibility of the owner[s]”²³² of businesses²³³ and

²²⁵ *Strydom Report* p.17.

²²⁶ *Strydom Report* p.29.

²²⁷ *Strydom Report* p.58.

²²⁸ *Strydom Report* p.57.

²²⁹ Notably, in the 1986 White Paper on Urbanization p.7, forced removals are mentioned and still considered an acceptable policy.

²³⁰ *Strydom Report* p.58.

²³¹ *Strydom Report* p.63.

²³² *Strydom Report* p.64.

property to locally control what the state no longer claimed as its own. Slum regulation²³⁴ should also be devolved and “entrusted to local authorities.”²³⁵ Also, the effective protection of private property was an unstated requirement – this seems obvious – as the Interim and final Constitution’s strong private property rights clauses demonstrate.

The 1986 White Paper on Urbanization (“WP”) maps out the National Party’s strategy for consolidating and entrenching the status quo of spatial arrangement and ownership, while “accept[ing] the permanence of Black people in the RSA.”²³⁶ This document, a close reading reveals, has served to guide government planning of urban communities in regard to new development, finance, and migration much along the lines recommended by *Strydom’s* and *Venter’s* calls for private sector development dominance (with its resulting deficiencies for low-income [Black and Indian] persons) and *Strydom’s* call for local, private and informal control (with its resulting effects of preserving spatial “achievements.”). Though the ruling party of the Republic has changed since the WP was promulgated, its policies are still much in effect. Indeed, these policies have been carried out by the successive ANC regime. The WP’s authors euphemistic “accept[ance of] responsibility for maintaining social order and stability”²³⁷ should be translated as a perpetuation of the settler colony’s land regime in which white property remains under white control, and existing patterns of ownership are unchanged. Urbanization is described as something to “manage” “positively” and “control” or “plan”²³⁸ in the context of repealing Influx Control and Group Areas restrictions. Emphasis is placed on “maximal devolution of authority and responsibility” so as to localize the Apartheid set of

²³³ *Strydom Report* p.62, the Separate Amenities Act, No. 49 of 1952, can be substituted by empowering “owners and managers of premises to which the public may have access, the unfettered right to control and to reserve such admission.”

²³⁴ The Slums Act, No. 53 of 1934, consolidated after ten amendments into Act No. 76 of 1979.

²³⁵ *Strydom Report* p.32.

²³⁶ White Paper on Urbanization (White Paper). p.16.

²³⁷ WP p.5.

²³⁸ WP p.4, 5, 11, 16.

controls.²³⁹ This stress should be linked to the *Styrdom Report's* recommendation for local property regulations that retain the dominance of existing property owners in urban and valuable agricultural areas (whites). As aforementioned, *Styrdom* insisted that individual and local titling should replace national Group Areas. The complexion of Group Areas would, in its and the WP's strategy, remain: "the present control measures in the RSA should be abolished and replaced by a strategy for orderly urbanization."²⁴⁰

These policies of indirect control aim to maximize returns on the albatross of economic impoverishment and political marginalization that colonization and Apartheid attached to Africans, Indians and Coloureds. Pieter de Lange, chairman of the Broederbond in 1986, summarized the position of the powerful whites this way: "Look, we Afrikaners thought we needed many things to secure our future: segregated living areas, no mixed marriages, and all that...but the reality is that we can remove the Group Areas Act tomorrow and it's not going to make any difference, because [Black] people don't have the money to move into the expensive white suburbs. So from your point of view it will be a meaningless change."²⁴¹ By exploiting the exploited's inability to engage in market-based or cost-recovery-circumscribed service and housing provisions, the WP aimed to stem migration or at least preserve the core of white property and the racist spatial arrangement of South Africa. An implementation of the WP would entail cost-recovery, market-based housing and land delivery or reforms, and a large role for the private sector in new development. For some perspective on the extent to which these policies, with their odious motivations, were implemented, we can turn to McDonald, who in 2002 demonstrated "that cost recovery on basic municipal services is a policy of national and local governments in South Africa. This has not always been the case, however. It is only since the end of

²³⁹ WP p.8.

²⁴⁰ WP p.5.

²⁴¹ Sparks, Allister. *Tomorrow is Another Country*. Chicago. UChicago Press. 1995. p.78.

Apartheid in the mid-1990s that full (or fuller) cost recovery has been an explicit and widespread policy objective in the country.”²⁴² It is of considerable import to recognize the timeline of these policies in reference to those who encouraged them: the NP fell from power, but the ANC has since promulgated, rather than abrogated, NP plans. That the ANC can implement NP policy is striking in its own right, but should also be realized as an important tool in understanding and challenging ANC policies.

Specifically in reference to the availability of land for new settlement, the WP expresses the fear of its authors that “the lifting of direct influx control measures can lead to an excessive degree of in-migration to places where not enough and and/or facilities are immediately available.”²⁴³ In recognition thereof, the WP should only occur at “approved accommodation/site[s].”²⁴⁴ Given the pre-existing distribution of space and land in urban Natal, however, this restriction is damning, and investigation therein indicates the government’s core purpose in preserving the gains of Apartheid and colonization in South Africa. So much is recognized by the authors, who indicate this restriction “will be contradictory to the principle of freedom of movement which has been accepted,” yet the objection is overruled when they reason “this requirement amounts to a general civilized norm that people cannot be permitted to settle indiscriminately in any place in any city.”²⁴⁵ Though the colonizers were capable, through force and fraud, to settle (in)discriminately²⁴⁶ and dole out enormous parcels of land as best suited their productive aspirations, these gains go unnoticed. It is as per the “general civilized norm” that settlement will be restricted to locations which the government finds acceptable.²⁴⁷ Low

²⁴² McDonald, David A. “You Get Wh p.You Can Pay For: Cost Recovery and the Crisisof Service Delivery in South Africa.” in *Articulations*, Alexander, ed. p.91.

²⁴³ WP p.18.

²⁴⁴ WP p.19.

²⁴⁵ WP p.19.

²⁴⁶ Perhaps promiscuously, rapaciously or savagely are more accurate adverbs.

²⁴⁷ For comic relief, let us apply this rule to the Rulers in the second half of the 19th century: by their rules, their norm of expansion and settlement is “uncivilized.” Finally, some honesty.

and no-income persons would face an increased “potential for the poorest to be pushed out to the urban periphery...because the few remaining well-located portions of undeveloped land in the African group area are being allocated to private developers for formal up-market housing.”²⁴⁸ That this core requirement of finding affordable space for development continues to present itself as a difficulty was reiterated by the Department of Local Government, Housing and Traditional Affairs at an open forum in Durban. He there stated “the availability of suitable land is the most important consideration” for resettlement of shack dwellers.²⁴⁹ We must split hairs in order to argue that the current regime differs markedly from the previous in terms of its respect for white property as neither sought to disturb “what has been achieved.”²⁵⁰ The government in 1986 verbally committed itself to addressing the housing and service backlogs, but “in such a manner that the rights of established persons and communities are not impaired.”²⁵¹ In the confines of finding “suitable land” in a “timely” manner, both regimes fail to address the crux of the issue: “the true nature of the South African problem, which is colonial conquest (translated later into racial capitalism, and now multi-racial elite-pacting and plunder.) Of course, white capital remains dominant.”²⁵² Indeed, that the state would continue protecting existing property allocations is observed in 1986 as a consequence of the WP. “The controls include measures to contain illegal squatting and the development of slums, and also allow the state to determine where and how development occurs through land-use planning and the allocation of land.”²⁵³

²⁴⁸ Sutcliffe p.96.

²⁴⁹ Jeff Nxumalo, Acting General Manager of Project Management, Department of Local Government, Housing and Traditional Affairs. 6-July-2006. Centre for Public Participation. Durban.

²⁵⁰ *Strydom Report* p.29.

²⁵¹ WP p.22.

²⁵² Tleane p.168. parenthesis in original.

²⁵³ Sutcliffe, Michael, Todes, Alison, and Walker, Norah. “State Urbanization Strategies since 1986.” in *No Place to Rest*. Christina Murray and Catherine O’Regan, eds. Cape Town: Oxford University Press. 1990 p.91.

That Mbeki is as anxious to disturb white property as the NP is evident given the definition of “occupation” as set forth in the *Strydom Report* on which so much of the White Paper is based. According to the former, “occupation” should be defined as continuous physical presence, but excluding presence for work, sporting events, temporary presences for the use of amenities, and any presence outside of a designated area for which a person is assigned.²⁵⁴ The White Paper affirms that “occupation should be used as a deliberate measure to promote orderly urbanization, especially under conditions of rapid urbanization.”²⁵⁵ The occupation restrictions mean, in other words, that the state will act to upend existing settlements of non-owners, i.e., disqualified persons. In defining occupation to exclude those poor people who move and settle in shacks, tents, or other informal structures, the occupation strategy is malignant to poor groups and especially those without title rights to land. Only for temporary visits (jobs, sports) can a non-landowner be on earth s/he does not own – in South Africa, given the spatial segregation and vast discrepancy of land holdings in relation to urban areas, the occupation strategy works well to protect those places where, through colonial and Apartheid history, non-whites do not own land. Locating the NP’s occupation strategy deployed in ANC documents, notably the RLA, demonstrates another continuity between Apartheid and post-Apartheid policy.²⁵⁶ “Beneficial occupation” therein, which can result in a “right in land” exists only after “a continuous period of not less than 10 years prior to the dispassion in question.”²⁵⁷ Readers are informed that “persons cannot be permitted to settle indiscriminately,”²⁵⁸ a caveat we can read both literally and critically with largely the same result. Linking the old spatial regime with its successors by “maintaining social

²⁵⁴ *Strydom Report* p.60-1.

²⁵⁵ WP p.18-9.

²⁵⁶ Restitution of Land Act, No. 22 of 1994. Prevention of Illegal Eviction from and Unlawful Occupation of Land Act (hereinafter “PIEUOLA”) No. 19 of 1998, only allows any rights after a continued occupation of six months.

²⁵⁷ RLA, No. 22 of 1994, Definitions.

²⁵⁸ WP p.19. emphasis in original.

order and stability during this period of rapid change”²⁵⁹ would require mechanisms of informal control to restrict indiscriminate settlement. These are enumerated in the government’s strategy of private development, cost-recovery and market-based schemes of change. The acquisition and selection²⁶⁰ of settlement locations surely is one of the most effectual criterions, yet in addition the selection of private and market-based development is urged to accomplish the same.

Next on the list of conservative dictums, we find a staple of ANC policy, especially since 1996: cost-recovery. “Services and housing provided by the state should be supplied on a *recoverable* basis. Consequently, the standards thereof should, where possible, be brought into direct relationship with the needs and financial means of the inhabitants.”²⁶¹ These recommendations for private capital to determine services and housing outlays surely compromise its prospects for the least well-off. This much was recognized by observers in 1986, among them one Mike Sutcliffe, now Durban’s City Manager. “Privatization means that only certain social classes, usually the wealthiest and/or those with access to housing subsidies, are catered for.”²⁶²

Yet “the Government is, so far as circumstances permit, in favour of a system whereby property rates...are based on the market value of the property concerned.”²⁶³ It seems clear, given the Venter Commission’s findings, that the government realized the effects of these policies would be highly unsatisfactory for the population, and simultaneously

²⁵⁹ WP p.5.

²⁶⁰ White notes the large role the NP played in the 60s through the 80s to purchase land, that, incidentally, has become the location of much resettlement since 1994. see his White, Martin J. “Land Claims and Restitution in South Africa – the Valuation Perspective.” Paper presented p.the 4th Pacific Rim Real Estate Society Conference, Perth, 19-21 January 1998.

²⁶¹ WP p.39.

²⁶² Sutcliffe, Michael, Todes, Alison, and Walker, Norah. “State Urbanization Strategies since 1986.” in *No Place to Rest*. Christina Murray and Catherine O’Regan, eds. Cape Town: Oxford University Press. 1990 p.96.

²⁶³ WP p.39.

solicitous to the small land-owning minority in whose names the land mass was deeded. As the WP “confirms that the basis for imposition and collection of rental and service levies must be the same for all communities,”²⁶⁴ the recommendations contained therein function more to prevent urbanization than to facilitate it. We should be aware that the WP was written to deny suitable and healthy accommodations for urbanizing Africans following the abolition of Group Areas and Influx Control. It is accepted that “the private sector” should be accommodated “to make it possible for this sector to participate increasingly in financing the acquisition of land and urban development for lower income groups.”²⁶⁵ The consequence of this development, it was argued, causes new “problems people experience when trying to get access to land and housing” including housing “which is beyond the economic reach of large numbers of people” and “the scale of corruption over land deals has increased markedly.”²⁶⁶

Strydom & The White Paper in Practice

In light of these warnings, let us turn to examine the housing policies enacted by the governing ANC since 1994. Commentators were quick to criticize the initial subsidies of R 16 000 as wholly inadequate, and to label the R2 479 “access fee” for the subsidy as exclusionary. The exemption for disabled beneficiaries is defined as “narrow” as well. Public awareness of subsidies has not been adequate, leading to under-expenditure of housing budgets. In 2002/3, for instance, “under-spending came to 20% of the housing budget.”²⁶⁷ In the Western Cape, where the backlog stretches into the hundreds of thousands, municipal “companies” were established “to deliver social housing operating

²⁶⁴ WP p.41.

²⁶⁵ WP p.38.

²⁶⁶ Sutcliffe p.96.

²⁶⁷ Mathebula, Tiyisela Themba. “Accessing Housing Subsidy Benefits by Informal Settlements in the West Rand District Municipalities.” in *From The Depths of Poverty, RASSP Research Reports 2005, Vol. 1.* p.131.

on cost recovery principles...tak[ing] the form of micro loans, and are based on certain criteria such as ‘having a clean credit record with the municipality, repay the loan in five years, and put down a 10% deposit.’”²⁶⁸ Bond’s review of the “decade of democracy” finds similarly pathetic results, the “primary reason is that for most of the period since the ANC adopted a market-orientated housing policy in 1994, the grant level...was far too small to pay for more than a poorly-located site and an inadequate structure.”²⁶⁹ Abahlali baseMjondolo vice president Philani Dlamini describes the conditions of some of the structures, which we should more realistically title “sheds” or “doghouses.” Regarding the Joe Slovo settlement in Durban and the private developer contracted to build them, he found numerous inadequacies in both the siting of the dwellings and their construction:

We elaborated on quality of the houses: [they were] not fully material: the plastic that is normally laid under tiles isn’t there, so where did that money go to? We also had complaints, that houses were built on the sewer system, next to the highway where the houses make big noise and someday when the incident takes place the car will fall on their houses, and the situation whereby some people their informal settlement was demolished because they were going to be upgraded, but [the house was built] not for that person, for someone else, so this person has to find his own way, where is he going to go?²⁷⁰

Adhering to private development and cost recovery, “developer-driven, bank-centered housing policy”²⁷¹ is largely what the NP advocated to retain an orderly and stable migration. In practice, it is obvious that these schemes do not make a “better life for all.” Orlean Naidoo, writing on the private “upgrading” of flats in Westcliffe, observes “They came to upgrade our flats two years ago, but we found that only the rich have benefited. The contractor and the consuler have taken most of the monies. The conditions of the flats have worsened.”²⁷²

²⁶⁸ Brown, Faizel. “Housing Crisis in Cape Town, Western Cape, 1994-2004. in *From the Depths of Poverty*. p.87.

²⁶⁹ Bond p.46.

²⁷⁰ Dilami, Philani. 27-May-2006, community meeting.

²⁷¹ Bond p.46.

²⁷² Naidoo, Orlean. 13-June-2006, community meeting.

Proceeding in their recommendations for what they called “orderly” urbanization, the National Party ranked itself last in “responsibility” for the “provision of housing with respect to less affluent persons,”²⁷³ following the individual, employer, and private sector, even then doubly-qualifying its actions “within the financial ability of the state”²⁷⁴ in “absolutely exceptional cases.”²⁷⁵ Admittedly the focus of the “orderly” urbanization is retaining and entrenching existing spatial patterns, i.e, those created well before 1913 whereby the majority of the landmass became white. Preserving those spatial and ownership patterns with restrictions on new housing and settlement further limits the ability of formerly disqualified persons to relocate to cities in a healthy or safe fashion, as housing and land decisions and acquisitions are left to the private sector. Even an “information and education programme”²⁷⁶ described would function to dissuade potential migrants “at their places of origin”²⁷⁷ by alerting them “about accommodation and employment possibilities.”²⁷⁸ Influx Control having failed, and Group Areas having succeeded, these policies mark deliberate efforts to “slow down the migration of people to cities and towns”²⁷⁹ by devolving the influx control power to private developers and land owners via occupation definitions, and land and housing acquisition and provision schemes that perform only for the well-off. Privatization “has directly contribution to various types of urban forced removals. ‘Squatters’ are being forced to move to make way for new housing schemes which, in some cases, are for the Black middle-class.”²⁸⁰ Those lacking the financial ability to pay market rates and house themselves discriminately will be removed as per anti-squatting and slum legislation. Government

²⁷³ WP p.37.

²⁷⁴ WP p.37.

²⁷⁵ WP p.37.

²⁷⁶ WP p.48.

²⁷⁷ WP p.48.

²⁷⁸ WP p.48.

²⁷⁹ WP p.4.

²⁸⁰ Sutcliffe, Michael, Todes, Alison, and Walker, Norah. “State Urbanization Strategies since 1986.” in *No Place to Rest*. Christina Murray and Catherine O’Regan, eds. Cape Town: Oxford University Press. 1990. p.95.

actors were likely aware of earlier findings that the urbanization of Blacks likely to follow an end to Influx Control (or even without the repeal, though natural increase and the growth of “grey areas” and “Black spots”) “is such that neither the economy nor economic development in years to come nor the infrastructure that exists in the urban context or could be provided would be able to accommodate this influx.”²⁸¹ Venter Commissioners recognized that Influx Control measures were no longer functional and Group Areas were complete. “The resettlement programme is largely complete.”²⁸² In this regard they advocated a range of policies designed to prevent the permanent settling of formerly-disqualified persons in white areas; namely, combinations of cost-recovery, occupation, and settlement policies were geared toward maintaining the spatial exclusion of the unqualified. In addition, the White Paper recommended a revision of the existing influx control scheme and a repeal of the Prevention of Illegal Squatting Act²⁸³, substituting for it a new non-racial legislation on squatting.

Evictions, Demolitions

For continuity’s sake, it is worthwhile to here consider the revision to the squatting act²⁸⁴ the WP and *Strydom Report* consider. Primary recommendations are the racial neutrality of any new squatting bills: “It is necessary for the Act to be revised, adapted and made racially neutral and of general application.”²⁸⁵ The task to designate slums and call for their clearance will fall to local authorities, and the “duty to prevent and control illegal squatting will vest in the local authority concerned.”²⁸⁶ Making the law racially neutral is both an attempt by the government to shed some of its Apartheid vernacular, but also a

²⁸¹ *Venter Report* p.16.

²⁸² *Venter Report* p.12.

²⁸³ Act No. 52 of 1951.

²⁸⁴ Prevention of Illegal Squatting Act, No. 52 of 1951.

²⁸⁵ WP p.60.

²⁸⁶ WP p.61.

strategy to cope with the expected influx of migrants from the homelands and townships toward the economically viable nodes of South Africa. These are, namely, cities, and cities primarily owned and occupied by whites. It is fitting to fast-forward to 1998, when the government finished the task laid out by the White Paper. The Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998²⁸⁷ came into force by repealing the 1951 Prevention of Illegal Squatting Act²⁸⁸ and enacting the racially-neutral removal provisions that the NP determined were necessary for the maintenance of settlement only to “approved sites”²⁸⁹ as selected by local authorities²⁹⁰ and to “prevent and control conditions of large scale settlement in unsuitable places.”²⁹¹

The 1998 legislation (hereinafter “PIEUOLA”) ends the charade and names the dwellings the NP has been focusing on for the duration of the discussion: “any hut, shack, tent, or similar structure or any other form of temporary or permanent dwelling or shelter.”²⁹²

The suspense is only for those who live in gated communities and do not know about the shacks and the regular threats of eviction they face. The NP and ANC are writing about shacks on hillsides and in backyards. PIEOUOLA enacts what the NP never did (could?) by extending enforcement to “all land throughout the Republic”²⁹³ in a racially-neutral manner. Notwithstanding new provisions that require a court order and hearing before any evictions may occur, the new PIEOUOLA allows for evictions more easily than previously. “Urgent proceedings” that largely moot the court and due process provisions, may be triggered if “there is real and imminent danger of substantial injury or damage to any person or property.”²⁹⁴ And, as during Apartheid and before it, evictions may be

²⁸⁷ No. 19 of 1998.

²⁸⁸ No. 52 of 1951, in addition to 13 other pieces of legislation, in part or full, as listed in Schedule I of the Act.

²⁸⁹ WP p.19.

²⁹⁰ WP p.20.

²⁹¹ WP p.20.

²⁹² Prevention of Illegal Eviction from and Unlawful Occupation of Land Act (hereinafter “PIEUOLA”) No. 19 of 1998, Definitions.

²⁹³ PIEOUOLA, Application of the Act.

²⁹⁴ PIEOUOLA. Section 5 (a)

carried out without allocating space or shelter elsewhere for the evicted. Courts are charged to “consider” “whether land has been made available or can reasonably be made available,”²⁹⁵ but this consideration is a matter of interpretation.

The “consideration” requirement applies only to those occupying land for greater than six months; new migrants can be tossed with great celerity. Demolitions of shacks are sanctioned²⁹⁶ and when the eviction is urged by the State at one of its levels, the “consideration” condition is applied in a similarly insignificant manner: “the court must have regard to...the availability to the unlawful occupier of suitable alternative accommodation or land.”²⁹⁷ It is also interesting to compare this with GAA’s requirement on the same issue: “The only require[ment] under the Group Areas Act is that the [Land Tenure Advisory] Board *take into consideration* whether or not suitable accommodation will be available for persons displaced from Group Areas for Occupation or Ownership, and, as we have seen, no obligation is laid on the Board to act on any such consideration, or *to ensure* that accommodation *is* in fact available.”²⁹⁸ So as to end any speculation about whether PIEOLA was a fundamental link between land and housing, in 2005 when PIEOLA was amended, the matter was charged to the Minister of Housing, now included provisions for the eviction of “buildings or structures on land” and not just land.²⁹⁹ The included memorandum indicates that “high-rise buildings have been and continue to be occupied unlawfully,”³⁰⁰ likely a reference to occupations of Johannesburg’s vacant apartment buildings by the LPM.³⁰¹

²⁹⁵ PIEOLA, Section 4 (7)

²⁹⁶ PIEOLA, Section 4 (10)

²⁹⁷ PIEOLA, Section 6 (3) (c)

²⁹⁸ Kuper et al p.177.

²⁹⁹ PIEOLA, 2005, Section 1.

³⁰⁰ PIEOLA, 2005, Memorandum, 2.1

³⁰¹ Pearce, Justin. “Johannesburg poor fight for their homes “ Story from BBC NEWS: <http://news.bbc.co.uk/go/pr/fr/-/2/hi/africa/4883926.stm>. Published: 2006/04/10 00:14:32 GMT

One business-friendly observer writes, “In fact, it appears that these laws have contributed to pre-emptive evictions by landowners.”³⁰² Mike Sutcliffe warned in 1990 that the implementation of the WP would result in private developers “becoming a force for removals.”³⁰³ When the WP was promulgated, observers correctly “suggested that the state was simply replacing an influx control system based on pass laws with new forms of influx control based on the Prevention of Illegal Squatting Act, and limits on access to land and housing.”³⁰⁴ The current city manager’s view then only “contrast[ed] to some degree” with this interpretation, arguing instead that the state “is more concerned with managing how and where Africans live within cities.”³⁰⁵ Aside from these semantic differences, what is definitive is the state’s interest in deciding how and where, and by what means, Africans migrate into South Africa. The mechanisms selected, of an “informal” nature, have worked spectacularly to preserve colonial and Apartheid land thefts and exclusions.

³⁰² van den Brink et al. p.30.

³⁰³ Sutcliffe p.96

³⁰⁴ Sutcliffe p.97.

³⁰⁵ Sutcliffe p.97.

Chapter Four – Gramsci & Transition, Reforming Apartheid

Capital in South Africa faced a severe crisis in the 1980s. The ANC's ungovernability tactic in the country caused several states of emergency and required enormous public expenses to police the population. While "the role of *de facto* local government in both urban and rural areas was to police the system of Apartheid, making sure that segregation remained intact,"³⁰⁶ the repressive apparatuses were strained to their breaking point as a war of constant riots, boycotts and demonstrations rocked the country. Consent was nearly absent in the majority for the duration of the National Party's (NP) regime and its Apartheid policies; resistance had peaked such that the country's status quo could no longer persist. The ability of co-opted indigenous leaders to placate the majority had vanished, and the NP's surrogates in homelands were attacked as symbols of and operators for Apartheid. Adding to this chaos was the impact of the international divestment movement and the decision of global capital to stop rolling-over loans to the regime. Chase Manhattan was the first bank to close credit lines in 1985, leading to currency crashes and the brief closure of the Johannesburg stock exchange. Coercion in its most brute forms was everywhere as South Africans rejected their government en masse. At this point "direct coercion, [was] proportionately greater in South Africa than in the Western 'democracies'," so that the "crisis" situation expounded by Gramsci ("naked coercion"), is virtually the "normal" situation."³⁰⁷

In the same year Chase Manhattan turned down Apartheid, business leaders defied President Botha in 1985 and visited the ANC in exile in Zambia, insisting in the words of Zac De Beer "We do not allow the baby of free enterprise to be thrown out with the

³⁰⁶ Greenberg, Stephen. "Post-Apartheid Development, Landlessness, and the Reproduction of Exclusion in South Africa." *UKZN CCS Research Report No. 17*. May 2004. p.8.

³⁰⁷ Gorlier, Claudio. "Post-Marxism in an African Context: The Usability of Antonio Gramsci." *Research in African Literature*, Vol. 33, No. 3. Fall 2002. p.101-2.

bathwater of Apartheid.”³⁰⁸ The ANC emerged after decades of banning and disrepute into a possible manager of the crisis. It could do what the Apartheid regime could not: return South Africa to profitability and stability. Desai and Pithouse consider the ANC’s eventual role as crisis managers in the capitalist system, continuing to the NP’s role in its own way by

Seek[ing] to win consent for its armed extraction of wealth from the poor by the twin ideological strategies of the particular discourses of nationalism, with their demand for obedience to the leaders and the party, and the universal discourses of neo-liberalism with their demand for obedience to the market.³⁰⁹

But this was not self-evident in the moment to the masses, as the ANC’s historical legitimacy was sky-high. “The self-styled role of the ANC as the only truly non-racial, cross-class mass party able to build a unified citizenship out of the oppression and the antagonisms of the past, was the hallmark of legitimacy for the new state.”³¹⁰ It was also the credential that made it so appealing to international investors who had largely withdrawn from South Africa in the mid to late 1980s. We can thus consider the unbanning of the ANC and the subsequent negotiations and eventual transition to power as a necessary market adjustment – NP managers could no longer extract surplus value due to ungovernability and divestment, and only through a “democratic” process could a new hegemonic bloc form to win consent from the governed (and return investments). As the state’s purpose is “adapting the ‘civilization’ and the morality of the broadest popular masses to the necessities of the continuous development of the economic apparatus of production,”³¹¹ the rulers would change but the state’s apparatus and purpose would remain. Therefore, let us now turn to the period when “it was evident to both dominant

³⁰⁸ Quoted in Saul, John. *The Next Liberation Struggle*. Scottsville: University of KwaZulu-Natal Press. 2005. p.203-4.

³⁰⁹ Desai, Ashwin, and Pithouse, Richard. “‘But We are Thousands.’ Dispossession, Resistance, Repossession and Repression in Mandela Park.” *UKZN CCS*. 9 (2003) p.10.

³¹⁰ Barchiesi p.9.

³¹¹ SPN p.242.

business circles and sufficient numbers within the ruling political elite that a situation of relative stalemate had been reached and steps would have to be taken to incorporate the ANC into the circle of legitimate political players.”³¹² This is the story of how the business of South Africa changed hands – white to Black – based on the consent of the majority to majority rule.

Negotiations from Apartheid to majority rule began at Kempton Park, outside Johannesburg, in December 2001. The deliberations between ANC-SACP –COSATU and NP were framed largely within the dominant market model that the Apartheid regime had grown. South Africa’s managers were “finally prepared to concede to majority rule if there was only limited economic redistribution and if the political framework allowed for renewed accumulation.”³¹³ Debates on the property clause of the new constitution, were of singular concern to the millions of landless Africans and Indians whose homes, farms and shacks had been seized and or razed during Apartheid. They quite simply demanded that any justice would require restitution or return, but conceding to their concerns would have seriously jeopardized agribusiness and its associated industries. The demands of production would not allow it. Yet as the NP could no longer generate “the ‘spontaneous’ consent given by the great masses of the population to the general direction imposed on social life by the dominant fundamental group,”³¹⁴ changes in political government were required to restore domestic confidence (consent) to the economic arrangements. These changes included one-person-one-vote elections,

³¹² Saul p.197.

³¹³ Greenberg, p.4.

³¹⁴ SPN p.12.

Protesting the Clause

The National Land Committee, a grassroots coalition of 7 NGOs of the landless, “argued that the protection of [stolen] property in the Bill of Rights would actually ensure that historic land theft would be legitimized by the new Constitution”³¹⁵ during the negotiations. But it was clear to observers that all negotiators understood that private property would be protected; the plunder would never be returned. “The reality was that the basis of the ‘transference’ of political power from the racist minority regime to a Black majority was based on the agreement that land would not be taken from the settler colonists and the Property Clause guaranteed this understanding.”³¹⁶ Here emerged one of the persistent claims of the ANC since it assumed control – “There is no alternative.” Considering how much was guaranteed to the NP and its criminal past at Kempton Park, it is difficult to argue against the statement

There can be little doubt that, in the end, the relative ease of the political transition was principally guaranteed by the ANC’s withdrawal from any form of genuine class struggle in the socio-economic realm and the abandonment of any economic strategy that might have (sic) directly to service the immediate material requirements of the vast mass of desperately impoverished South Africans.³¹⁷

Yet ANC rulers have increasingly relied on the opposite claim since 1994 to offset their persistent failures to deliver on any of their claims made before and during their banning, and after their unbanning and assumption of state control. The ANC’s ability to continue identifying itself as a “liberation movement” which since 1994 has been “in the position of responsibility for leading the process of reconstruction and development aimed at eradicating the problems of poverty and inequality created by Apartheid and creating a

³¹⁵ Mngxitama, Andile. “The National Land Committee, 1994-2004; A Critical Insider’s Perspective.” *UKZN CCS Research Report No. 34*. University of KwaZulu-Natal, Centre for Civil Society. p.58.

³¹⁶ Mngxitama p.60.

³¹⁷ Saul, John *The Next Liberation Struggle*. Scottsville: University of KwaZulu-Natal Press. 2005. p.202.

just and equitable economic and social order”³¹⁸ is striking in both its audacity and its reception!

We find that the ANC has largely taken the reins of the Apartheid state and admittedly deracialized much of the government and political culture. They have taken few steps, however, toward changing the economy of Apartheid. In fact, they have moved more quickly and successfully to mold post-Apartheid South Africa and South Africans toward the contemporary demands of production that could not be achieved during Apartheid. During the NP’s rule, “coercion [was] the basis of local governance,”³¹⁹ whereas in the post-Apartheid period, the ANC’s “discourses seek to legitimate economic arrangements that entrench racialised inequality that is a direct consequence of historical racist domination.”³²⁰ The slogan “No Peace Under Apartheid” epitomized the ANC’s war against the NP, a war against the far stronger, wealthier, and entrenched minority. Within the occupied townships, a war of attrition was the best strategy to force the NP to negotiations – making the regime’s policies unworkable, the state ungovernable. In those struggles, the Congress of South African Trade Unions (COSATU) was one of the most important actors.

Founded after a three-day stay-away in 1984, COSATU was the first explicitly political trade union, and it entered the political scene with a political strike. Some of its constituent unions had taken part in strikes against Apartheid since the 70s, and the rise of militancy in the Black population in the 80s only saw these numbers grow. As COSATU never took the position of earlier trade unions (unaffiliated politically, and striking only for workplace conditions), “this political line has placed COSATU in a

³¹⁸ African National Congress Constitution, as amended December 2002 p.the 51st National Congress. “Character” and “Preamble.” Available p.<http://www.anc.org.za/ancdocs/history/const/const2002.html>

³¹⁹ Greenberg p.8.

³²⁰ Desai and Pithouse p.8.

much stronger position to play a key role in initiating campaigns, in directly influencing decision making in resistance politics, and in taking forward the task of building work class leadership in struggle and hegemony within an alliance of resistance organizations.”³²¹ Such was the “confidence and militancy”³²² of COSATU in its ability to make the workplace ungovernable that when its first president, Elijah Barayi, demanded an end to the pass laws lest his organization “burn the passes of the Black man,”³²³ Botha and Parliament took notice and rescinded the pass laws within the year.

The exact relationship between the ANC and COSATU was not explicitly clear until 1989 when the latter adopted the Freedom Charter, though COSATU leadership had met with the ANC in exile in Lukasa, Zambia in 1986. Whether the groups would be formally aligned or just allies was resolved soon before the ANC was unbanned and Mandela released. This is the essence of the counter-hegemonic bloc that had the ability to dismantle the crumbling Apartheid hegemonic order.

Yet as soon as the possibility of genuine social and economic change was palpable, trade union leaders “came under increasing pressure to accept the Congress tradition, and with it the leading role of the ANC”³²⁴ as 1990 approached. In February of that year when the SACP and ANC were unbanned, both were markedly out of touch with the population given their banning since the 50s and the imprisonment of most of their leadership since around the same time. It was the unions, COSATU in the lead, that had millions of members, tens of thousands of shop stewards, and a militant and organized recent tradition. “The unions were faced with a dilemma, as a number of their officials became increasingly active within the emerging political parties, using union time and resources

³²¹ Von Holdt, Karl. :The Political Significance of COASTU.” *Transformation* 5 (1987). p.98.

³²² Plaut Martin. “The Political Significance of COASTU.” *Transformation* 2 (1986). p.64.

³²³ Plaut 1986 p.64

³²⁴ Plaut, Martin. “Debates in a Shark Tank. The Politics of South Africa’s Non-Racial Trade Unions.” *African Affairs*, Vol. 91, No. 634 (Jul., 1992), 389-403. p.396.

to build the movements they supported.”³²⁵ COSATU’s resources were invaluable to the ANC and SACP, and this was recognized by leadership. In May 1990, just three months after their unbanning, the SACP and ANC formally aligned with COSATU, forming the Tri-Partite Alliance that persists today. Cyril Ramaphosa, general secretary of the National Union of Mineworkers, would become one of Mandela’s closest aids and serve as a lead negotiator at Kempton Park where “the hand of the unions in their negotiations with the government both as part of the Alliance and on issues that are particularly relevant to union members, such as economic and industrial relations policy”³²⁶ was strongly represented. For a time civil society, in COSATU, was acting as a representative of the people. COSATU imagined its 13,000 stewards would represent the working-class on the floor of the parliament. Strikes were organized during the negotiations and transition period by COSATU at strategic intervals – the ANC could use COSATU to disrupt the workplace when it was tactically prudent. Here and elsewhere, COSATU was “a fit and fearsome champion – world champion perhaps – of class and national liberation.”³²⁷ Indeed, the Redistribution and Development Plan, the 1994 general platform of the Tri-Partite Alliance in the country’s first elections, was written primarily by the unions and espoused a Keynesian approach to land reform, housing upgrades, expanded service delivery and a deracialized government.

Conflict-Free Workplaces

Demobilizing COSATU was thus one of the ANC’s biggest challenges since 1994 if it was to return SA to profitability and mold the population back into the status of extreme exploitation that made white poverty all but disappear during Apartheid. The ability of

³²⁵ Plaut 1992 p.399.

³²⁶ Plaut 1992 p.402.

³²⁷ Desai, Ashwin. “Shadow Boxing? COASTU, Social Movements and the ANC Government. On the Occasion of COSATU’s 20th Anniversary.” Centre for Civil Society p.the University of KwaZulu-Natal, Durban. available p.<http://www.ukzn.ac.za/ccs/default.asp?2,40,3,815>

COSATU to rapidly and effectively disrupt capital in the country could no longer be tolerated once the ANC was in power. As the ANC had, in essence, taken control of the management of South Africa from the NP because it was seen as a legitimate governor, the militancy of COSATU became an Achilles' heel to the government. Corporatism would be necessary to muzzle the militants because "acts of popular illegality, insurrectionary acts, are deemed to be out of order in the new democratic order."³²⁸ Central to the ANC's imperative to generate consent was their need to police COSATU. The institutionalization of COSATU would follow - its hobbling essentially - "coincide[ing] with a gradual decline in the unions' ability to contest the decisive, and under many aspects detrimental, changes in economic policies that have taken place under the ANC government."³²⁹ One of the first punches to COSATU was the unveiling of "non-negotiable" GEAR in 1996, a macroeconomic policy that "came to symbolize the loss of union power in shaping strategic choices and orientations of the new democracy."³³⁰ The RDP was scrapped without ceremony and the ANC wedded World Bank/IMF SAPs, the results of which would be disastrous for the majority and lucrative for a minority.

South Africa's governors moved the labour relations system toward a corporatist paradigm out of their desire for a "conflict-free" workplace. While labour groups were once of paramount import in the country, their relations with the state were fundamentally altered when they ceased to be an opposition group. In the 1994 election, COSATU and the ANC were almost indistinguishable, and many stewards gained seats in Parliament. The Labour Relations Act (1995), Basic Conditions of Employment Act (1997), and Employment Equity Act (1998), were all the results of COSATU strength in

³²⁸ Desai, "Shadowboxing."

³²⁹ Barchiesi p.17.

³³⁰ Barchisei p.17.

government. Differences between the ANC and COSATU, however, were already appearing: labour fought the LRA because it did not compel employers to bargain, but rather created workplace forums³³¹ and bargaining councils to mediate employment conflicts (with the aim of neutralizing them). The three pieces of legislation, *crucially*, also complicate labour relations with their definitions of regular and contract labour, essentially drawing arbitrary lines of distinction between who can and cannot be recognized and organized by labour groups, and Bargaining Councils and Wage Forums. Gramsci's conception of legal systems in bourgeois democracies is again relevant: "[I]f every state tends to create and maintain a certain type of civilization and of citizen (And hence of collective life and of individual relations), and to eliminate certain customs and attitudes and to disseminate others, then the Law will be its instrument for this purpose."³³² Varying interpretations of "labour" and "contractor" give these legislation the teeth to gnaw away at organized shops and union employees, in the words of two observers "seriously undermining the objective of fostering a comprehensive collective bargaining system."³³³ This significant reduction of labour power – whether it be under the COSATU banner or another – is an important step for the South African government to take, for it generally liberates capital from the effects of unionization. The state has seen an explosion of informal labour, the effects of which are exploitative and detrimental to wages and benefits. "Apart from a persistently high rate of unemployment, the past ten years have seen a steady increase in the use of 'flexible', 'atypical,' and casual labour, and the expansion of a relatively unstable, unprotected and unionized workforce."³³⁴ Hoping to explain why South Africans would consent to the demobilization of their powerful labour organization and the pre-emptive

³³¹ Desai, "Shadowboxing," reports that these "were a fraud, a joke, a trick from day one. The exercise of worker control through these mechanisms is absent in over 80% of South African firms."

³³² SPN p.246.

³³³ Skinner, Caroline, and Valodia, Imraan. "Labour Market Policy, Flexibility, and the Future of Labour Relations: the case of KwaZulu-Natal clothing industry." *Transformation* 50 (2002) p.73.

³³⁴ Barchiesi p.19.

disempowerment of future labour organizations, we might consider Saul's response to the 1999 election, the first after GEAR was implemented and labour power effectively destroyed: "it was difficult to miss the significance of the election as being a mere popularity contest, the ANC still floating to a considerable degree on its legitimacy amongst Africans as a successful liberation movement rather than on any delivery on popular expectations during its first term in office."³³⁵

The demobilizing effects of the LRA were intentional; the institutional framework arranged by the post-Apartheid government "binds labour to a set of processes that prevent industrial action and bind workers to the vision of enhancing productivity in the interests of growth as defined by GEAR."³³⁶ Outright hostility to labour action has been seen as well, with the ANC's "demobilization of unions and hostility to national strikes undertaken for political purposes,"³³⁷ especially to those attacking GEAR and privatization. Thus the organization whose origins were political and whose energy and persistence had in fact *brought the government to power* were pushed away from their beginnings and their accomplishments, pushed toward a corporatist and single issue (wages) organization. Logan and Molotch explain the resignation of COSATU in reference to dominant growth priorities: "The co-optation of labour leadership is again evident in its role in national urban policy. Labour essentially is a dependable support of growth – anytime, anywhere. Although its traditional constituency is centered in the declining areas of the country, the unions' national hierarchy supports policies little more specific than those that provide "aid to the cities."³³⁸ Though Logan's and Molotch's

³³⁵ Saul 2005 p.200.

³³⁶ Naidoo, Prishani, and Veriava, Ahmed. "re-membering movements. the trade union movement & new social movements in neo-liberal south africa." Centre for Civil Society p.the University of KwaZulu-Natal, Durban. available p.www.red.org.za.

³³⁷ Bond, Patrick. "From Racial to Class Apartheid: South Africa's Frustrating Decade of Freedom." *Monthly Review*; March 2004; 55, 10. p.47.

³³⁸ Logan, John R, and Molotch, Harvey L. *Urban Fortunes – the Political Economy of Place*. Los Angeles: UC Press. 1988. p.82.

analysis is primarily of Western cities, we should recall that South Africa has since the 1600s been run by British, Dutch, and American capitalists. Regarding those very linkages, former National Union of Metalworkers (NUMSA) and current minister of trade and industry Alec Irwin described his current role,

Our target is to persuade international investors to invest here....but if you lose a whole factory like VW, it is a major problem. You don't know how much damage that [the strike] did...we had to send cabinet ministers to Germany on the VW dispute to convince them. At the beginning of this year, the president met top VW people. Their concern – 'your best union can't hold its factories.'³³⁹

It is likewise telling of the situation in “post” Apartheid South Africa that the strike to which he refers was *against* NUMSA as much as it was *against* VW. Factory workers outside Durban learned of their new contract from the newspaper; their COSATU-affiliated union NUMSA had negotiated it without their participation or vote. President Thabo Mbeki described its participants as “selfish and anti-social” and warned that they held “hostage” the ANC “in the eyes of the investor community,”³⁴⁰ despite the fact that the contract “eroded many shopfloor gains” won in the 1980s.³⁴¹

The ANC's continued ability to act as a self-defined representative of the people has allowed “the party to maintain the progressive nature of its endeavors and enlist organized labour's support for neoliberal policies.”³⁴² Now that COSATU needs the ANC more than the ANC needs COSATU, the process is largely complete, and COSATU functions as a legitimator for the ANC, a dominant member of civil society firmly committed to the policies of the ANC in which macroeconomics are expressed “in terms of objective ‘constraints,’ [and] ‘limits’ to redistribution and social spending.”³⁴³ The

³³⁹ Quoted in Desai, Ashwin. *We Are The Poors*. New York: Monthly Review Press. 2002. p.104.

³⁴⁰ Desai 2002 p.103.

³⁴¹ Desai 2002 p.12.

³⁴² Barcheisi p.14.

³⁴³ Barchsiei p.15.

ANC has secured – in the most literal sense – Apartheid’s dividends with its ineffectual redistribution policies and anti-egalitarian privatization strategies. It is as if everyone in the townships are poor and living in slums because they rationally selected to do so. “And without history poverty is naturalized as is, by implication, wealth.”³⁴⁴ These discourses are what Gramsci warned against, namely, the actions of elites in their “entire complex of practical and theoretical activities with which the ruling class not only justifies and maintains its dominance, but manages to win the active consent over those whom it rules.”³⁴⁵

Generating consent for policies loyal to capital has not been automatic for the ANC. It has been necessary to demobilize labour strength, create organs in civil society to disseminate its hegemony ideology, and consistently self-legitimate through a nationalist and emancipatory discourse. In pursuing capital’s project for South Africa, the ANC has succeeded where the NP could not because of its authority over the masses. As Gramsci warned, “This consent is ‘historically’ caused by the prestige (and consequent confidence) which the dominant group enjoys because of its position and function in the world of production.”³⁴⁶ The strong consent generated by the ANC in power has allowed it to retain Apartheid policies of severe inequality and preserve land ownership patterns. It must still coerce some elements of society (through forced removals, police harassment and other repressive policies), but on the whole it does not nearly confront the rebellion the NP did *although its policies have resulted in declines in most social indicators*. This is not to say that life is *worse*, for such a claim cannot be substantiated with data on social indicators alone. Yet the declines do suggest that the situation of Black and Indian South Africans post-Apartheid are complicated when compared to their situations during

³⁴⁴ Desai and Pithouse p.8.

³⁴⁵ SPN p.244.

³⁴⁶ SPN p.12.

Apartheid. It is nonetheless obvious that the role of the ANC in maintaining and justifying the social relations endemic to the Apartheid system, the productive requirements of the South African economy, is strong.

Chapter Five – Shutting Down Labour

Recent labour relations in Durban are similarly illuminating for our purposes. In the struggles of labour in the city and KwaZulu-Natal, observers quickly locate labour organizations that were – once – the spear of the movement, now relegated to vote banks and industrial placidity. In Durban, the government’s macro-economic policy, combined with the largest labour federation’s increasingly conservative and corporatist leanings, have left gaps of representation for large numbers of unemployed and working poor people. I argue that COSATU’s self-interested alliance with the ANC has prevented (prevents) it from resisting the anti-worker and anti-poor policies of the government. Moreover, COSATU’s shift from social movement unionism to business unionism ignores the new social struggles that are reshaping lives COSATU once touched.

Spatially, Durban was designed, maintained and functioned as the epitome of Apartheid – separate living spaces, educational opportunities, workplaces, and lives with a keen emphasis on maintaining labour controls. As we have seen, Durban’s refineries and manufacturing centers were specifically located to ensure the separation of non-whites and to perpetuate their landlessness. Historically dominated by multi-nationals like the mining conglomerate Anglo-American (which at one time controlled $\frac{3}{7}$ of the wealth on the Johannesburg exchange³⁴⁷). Durban was built on what von Holdt calls the Apartheid Workplace Regime³⁴⁸: rigid controls on mobility and employment for Africans and (to a less extreme extent) Indians. All pay grades, positions, homes, property, and governing

³⁴⁷ For a good study of the Oppenheimer’s Anglo-American empire, a “synthesis of a family and its fortunes which illuminates some of the most important political developments in southern Africa this century,” (ix) see Pallister, David, Stewart, Sarah, and Ian Lepper. *South Africa Incorporated – The Oppenheimer Empire*. London: Simon & Schuster. 1987.

³⁴⁸ Von Holdt, Karl. *Transition from Below: Forging Trade Unionism Workplace Change in South Africa*. Pietermaritzburg : University of Natal Press, 2003.

were tracked by race; most unions functioned to exclude Africans and Indians from all but the most dangerous and poorly-paid positions. This internal colonial system was lucrative precisely because of the extensive controls on the underskilled, undertrained majority – preserving the exploitation of Africans and Indians was crucial to the wealth created in and extracted from South Africa from the port of Durban.

Non-racial trade unions were therefore a huge impediment to the Apartheid system – the solidarity of workers in a 1984 stay-away demonstrated to the shareholders of South Africa that political demands would now be voiced in the workplace. The Congress of South African Trade Unions (COSATU) formed out of actions like that one, and in 1985 it claimed 500,000 members among 33 unions. Today 21 unions combine to represent 1.8 million workers.³⁴⁹ Some speculate COSATU’s first purpose was to bring the anti-Apartheid struggle into the workplace so that no part of South Africa was immune to the ungovernability tactic. Others were more inclined to preserve a business unionism function, particularly after the ANC-COSATU-SACP (South African Communist Party) slate triumphed in 1994. Throughout Apartheid, the former won the contest, and COSATU officially endorsed the then-banned African National Congress (ANC)’s Freedom Charter in 1990. In the crucial period following the unbanning of the ANC and release of Mandela and other leaders, it was COSATU’s mobilizing capacity, organizing drives and councils that allowed the ANC to hit the ground running. COSATU was “a fit and fearsome champion – world champion perhaps – of class and national liberation struggle.”³⁵⁰

³⁴⁹ <http://www.cosatu.org.za/affiliates.html>

³⁵⁰ Desai, Ashwin. “Shadow Boxing? COASTU, Social Movements and the ANC Government. On the Occasion of COSATU’s 20th Anniversary.” Centre for Civil Society p.the University of KwaZulu-Natal, Durban. available p.<http://www.ukzn.ac.za/ccs/default.asp?2,40,3,815>

The Republic of South Africa's elections in 1994 were lauded globally, and the ANC-COSATU-SACP Tripartite Alliance was swept into power. The Alliance ran on the Redistribution and Development Plan (RDP) that had received enormous influence from COSATU. The macro-economic plan for the new Republic called for a fulfillment of basic needs through people-driven Keynesian economics and for a redistribution of land seized and appropriated during the Apartheid years. South Africa's Constitution (1996) guaranteed rights to water, housing, non-discrimination, and environmental security; some call(ed) it the most progressive constitution in the world.

South African cities have the particular characteristic of a high degree of collaboration between government and business. The Apartheid system was largely based around industry, with socially controlling policies serving its needs. After a series of municipal corporations ran the Durban city throughout Apartheid, in 1996 Metro Durban was created out of 60 separate government units. Structured into a series of Councils, the Metropolitan Council administers the area and is oriented by the national government toward development as a priority.³⁵¹ "Economic strategy...formed part of the wider process of defining and legitimating the new shape of local government in Durban."³⁵² Business-friendly policies are a section of the Growth Machine as considered by Logan and Molotch, with labour relations playing a crucial role. "In the good business climate the work force should be sufficiently quiescent"³⁵³ and local government "is primarily concerned with increasing growth"³⁵⁴ rather than redressing the consequences of 400 years of colonial domination, of both foreign and domestic varieties.

³⁵¹ Freund, Bill. "City Hall and the Direction of Development." in *(D)urban Vortex* Freund and Padayachee, eds. . Pietermaritzburg: University of Natal Press. 2002. p.27.

³⁵² Hall, Peter, and Robbins, Glen. "Economic Development for a New Era." In *(D)urban Vortex* Freund and Padayachee, eds. . Pietermaritzburg: University of Natal Press. 2002. p.57.

³⁵³ Logan and Molotch p.60.

³⁵⁴ Logan and Molotch p.63.

The ANC summarily scrapped the RDP in 1996 when it unveiled its “non-negotiable” new economic strategy: Growth, Employment and Redistribution (GEAR) demanded a shrinking public sphere, the end of social spending, a liberalization of exchange controls, the opening of restrictions on foreign investment, and the privatization of state industries. This last component stood in polar opposition to Mandela’s pledge, while in prison and at his release, to nationalize South Africa’s enormously wealthy sub-surface mineral and related industries. GEAR was, in short, an IMF-requested structural adjustment program (SAP) the results of which are almost identical to similar SAPs in similarly-situated post-colonial states where neo-liberalism has accelerated the flow of capital in the same direction it has traveled since the 1400s.

As part of these restructurings, we find the Labour Relations Act (1995), Basic Conditions of Employment Act (1997), and Employment Equity Act (1998), were all the results of COSATU strength in government. Vagaries in the definitions of “labour” and “contractor” empower these legislation to disempower organized shops and union employees. The demobilizing effects of the LRA were intentional; the institutional framework arranged by the post-Apartheid government “binds labour to a set of processes that prevent industrial action and bind workers to the vision of enhancing productivity in the interests of growth as defined by GEAR.”³⁵⁵ Outright hostility to labour action has been seen as well, with the ANC’s “demobilization of unions and hostility to national strikes undertaken for political purposes,”³⁵⁶ especially to those attacking GEAR and privatization. Thus the organization whose origins were political and whose energy and persistence had in fact *brought the government to power* were

³⁵⁵ Naidoo, Prishani, and Veriava, Ahmed. “re-membling movements. the trade union movement & new social movements in neo-liberal south africa.” Centre for Civil Society p.the University of KwaZulu-Natal, Durban. available p.www.red.org.za.

³⁵⁶ Bond, Patrick. “From Racial to Class Apartheid: South Africa’s Frustrating Decade of Freedom.” *Monthly Review*; March 2004; 55, 10. p.47.

pushed away from their beginnings and their accomplishments, pushed toward a corporatist and single issue (wages) organization.

Throughout South Africa, there are a plethora of new community organizations arranged around issues of unemployment (nationally at least 40% and in some places reaching 80%), access to basic services guaranteed in the Constitution (water, housing, and electricity are notoriously unavailable – as many as 10 million South Africans have lost water connections due to privatization of services, the same amount suffered electricity cut-offs; at least two million have been evicted from slums; and public housing has been built at a negligible pace, and even then at a prohibitive cost³⁵⁷) and better jobs. The relations of these “crisis committees” and “citizen’s forums” to labour has not been productive. For one, many of these organizations are staffed and run by disaffected COSATU stewards and members. For them, COSATU’s alliance with the ANC speaks to their commitment to the ANC, not the rank-and-file. These South Africans see COSATU as the ANC-aligned corporatist neo-liberal technocrats, blind to the reality of “democratic” life in South Africa. As the country has hemorrhaged jobs (net job *losses by year* registered between 1 and 4% in the late 1990s, with a total of perhaps 4 million fewer jobs in South Africa today than during Apartheid³⁵⁸) COSATU’s membership has shrunk and its image has drastically changed into just another arm of the ANC (useful during elections cycles for turnout, and always a good buffer between the government and the rank-and-file).

At the World Summit on Sustainable Development, civil society groups withdrew when COSATU “attempted to exclude”³⁵⁹ the Johannesburg-based Anti-Privatization Forum

³⁵⁷ Bond 2004 p.48.

³⁵⁸ Bond 2004 p.47.

³⁵⁹ Naidoo and Veriava p.44.

for its criticisms of the ANC-government. Likewise, the Chatsworth- (a township of Durban) based Concerned Citizens Forum “has not had any interactions with COSATU”³⁶⁰ precisely because those in Chatsworth are unemployed, and the corporatist-leanings of COSATU preclude its participation in movements that are not workplace-based. COSATU’s hands are tied in its allegiance with the ANC, and some speculate that it does not disaffiliate because it feels even more impotence outside of government. Its density is tortured by privatization and outsourcing of industries where it once had great strength (particularly textiles and the public sector). It remains unclear whether “the diversity of these social struggles, whether they can be defined as social movements, and their implications for the consolidation of democracy...will establish links with the labour movement in general, and the unions emerging among informal workers in particular.”³⁶¹

VW, Engen, Textiles

In the context of these complications, we can examine the relation of labour and Durban residents with cases of informal labour in the merchant and textile industry, and large-scale industrial action at a Volkswagen plant and Engen refinery (a subsidiary of Exxon-Mobil). All of these struggles are influenced by GEAR and the increasingly corporatist orientation and ANC-alignment of COSATU.

The textile industry in KwaZulu-Natal illustrates the complexities facing labour organizations in Durban today, as macro-economic policies and Tripartite Alliance politics combined to both abate the total number of jobs, and make those still existing

³⁶⁰ Naidoo and Veriava p.49.

³⁶¹ Webster, Edward. “New Forms of Work and the Representational Gap.” in *Beyond the Apartheid Workplace, Studies in Transition*. Webster and von Holdt, eds. Scottsville, South Africa: University of KwaZulu-Natal Press. At 393.

jobs difficult to organize or secure. Previously large employers are increasingly turning to subcontracting to avoid labour legislation. “Employers seem to be able to bypass the legislation and collective bargaining agreements with relative ease.”³⁶² In 1990 the approximately 450 firms employed almost 50,000 in Greater Durban, and retailers were sourcing 93 percent of their goods domestically.³⁶³ As part of GEAR, South Africa reduced its tariffs on textiles and began competing more directly with foreign competitors, with a consequence being “a massive downward pressure on price.”³⁶⁴ The Southern African Clothing and Textile Workers Union (SACTWU – a COSATU affiliate) estimates that there have been 22, 756 jobs lost between 1999 and 2001, the majority of them in the Durban Central Branch.³⁶⁵ Chiefly due to drastic tariff reductions in a short period, the formal textile industry has collapsed. Many firms have moved to areas with even *lower* standards of living, such as Malawi and Lesotho. Home-based industry and informal contracting is, however, on a dramatic rise. Smaller manufacturing units where informal work arrangements reign are sprouting around the city center, with rare participation in Bargaining Councils. The Natal Clothing Manufacturing Association (the employer’s representative in the Bargaining Council - NCMA) reports 450 members in 1990, and only 65 in 2001. NCMA officials estimate more than 300 employers in the region contract more than 20,000 employees outside of collective bargaining agreements or participation in the Bargaining Councils. For these new informal workers, their numbers on the rise, there is no role for COSATU as the dimensions of the relationship between employer and employee have contracted. Re-structuring employment relations “into a system of independent contractors” makes the LRA’s provisions irrelevant, a strategy now so common that the Confederation of Employers South Africa (COFESA) is

³⁶² Skinner, Caroline, and Valodia, Imraan. “Labour Market Policy, Flexibility, and the Future of Labour Relations: the case of KwaZulu-Natal clothing industry.” *Transformation* 50 (2002). p.57.

³⁶³ Skinner and Valodia p.58.

³⁶⁴ Skinner and Valodia p.60.

³⁶⁵ Skinner and Valodia p.60.

now registered with the Department of Labour to change “employees to contractors and to outsource production to them.”³⁶⁶ The contraction of SACTWU’s membership cannot be blamed on COSATU, but we must ask if they are acting appropriately to combat what even they call a “job-loss bloodbath.”³⁶⁷

The in-formalizing of Durban’s textile industry has drastically lowered the number of collective-bargain-covered employees. SACTWU’s “dramatic decrease in membership numbers” has also not been offset by new organizing; the Union “concedes that they have been largely unsuccessful in organizing unregistered factories.”³⁶⁸ It is troubling, then, that the macro-economic program of South Africa that is in force in COSATU’s government is referenced in COFESA’s internal documentation. “Promoting the national government’s macro-economic strategy,”³⁶⁹ COFESA is working within the system of labour relations that the ANC-COSATU-SACP government created and runs today. Here we again confront an obstacle to labour’s strength in Durban: the macro-economic strategy its partners in government authored and promulgate. The proliferation of tiny textile “firms” in Durban that operate with little or no concern for worker’s rights is a result of GEAR’s emphasis on rapid tariff reduction, easing of exchange controls, and the corporatist and de-mobilizing labour relations system that accompanied it. That the “process of casualisation and externalization is certainly part”³⁷⁰ of the obsolescence of Bargaining Councils is likely not a matter of chance: it is argued that these COSATU-aligned policies were intended to shrink and disperse workplace disputes, all in the name of creating a “conflict-free” and “business-friendly” South Africa.

³⁶⁶ Skinner and Valodia p.64.

³⁶⁷ Declaration of the Third COSATU Central Committee. August, 2005. p.1.

³⁶⁸ Skinner and Valodia p.69.

³⁶⁹ Skinner and Valodia p.65.

³⁷⁰ Theron, Jan. “Employment is Not Wh p.it Used to Be.” in in *Beyond the Apartheid Workplace, Studies in Transition*. Webster and von Holdt, eds. Scottsville, South Africa: University of KwaZulu-Natal Press. At 313.

SEWU

Between these confines, the Self-employed Women's Union (SEWU) has organized informally-employed women, especially in Durban. Data indicate that there are at least two million consistently employed "informal" workers (self-employed street vendors, dependent producers of homemade goods, and wage workers in smaller shops who do casual work for fixed wages).³⁷¹ Targeting street vendors (there are at least 16,000 in Durban), SEWU aims to organize any woman over 18 whose work is not covered by other trade unions, who "earn their living by their own effort" and who do not employ more than three others on a regular basis.³⁷² In targeting those otherwise excluded from labour organizing, SEWU finds new avenues of representative capacity. Given that members are often not employed in the sense that a complaint could be taken to management, SEWU's advocacy for members takes different forms. The organization has used its new (and independent – the union is not aligned with COSATU) strength to campaign for more infrastructure near popular markets (such as toilets and clean water), and has created child-care facilities for street vendors. SEWU sees part of its purpose as empowerment of home workers who otherwise would receive no education or training elsewhere; in essence, a targeting of those who may be considered un-organizable or not worth organizing because of their locations and informal settings that do not easily fit any collective model. In fact, the organizing work done by SEWU and its later campaigns aim to accomplish much the same as any other union (address the problems and needs of the workers and convert them into collective demands) yet the nature of their spatial characteristics (stalls along a street, or behind sewing machines in their homes) makes these women a far cry from the shop floor of a refinery.

³⁷¹ Webster p.389 & 392.

³⁷² Webster p.393.

SEWU leaders indicate that they first hired COSATU organizers, but dismissed them for lacking the skills “and demands of organizing informal workers.”³⁷³ The union remains all women out of a desire to remain run by those whom it represents, and does not admit men into its ranks because of the specific issues related to their informal employment, and the gender issues involved in their campaigns. Child-care facilities are an example of the gendered needs of these workers, as the informal female employee often divides her time between several jobs, childcare being one of them. But new organizations like the SEWU, though currently quite small, indicate that the informal worker and casual labourer are as organizable as any other with some adjustments in style and technique. Though old channels of business unionism would not organize these women, it is the novel and pragmatic approaches of the SEWU that has won victories for them in a climate of defeats for worker’s organizations.

At the level of larger industry, unions and their members are facing challenges of their own, though outcomes are mixed. In the next two cases, we find the corporatist “business-friendly” macro-economic policies reaching into the labour relations system and denying or preventing gains for workers. We find as well that meeting the challenges of labour-orphaned workers and unions require reaching past and beyond the styles of COSATU and COSATU itself in order to record gains.

COSATU-affiliate National Union of Metalworkers (NUMSA) offers an example of corporatist unionism that has distanced itself from its members in alliance with state capital. At a Durban-based Volkswagen plant in 2000, NUMSA officials signed a contract to produce 68,000 Golfs – without overtime pay, with compulsory overtime, a

³⁷³ Webster p.399.

reduction in break time, and a pension reduction. NUMSA's members read about their new contract in the newspaper, as negotiations had taken place within the high circles of government between Finance ministers, COSATU leaders, and VW. These negotiations should be seen in the context of a government dedicated to business-friendly policies that largely neglect workers in the name of "growth" and investment. Likewise, it is clear that the union remains as dedicated to business as to the ruling government, if its reactions to the strikers are any guide. The resulting VW plant strike was as much a strike against the contract as it was against NUMSA. Thabo Mbeki lambasted the strikers, and NUMSA officials were taken aback that their members would damage the image of NUMSA as a union that can control its rank-and-file. The strike failed because enormous unemployment in Durban made "scab" labour easy to find, and the Durban labour mediation court sided with the NUMSA-signed contract. In this context, however, it is difficult to retain the admittedly crude definition of a "scab." When the union represents the government more than the rank-and-file, it is hard to maintain that those who would take the striker's place are anti-union. Moreover, given that unemployment is so high, and jobs so few, we are challenged to use the pejorative "scab" when characterizing starving, marginalized peoples whose opportunities for labour are few and far between and the union itself has failed (with the President an "ally"). President Mbeki's lack of support for the strikers was even more alarming when he praised his International Investment Council as a remedy for the unsophisticated strikers' disruption of international investment etiquette. One NUMSA officer spoke out against his members, saying "Our target is to persuade international investors here. You don't know how much damage the strike did... We had to send cabinet ministers to Germany on the WV dispute to convince them," thus revealing his role in the Growth Machine as theorized by Logan

and Molotch: “Labour cannot serve the needs of its most vulnerable and best organized geographical constituency because it won’t inhibit investment at any given place.”³⁷⁴

Another industrial location whose labour practices are increasingly corresponding to the conditions GEAR and the new labour relations system implemented is Engen, the South African affiliate of Exxon-Mobil. Its refinery in Wentworth, a Durban township, is the area’s largest employer. Each year the refinery employs thousands for dangerous work during the “turnaround” phase during which the refinery is essentially refitted, and its components dismantled, remade, and reinstalled. The turnaround period is the company’s most vulnerable moment for industrial action, and the time at which it contracts limited duration workers. Most of these limited duration contract workers are Black, a reflection of the nature of temporary employment in South Africa. Turnaround period work is so unsafe and poorly paid that it is seen “as the Coloured man’s calling.”³⁷⁵ Work brings the men of Wentworth “the strongest sense of both price and force commitment” to each other, increasingly in a non-racial fashion.³⁷⁶ Without the Apartheid government’s restrictions on movement and employment on racial lines, there are growing number of South Africans who identify simply as “the Poores.” This group remains under or unemployed, and for them the two weeks of work at Engen each year was often the only income they receive.

Short-term contract employees are typically arranged through labour brokers. Following the major ungovernability strikes of the late 1980s, Engen and other large industries began its relationships with the brokers, who often had ties with gangs. Labour brokers

³⁷⁴ Logan and Molotch p.82.

³⁷⁵ Chari, Sharad. “Political Work. The Holy Spirit and the Labours of Activism in the Shadow’s of Durban’s Refineries.” Centre for Civil Society p.the University of KwaZulu-Natal, Durban. Research Report No. 30. p.18.

³⁷⁶ Chari p.18.

have become something of an oligarchy in Wentworth, essentially doing Engen's dirty work and distancing Engen from the workers. The independent Chemical Engineering and Industrial Workers' Union (CEIWU) formed to combat some of these conditions that became worse, as work became more scarce, in the late 1990s. "The management of contract labour for shutdowns has been outsourced through labour contracting companies, most so since the enactment of the 1995 Labour Relations Act,"³⁷⁷ that, if we remember, was authored and enforced by the government that COSATU had helped build, and with which it was formally allied.

In 2001, CEIWU planned a strike that would challenge Engen from the bottom. Its organizers and leaders decided to form a joint body – the Industrial Relations Forum – to coordinate activity between the workers and the community of Wentworth. It functioned as a resident's association and strike committee, in essence binding the two groups into one campaign, but without the banner of the union. For many in Wentworth, the work at Engen was the only formal employment they had, but for the other 50 weeks of the year they were members of the starving Wentworth community and its related civics. Like the Chatsworth Concerned Citizens Forum, Wentworth has been the site of a new and powerful kind of organizing that eschews ideology and standard politics. There are unions of unemployed, underemployed, landless, homeless, poor South Africans whose government neglects them as much as it ever did during Apartheid. The VW strike failed in part due to "scab" labour, but the Engen strike was successful because it was a voice of Wentworth, not the Engen employees who lived in Wentworth. It was as if the community had found a vehicle in the Engen strike for the struggles of Wentworth: "workers and the community came together in a 2 week long strike and campaign against Engen that included mass community meetings, mass marches and pickets and acts of

³⁷⁷ Chari p.19.

physical violence against Engen.”³⁷⁸ When Engen made offers to end the strike, and made an offer for wage parity, Wentworth refused, demanding that no compromises be reached. At its conclusion, Engen capitulated to all the demands, and back-paid employees terminated during the action. CEIWU reports that since forming Engen has blacklisted, bullied, cajoled and bribed to continue its exploitation of Wentworth’s workers, but successes are landing on the side of Wentworth. In 2004, the union won a legal victory against Engen’s termination of 176 workers whose contracts Engen considered “limited.” The case was an important victory, securing that “Striking workers’ jobs could not be terminated either for insubordination or operational requirements without following due procedure.”³⁷⁹

The changing role of COSATU in South Africa (perhaps already changed forever) is more complex than these four stories convey. Something happened to the Congress between its radical childhood and today, and I doubt we can easily explain away the (d)evolution with overly-simplistic references to capital. Nor should it be taken for granted that all COSATU-affiliated unions are failing, and only those without COSATU linkages are dynamic. Though my cases indicate precisely that, COSATU’s failures are top-down, and its energy and progressivism is bottom-up. COSATU’s shift from an opposition federation to an affiliate of the state’s rulers may offer some insight on the transition from social movement unionism to business unionism. But that is a topic I have not undertaken here.³⁸⁰

³⁷⁸ Naidoo and Veriava p.43.

³⁷⁹ Chari p.19.

³⁸⁰ Someone should, with an eye toward asking “must social movement unionism be oppositional in industrial capitalistic states?”

If fish always do rot from the head down, COSATU's members need to disaffiliate, regardless of the outcome of the endless debate within COSATU's leadership of whether to disaffiliate with the ANC. Indeed, its membership remains far more militant (and hungry) than its leaders. For them the myopic discourse on growth and development are silly. And that COSATU has, for one reason or another, lost its disposition and become a prominent member of the neo-liberal growth machine, is a given. Future success in South Africa for the Poors seem dependent on the new civics, not COSATU and certainly not the ANC. That this is clear on the bottom should register:

Municipal Workers Union members sometimes dispense with traditional ANC loyalties to join Anti-Privatization Forums (APF) in the major cities, even while the latter are tentatively preparing for a future political party challenge to the ANC Government. Most importantly, the APFs and other militant communities continue taking matters into their own hands - including illegal reconnections of electricity and water.³⁸¹

When and if it becomes obvious to the leaders of the Republic that the energy and ingenuity that ended Apartheid is re-taking form in the civics, crisis committees, anti-privatization forums and independent unions may determine the duration of the ANC government. COSATU's hostility to the civics and the voices of the people may well determine its fate, as those at the bottom have turned sharply away from the ANC-COSATU government and toward a new politics of local empowerment based on their basic needs. South Africa is one of the most unequal societies on the planet, making this component of the population larger than most comparable states. As COSATU's leaders became (and are becoming) interchangeable with the ANC, its ability to represent South Africans diminishes. This result is compounded by (or possibly the cause of) the

³⁸¹ Bond, Patrick. "The New Apartheid." *New Internationalist*. Oxford: Apr 2003. , Iss. 355; pg. 24

shrinking number of jobs in South Africa and the dire possibilities for fair work for most. COSATU was once a “world champion,” now “punch drunk, scarcely able to lift its hands against an onslaught of right upper-cuts from lightweight nationalist parliamentarians, bar-room brawlers of the ANC”³⁸² and greedy directives of VW. What is interesting, and of the most dynamic import to South Africans, is whether its abandonment of the liberation struggle is only temporary for COSATU’s leadership. Labour’s muscle in South Africa has always resided in its poorest – and therein COSATU may well reside, training for the next bout of the Poors, though it will surely not call itself by that name.

This chapter has argued that the recent failures, and successes, of labour movements in Durban are directly related to the macro-economic policies the ANC-COSATU-SACP government has promulgated. Building on previous arguments, this chapter and the immediately previous have set out to show that COSATU has in many ways been demobilized by national legislation. The effects of these changes in industrial relations are nothing short of a rollback in workers’ rights and strength since their pinnacle between 1990-4. As the overall purpose of this thesis is to show what has been preserved since Apartheid, and the methods of that preservation, I shall now turn from the shop floor to the earth beneath it.

³⁸² Desai p.1.

Chapter Six – Constrained Land Reform

Given the continuing role of the South African government – regardless of party – to retain the settler colony’s distribution of land, property and power, we can read the Restitution of Land Act (RLA), No. 22/1994, and its Amendment in 1999, No. 18.³⁸³, to consider how this crucial process is or is not an attempt at change or another attempt to “perpetuate what has been achieved.”³⁸⁴ Both acts give process to the Interim Constitution’s³⁸⁵ and Final Constitution’s³⁸⁶ “commitments” to land reform. Both documents most important failing is their scope as defined by the Constitution.³⁸⁷ The first RLA, as per Section 121 (3) of the Interim Constitution requires the “dispossession” “shall not be a date earlier than 19 June 1913.”³⁸⁸ The Final Constitution is more restrictive in one area, yet adheres to the identical date, 19 June 1913. It, No. 108 of 1996, indicates “A person or community dispossessed of property after 19 June 1913 as a result of *past racially discriminatory laws or practices* is entitled, to the extent provided by an Act of Parliament, either to restitution of that property or to equitable redress.”³⁸⁹ This caveat of the nature of the dispossession (“as a result of past racially discriminatory laws”) is textually linked to the RLA that, too, stipulates claimants are seeking redress “because of a law which would have been inconsistent with the prohibition of racial discrimination,”³⁹⁰ though this distinction is absent in the Interim Constitution. The RLA

³⁸³ The former was also affected by Restitution of Land Rights Amendment Act 84 of 1995, Land Restitution and Reform Laws Amendment Act 78 of 1996, Land Restitution and Reform Laws Amendment Act 63 of 1997, and the Land Affairs General Amendment Act 61 of 1998, though the most substantial amendment was No. 18 of 1999.

³⁸⁴ *Strydom Report* p.29.

³⁸⁵ Act No. 300 of 1993, Sections 8 (3) (b), 28, 121, 122, 123.

³⁸⁶ Act No. 108 of 1996, Section 25.

³⁸⁷ These sections will consider it a “failing” of the RLA that so little land has been returned to its original occupants. Whether the authors of the RLA wrote the legislation to prevent significant land reform, then, is unaddressed. If we believe they did not desire significant land reform, we can consider the outcome a complete success.

³⁸⁸ Act No. 300 of 1993, Section 121 (3)

³⁸⁹ Act No. 108 of 1996, Section 25 (7). Emphasis added.

³⁹⁰ RLA, Chapter 1, Section 3 (a).

Amendment further limits the legislation's scope in two ways as well; firstly, the addition of three references to "past racially discriminatory laws"³⁹¹ and the addition of a new end date. Entitlements to restitution are again temporally bound as they must be "lodged not later than 31 December 1998."³⁹² Thereby a window of "land reform" is created between enactment of the first RLA and the claim-lodging sunset in 1998.³⁹³ All dispossessions that were not the result of a "racially discriminatory law or practice" and all dispossessions that occurred before 13 June 1913 are therefore not subject to claims or restitution. We can consider these lands as protected by the property rights clauses of the Interim and Final Constitutions. Given the scale of dispossession that preceded 1913, this protected portion of South Africa, and in the focus of this document in KwaZulu-Natal, the protected portion is dominant. Yet the RLA and the mechanisms it created operate to protect more than just the pre-1913 landmass.

Protecting Land from Reform

The silences of the document are of enormous import for urban areas. The first transfer of land from African to European hands in Natal occurred in 1824. It concerned over 3 500 square miles of land (about 9 000 square kilometers) that comprise the bulk of contemporary Durban. The Etekwini Municipal Area, for guidance, covers just 2 297 square kilometers.³⁹⁴ And though this area includes some former "tribal" homelands, it is inclusive of the initial claim made by FG Farewell and Company. Thinking solely about that parcel between 1824 and 1998, we find that both the original alienation of land and

³⁹¹ RLA Amendment Act, Act No. 18, 1999. 2. Entitlement to restitution, p.2. (1) (a), (b), and (d).

³⁹² *ibid.* p.2. (1) (c).

³⁹³ The opening period *can* in fact precede the RLA. Section 41 (2) allows applications lodged with the Commission on Land Allocation, according to section 89 of the Abolition of Racially Based Land Measures Act, Act No. 108, 1991), to be considered. Section 41 (2) of RLA. All claims must be settled by the end of 2007, as well, as per the Ministry of Land Affairs' decision. See van dan Brink p.28. I wildly speculate here that this is to end the fear of land reform in the hopes of raising business confidence and the security of property investments.

³⁹⁴ <http://www.durban.gov.za/eThekweni/Council/about/ema>

its perpetual control happened *both before 1913 and without explicit racial discrimination*. As all claims must be made between certain dates, and be made in reference to a particular piece of land that was dispossessed between another date range *as a result of racially discriminatory laws or practices*, it becomes increasingly clear that the RLA does not address the bulk of South Africa, and more specifically does not address urban lands sufficiently, which were seized by 1913. As the 1913 (Black) Natives Land Act³⁹⁵ forbade the purchase or renting of land outside the tribal areas, legislators drafting the RLA and Constitutions mistakenly considered that law in itself as the primary instrument of dispossession, the effects of which post-Apartheid legislation would, in theory, ameliorate.³⁹⁶ Yet the Act does nothing to acknowledge or compensate those who had been dispossessed before 1913, and offers nothing to those who were not dispossessed but simply unable to regain what had been stolen from them by the colonizers, abetted by the NP, and naturalized by the ANC.

Land theft occurring after 1913 was considered illegitimate and subject to redress, yet all land theft perpetrated prior to 1913 was excused or naturalized. It was protected. The effect of the 1913 designation is, then, to protect the bulk of white South African property. In terms of Durban and other long-existing urban areas, our history is clear that its European settlers arranged, often via force, fraud, theft, intimidation and other obscene means, some form of “title” to these urban areas. Therefore all settlement on lands already alienated before 1913 is protected as much by the current regime as its predecessors. Given that whites are urbanized and in peri-urban areas³⁹⁷, and the grants

³⁹⁵ Act No. 27, 1913.

³⁹⁶ Secondary acts would include the Group Areas Act, Apartheid-era’s most significant instrument of dispossession. Given the RLA and Constitutions’ dating, we can deduce that legislators assumed the Union of South Africa, and later the Republic, between 1913 and 1994, dispossessed persons of land as a result. Whether they were ignorant (and thus their legislation is a “failure”) or aware (and thus their legislation is a “success”) of the degree to which these dates circumscribe any redress, is not here considered. It is also worth investigating the extent to which the 1913 law caused dispossession rather than preventing future possession, a form of marginalization not addressed by the RLA.

³⁹⁷ Current estimates indicate there are only 60,000 white farmers in South Africa.

made available to persons under the land reform process amounted to only R15 000 to buy back land³⁹⁸, it seems again that the process was designed to cause no discomfort among the white population, to preserve the status quo in already existing and deeded communities. That the RLA and Constitutions offered land “reform” with such caveats so as to protect the bulk of white property, especially where they are concentrated, tells us much about the RLA and Constitution’s relation to the National Party’s intent to “manage” urbanization and “maintain social order and stability during this period of rapid change.”³⁹⁹ Insofar as efforts to “reform” the land of South Africa have failed to acknowledge that the bulk of dispossession took place before the RLA’s effective date *and* still fail to address urban spatial relationships, earlier Apartheid “era” pronouncements that aimed to “prevent and control conditions of large scale settlement in unsuitable places”⁴⁰⁰ have been realized. The persistence of a settler colony system of land allocation, preservation and protection is, after all, what successive regimes in South Africa have worked so hard to enforce.⁴⁰¹

Moreover, the bulk of the legislation that follows entails lengthy, costly and complicated process in which the onus to prove dispossession is on the claimant. Effectively, the current land owner enjoys a presumption of innocence (and is empowered to refuse transfers as per the willing-seller scheme). Though the Chief Land Claims Commissioner is tasked in a variety of ways to provide assistance, support, and funding for claimants to prepare their cases, and is authorized with subpoena power⁴⁰², current land holders are not compelled to produce any “document or object which could be used in evidence

³⁹⁸ van den Brink p.34-5.

³⁹⁹ WP p.5.

⁴⁰⁰ WP p.20.

⁴⁰¹ Continuing to interrogate the RLA, we find that claims can be made for those who were “prevented from obtaining or retaining title to the claimed land because of a law which would have been inconsistent with the prohibition of racial discrimination”⁴⁰¹ and who can prove “that the registered owner of the land hold title as a result of a transaction...” The interpretation(s) of this statute is/are very problematic. RLA, Chapter 1, Section 3(b)

⁴⁰² RLA, Chapter 2, Section 12 (b) and (c)

against him or her in a criminal trial”⁴⁰³ and can trigger mediation proceedings if s/he objects to the claims filed.⁴⁰⁴ Current land owners are also entitled to “just and equitable compensation”⁴⁰⁵ as per the Expropriation Act, No. 63 of 1975 that also entitles the property owner to compensation for “suffering” in addition to fair market value.⁴⁰⁶ When land claims are successful and restoration is determined appropriate, land claims must also meet “feasibility”⁴⁰⁷ guidelines that are not explicitly limited. After a host of requirements, steps, hearings, investigations and governmental judgments, the Chief Land Claims Commissioner can still determine that persons deserving restitution will not acquire the land claimed, but instead “request the Minister [of Land Affairs] to certify whether it is feasible to designate alternative state-owned land.”⁴⁰⁸

The cumulative effect of much of the RLA, then, is to protect existing property relations and inhibit its transfer where those currently inhabiting or owning wish to resist. There are twelve considerations of the feasibility section, including zoning, “relevant urban development plans” and “any other matter which makes the restoration or acquisition of the right in question unfeasible.”⁴⁰⁹ So while the new majority rulers of South Africa did enact some land “reform” processes, they designed them for the protection of the landowner. Given the history of dispossession and alienation that is South Africa’s, a more legitimate process could reverse the onus and demand that existing property owners demonstrate that his or her claims and titles came through payments of just compensations and with no illegitimately produced monies, and no assistance racially discriminatory legislation. As stands the presumption of innocence – and permanence that

⁴⁰³ RLA Chapter 2, Section 12 (2)

⁴⁰⁴ RLA Chapter 2, Section 13 (1) (c)

⁴⁰⁵ RLA Chapter 3, Section 35 (5)

⁴⁰⁶ van den Brink, Rogier, et al. *Consensus, Confusion, and Controversy. Selected Land Reform Issues in Sub-Saharan Africa*. World Bank Working Paper No, 71. Washington. 2006. p.34.

⁴⁰⁷ RLA Chapter 2, Section 15 (1) (a) and (b)

⁴⁰⁸ RLA Chapter 2, Section 15 (3)

⁴⁰⁹ RLA Chapter 2, Section 15, (6) (c)

is granted to current land/title holders – seems a brutally unprogressive and privilege-retaining policy. Land reform can be labeled bogus because of these timeline and targets: Government of National Unity and ANC policies have the effect of preserving colonial land distribution as much as their predecessors.

Adding insult to injury, the bureaucratization of land reform, for instance, has proceeded painfully slowly if at all, and the “willing buyer-seller” model, selected by Land Affairs, effectively insures those holding land. Given the ANC’s concession at Kempton Park to “sunset clauses” that “safeguard for a period the position of whites in public employment” and the perseverance of slum clearance and forced removals as acceptable political choices, is there any cause for surprise that these policies are not so much legacies of Apartheid as much as they are being practiced by those who ran Apartheid? With assistance from the World Bank, the ANC’s selection of the “willing-buyer-willing-seller” scheme has required marginalized and impoverished populations to engage in market-based negotiations for land redress. Such has proven wholly inadequate⁴¹⁰, and even the World Bank concedes that the “land market, as it is defined in many countries that are characterized by very unequal landholdings, fails to redistribute land.”⁴¹¹ Initial capital subsidies offered were only R15 000 under the Settlement and Land Acquisition Grant (SLAG), but these only operated between 1994 and 1999, when a total of 41 land claims were settled.⁴¹² Though the state is charged to facilitate claimants’ appeals and provide some support them, the land reform model adopted by the ANC “limit[s] the state[‘s] function to providing a tiny once-off capital subsidy (R15 000) far too small to acquire a decent plot of land.”⁴¹³ Suspended between 1999 and 2001 for internal review,

⁴¹⁰ Again, we need to complicate our assessments of the goals of the government. It is only if we believe that the government set out to redistribute land that we can call their policies “failures.” If the government set out to preserve property relations and prevent substantial restitution and alteration of South Africa’s existing land and space arrangements, the government deserves credit for its remarkable successes.

⁴¹¹ van den Brink et al. p.29.

⁴¹² van den Brink et al p.36.

⁴¹³ Bond, Patrick. p.47.

SLAG was replaced with Land Redistribution for Agricultural Development (LRAD) grants on a sliding scale, conditional on the buyer's contribution. Fantastically, LRAD allows that, if groups of dispossessed poor persons could contribute R400 000, they could claim the highest grant of R100 000, yet on the whole LRAD "is currently severely budget-constrained."⁴¹⁴ The pace of claims settled did increase under LRAD when government allowed settlements to occur outside of the Land Claims Court; 48 000 claims have been settled through 2004.⁴¹⁵

Given that we have witnessed the NP, in seeking to retain its Apartheid gains and colonial plunder, "favour[ed]... a system whereby property rates...are based on the market value of the property concerned,"⁴¹⁶ can we say that the ANC's land reform and urbanization policies have accomplished exactly what the NP desired? To establish their failure, we must assume some motive on their behalf, and surely the bromides of legislative preambles are not reliable. For those who are unwilling or unable to assign motives to the ANC's "failed" reforms, we must insist that these persons demonstrate how the ANC's approach has differed from that recommended by the NP, and then consider the extent to which preambles really affect policies. In terms of policy, there are remarkable consistencies between those enacted, which some call "failed," and those recommended by the NP. Given the NP's goals, some observers will survey the situation and conclude that the legislative power has been used excellently to achieve the goal of **stagnating** the spatial land and property complexion of South Africa. Ntsebeza concludes, "there is no doubt that the market-led approach to land reform including the property clause and the willing buy, willing seller condition will not unravel years of colonial and Apartheid dispossession."⁴¹⁷ The pre-1913 dispossession which is

⁴¹⁴ van den Brink et al p.35.

⁴¹⁵ van den Brink et al p.36.

⁴¹⁶ WP p.39.

⁴¹⁷ Ntsebeza p.85.

categorically excluded from any “reform” mechanisms, it is crucial to reiterate, represented “more than 90 per cent of the land surface, a process that was formalized with the passing of the notorious Native Land Act of 1913.”⁴¹⁸

But it is not as if lands stolen since 1913 have returned to those disinherited; through 2003, the deracinated have seen .007% of commercial agricultural land transferred⁴¹⁹ and the ANC’s own targets have been missed for land redistribution and restitution. It is duly important to realize that the persistence of exploitative relations were foreseen and protested. The National Land Committee and others launched sustained protests during the Kempton Park negotiations with a simple statement: “The land that was stolen from us must be returned.”⁴²⁰ These demands were accompanied by land occupations near Johannesburg and elsewhere during the negotiations and intended to highlight the continued plight of the landless and the squatters in South Africa. A strong protection of property in the new Constitution, they insisted, “would actually ensure that historic land theft would be legitimized by the new Constitution, thereby limiting the possibilities of land reform in the post-Apartheid era.”⁴²¹ Mngxitama continues, “The reality was that the basis of the ‘transference’ of political power from the racist minority regime to a Black majority was based on the agreement that land would not be taken from the settler colonists and the Property Clause guaranteed this understanding.”⁴²² Land reform has been sickly, with all targets for redistribution missed. Glen Thomas, then Deputy Director-General of the Department of Land Affairs, has since called those estimates “dreams.”⁴²³ The RDP called for 30% redistribution in the first five years of democracy,

⁴¹⁸ Ntsebeza, Lungisile. “Slow Delivery in South Africa’s Land Reform Programme: The Property Clause Revisited.” In *Articulations, A Harold Wolpe Memorial Lecture Collection*. Amanda Alexander, ed. Asmara, Eritrea: Africa World Press. 2006. p.78.

⁴¹⁹ Greenberg p.17.

⁴²⁰ National Land Committee, “Land Charter,” 1994.

⁴²¹ Mngxitama p.58.

⁴²² Mngxitama p.60.

⁴²³ Ntsebeza p.77.

but in over ten years only 3% has been returned.⁴²⁴ “The demand-led nature of land reform has meant that benefits are more likely to be claimed by those” with pre-existing privilege and resources.⁴²⁵ Apartheid-era crimes were never rectified, and rather than being repudiated in post-Apartheid planning, strategies for forced removals and racist zoning are continuously implemented. Moreover, some legislation of a particularly crippling nature to any moves toward “the people sharing in the nation’s wealth” are still in effect and are enforced by the executive, today. The Subdivision of Agricultural Land Act,⁴²⁶ promulgated in 1970 to guard against the “blackening of the countryside” (“die verswarting van det platteland”) safeguards large tracts of unproductive land from subdivision to accommodate smaller buyers. This “social policy which ensured that white farmers earned an income acceptable to white society” “functions as a powerful barrier to racial integration in the commercial farm areas.”⁴²⁷ Agricultural land taxation is likewise biased against new and small landholders, and “the land wealth of large farms is either not taxed at all, or, based on a 1939 law, taxed at a rate 100 times less per hectare than that which applies to small farms.”⁴²⁸ Again, we cannot under-stress the point that these situations are persistent: policies that have either now changed since 1994 or policies that have deepened property divisions.

⁴²⁴ Mngxitama p.37.

⁴²⁵ Hall, Ruth, and Williams, Gavin. “Land Reform: The South African Case.” in *From Cape to Congo*, Landsberg and Baregu, eds. Boulder: Lynne Rienner. 2003. p.112.

⁴²⁶ No. 70 of 1970.

⁴²⁷ van den Brink et al p.30-31.

⁴²⁸ van den Brink p.31.

Return to Removals

Moreover, rural and urban populations have experienced removals and slum clearance identical in effect to those of the Apartheid era. Mandela Park, outside Cape Town, and Brendell, outside Johannesburg, are illustrative cases, but must be situated in a context of South Africa under the ANC. Joining the GATT in 1994, just days after his election, Mandela and his cohorts quietly abandoned the Freedom Charter⁴²⁹ and COSATU's Redistribution and Development Program (RDP) in the next year. The latter document, on which the ANC-COSATU-SACP alliance triumphed in the country's first elections in 1994, was replaced unceremoniously with Growth, Employment, and Redistribution (GEAR), a macro-economic framework designed by World Bank economists and the ANC. Standard structural adjustment followed: lowering of corporate taxes, reductions in tariffs, and the privatization and cost-recovery requirements of municipal services and state industry. Public housing was privatized across the country. "Soon after the ANC took power it entered into relationships with banks and private developers and, in an astonishing ideological somersault, became unashamedly committed to neo-liberalism's foundation developmental principal – cost-recovery."⁴³⁰

Mandela Park is interesting here because it was built by the Apartheid government in partnership with private capital for private profit, in 1986 in a situation that the Venter Commission would champion. Western Cape authorities were eager to move large numbers of Africans away from white population centers ("Black spots"), and these shacks reflect the government's priorities. "They had no ceilings, or only one door, or no ventilation, they had cracks. They had rising damp. There was no plaster. There was only

⁴²⁹ For a powerful interrogating of the Freedom Charter and its contested history, see Tleane, Console. "Is There any Future in the Past? A Critique of the Freedom Charter in the Era of Neoliberalism." in *Articulations*, Alexander ed.

⁴³⁰ Desai and Pithouse p.4.

one door. And the lot size was too small. The banks built two houses on a single plot. These problems still exist in those houses today – 14 years later.”⁴³¹ In 2000, however, it was the ANC that would demand cost-recovery from the poorest, in partnership with lenders. What remains enormously important is that the ANC assumed responsibility for the NP’s disastrous project. “In Mandela Park, the ANC took up the drive for cost recovery with such brutal enthusiasm, [and] offered such quick support to the banks’ own drive to make good on bond repayments.”⁴³² And this has become the ANC’s housing policy, in line with GEAR’s requirements for minimal state-subsidization of any public projects; cost-recovery demands profits or at least full-repayments, and a surplus value is necessarily extracted from the shack dwellers and the squatters to enable to persistent enrichment of South Africa’s richest. Prices for schooling, water, electricity, housing, and other basic requirements of life, have increased such that at least 10 million have been disconnected from water, 10 million have been disconnected from electricity, and at least two million evicted, *since Apartheid ended*.⁴³³

Beginning in January, 2002 at Mandela Park, evictions began. Over 2,000 dwellings were scheduled to be emptied, though since 1994 (1986?) the stated purpose of these removals is economic rather than racial. But like previous evictions, the slums in which the evicted are resettled (if they exist at all) are barely adequate to raise cockroaches. One former resident of Mandela Park was removed to a house “with no inside plastering, a leaking roof, and no bath or shower.”⁴³⁴ He died of pneumonia that winter. The Western Cape Anti-Eviction Committee has been formed and demonstrated throughout Cape Town, at times in excess of 5,000 persons, and throughout the townships. We should expect nothing less from the people who ended the NP’s rule. “People who had been evicted

⁴³¹ Interview with Ntanyana and Goboza, cited in Desai and Pithouse p.3.

⁴³² Desai and Pithouse p.10.

⁴³³ Desai, Ashwin. “Neoliberalism and Resistance in South Africa.” *Monthly Review*, Jan 2003, 54, 8. p.19.

⁴³⁴ Desai and Pithouse p.14.

from their homes by the Group Areas Act during Apartheid, who had been forced out of ‘coloured’ townships as the government tried to police a ‘coloured labour preference policy,’ who had been forced to find shelter in squatter settlements, now find the same thing happening to them again.”⁴³⁵ The bureaucratic apparatus for forced removals and resettlement is still at work. Moreover, the persistence of removals to nowhere cannot be overlooked as a strong continuity between NP and ANC rule. GEAR’s housing policies, like its labour and land policies, work to preserve the Apartheid arrangements and not change them.

Outside Johannesburg, evictions from slums proceeded similarly, though perhaps more violently. Ten thousand people were removed from a shack settlement near the airport in July 2001. “Scenes of wailing women visited national television screens for days, newspapers carried pictures of mothers and small children watching hopelessly as their only homes were destroyed.”⁴³⁶ In Durban, the municipal government has recommended “slum clearance” from an Apartheid ghetto into “poorhouses” where electricity and water consumption can be more closely monitored (and billed), while “the houses that they occupied for over three decades are upgraded and sold at a profit.”⁴³⁷ Durban’s managers are also working to prevent any improvement of current shacks by their residents – they consider this “building” and thus antithetical to their objective of slum clearance. Municipal authorities also refuse to bring electricity and water to many of the shacks, including Kennedy Road settlements where the Abahali baseMjondolo was formed in 2005 to challenge the city’s continued refusal to take any benevolent interest in the lives of the 800,000 shack dwellers around Durban. Motala Heights shackdwellers Lewisa

⁴³⁵ Desai and Pithouse p.14.

⁴³⁶ Mngxitama p.70.

⁴³⁷ Desai 2003 p.20.

Motha and Sthembiso Mkhize explain it perfectly: “When we try to attach small extensions to our Mjondolos, we are greeted by municipality’s saw.”⁴³⁸

Since “democracy,” more than two million have been evicted in South Africa, mostly from shacks, slums, and “illegal” squats. Piet Koornhof, NP Minister of Development, let us recall, applied for amnesty for moving 3,000,000. “In the face of a coldly rational model of planning, the horror of forced removals has not been consigned to history along with Apartheid, but remains alive in post-Apartheid South Africa.”⁴³⁹ The demands of a market economy on the housing supply for South Africans have sustained the effects of Apartheid. “Relocation, the Apartheid discourse, was now a part of the language of the ANC.”⁴⁴⁰ These devastating heritages are suffered chiefly by the children and grandchildren of those removed in the 1920s, 1930s, 1940s, 1950s, 1960s, etc. It is additionally cruel that the policymakers today – those securing court orders against the 10,000 of Bredell, those privatizing horrendous public housing and refusing to provide electricity in Durban – are the ones for whom so many died to put in power. But the ANC’s “[f]ormal deracialisation is accompanied by continued exclusion based on economic ‘value.’”⁴⁴¹ Given that the Constitution entrenched rather than reproached the enormous crimes of the Apartheid regime, are these results really surprising? And, given the motives of the NP who advocated nearly identical policies to keep low-income South Africans in the rural areas and in the plumes of toxic refineries, should ungovernability be resurrected (yet)? The dispossession of the African majority in South Africa cannot be redressed with the Washington Consensus, nor by elites. At Chatsworth, outside Durban, Desai recalls “one of the central reasons for raising the specter of relocation was because the indigents were seen as a barrier to the [Durban Metro] council off loading the houses

⁴³⁸ Motha, Lewisa and Mkhize, Sthembiso. 13-June-2006, community meeting.

⁴³⁹ Greenberg p.14.

⁴⁴⁰ Desai 2002. p.47.

⁴⁴¹ Greenberg p.12.

as quickly as possible at a tidy profit.”⁴⁴² Housing backlogs are staggering and service delivery is priced beyond the reach of the poor – whether politicians and policies are returning to or consolidating Apartheid seems an unnecessary distinction, perhaps even semantic, given the immutable status of the poor.

A consistent effect of removals in South Africa is the destination of displaced persons: nowhere. Given that the Apartheid and ANC governments have enacted wide-reaching programs to move people to barren plots, we cannot assume that their motives are the betterment of the persons involved. Pithouse recalls the alarm of the Kennedy Road shack settlement when, in 2005, municipal authorities informed them of its desire to resettle them in “the periphery,” instead of a nearby plot of land (which had been promised to them years earlier, and would now become home to a brick factor).⁴⁴³ The learning curve of those on the receiving end of these policies, however, is sharp. A year later in a similar meeting, when told “that the only complaints that will be entertained are about corruption within the policy but these must be made, in specific detail, through the right channels”, Mnikelo Ndabankulu responded “It is the policy that is oppressing us. Moving us out of the city is the same as Apartheid.”⁴⁴⁴

Be it for racial purity, industrial expansion, or cost-recovery, successive regimes in South Africa have treated the majority population more as units of production than persons, and more like aliens to be deported from the white areas or repatriated to Zululand or India than citizens. Another Mandelaville was emptied outside Johannesburg in 2002: 1750 families were uprooted and their property destroyed, only later to hear the City of Johannesburg Property Company announce the land would be developed for retail and

⁴⁴² Desai 2002 p.47.

⁴⁴³ Pithouse, Richard. “Struggle Is a School: The Rise of a Shack Dwellers’ Movement in Durban, South Africa.” *Monthly Review*. February 2006.

⁴⁴⁴ Pithouse, Richard. email update to Centre for Civil Society listserv, 21-July-2006.

industrial purposes. “Despite the rhetoric of integrated urban spaces,” the Rainbow Nation, and the deracialized South Africa, “most housing subsidy projects ‘have been – and continue to be – located on cheap land in peripheral locations, thereby consolidating existing Apartheid spatial patterns and creating new inequities.’”⁴⁴⁵ As I write, the Abahali baseMjondolo community at Motala Heights is in a state of siege. On Youth Day, June 16, 2006, officials hoped that residents would be away celebrating the 30th Anniversary of the Soweto Uprising. They spray-painted shacks marked for demolition and announced plans to bulldoze. The community has obtained temporary legal protection against pre-emptive destruction, while the councilor and municipality urge the destruction of thousands of “illegal” persons’ homes.

Post-Apartheid reforms have failed miserably, unless we consider the enrichment of the few a goal of the regime all along: though the gap between Black and white has narrowed in the 1990s, the gulf between rich and poor has widened far beyond where it stood during Apartheid.⁴⁴⁶ In 2004, one observer recorded, “The ghost of Apartheid returns to haunt spatial planning, since existing land ownership by the state makes it much easier and cheaper to simply continue with the process of resettling people in areas that were already designated for resettlement under Apartheid, where land is already owned by the state.”⁴⁴⁷ At the same time, in Cato Manor, city authorities encouraged displaced persons from the 1950s to weigh the possible benefits of “developing” the area against their desires to return. Where there are funds going toward any form of redistribution or public services, they are wholly inadequate to the task.

⁴⁴⁵ Greenberg, Stephen. “Post-Apartheid Development, Landlessness, and the Reproduction of Exclusion in South Africa.” *UKZN CCS Research Report No. 17*. May 2004. p.13.

⁴⁴⁶ Saul, John. *The Next Liberation Struggle*. Scottsville: University of KwaZulu-Natal Press. 2005. p.203.

⁴⁴⁷ Greenberg p.17.

Johannesburg established a rapid response team that bragged about its ability to quickly dismantle and remove informal settlers, and policies in South Africa appear to be returning (did they ever retreat?) to the Apartheid-era maxim “cities are for whites, Bantustans are for Bantus,” albeit with a tiny Black middle-class and even tinier Black upper-class in the cities. “Privatization” as forecast in a review of the WP, “has increased the potential for the poorest to be pushed out to the urban periphery.”⁴⁴⁸ In Johannesburg, occupations of high-rise apartment buildings have been met with brutal repression, while “poor residents of the inner city complain that most of the new cheaper housing is on the periphery of the city – from there, they will have to spend at least 12 rand (\$2) a day commuting.”⁴⁴⁹ Sheresa Sibanda of the Inner City Resource Centre says, “The government says there is no land for housing, but there are buildings.”⁴⁵⁰

Community groups are demanding upgrades of shacks by city managers (or even the allowance to upgrade without the city dismantling the improvement), and flat communities are protesting against arrears and rents. Shirley Ebrhiam explains, “We have been paying for the flats since they were built in 1961. They have never been upgraded; there are cracks in the walls. Why should we be paying rent when we have already bought these crumbling flats many times over?”⁴⁵¹ The similarities between “post” and “Apartheid” are obvious. Another important factor yet unacknowledged is the persistence in political circles of the forced removal as a political and/or economic tactic. It is striking that the victims (and vociferous detractors) of such a crime could later commit it, and likewise it is curious that such an event has not become beyond the pale for a politician in South Africa. To commit an act like Verwoerd, for instance, some would assume would constitute an act of political suicide, but the continued use of this tool

⁴⁴⁸ Sutcliffe p.96.

⁴⁴⁹ Pearce, Justin. “Johannesburg poor fight for their homes “ Story from BBC NEWS: <http://news.bbc.co.uk/go/pr/fr/-/2/hi/africa/4883926.stm>. Published: 2006/04/10 00:14:32 GMT

⁴⁵⁰ Ibid.

⁴⁵¹ Ebrhiam, Shirley. Interview, 20-June-2006.

could demonstrate that the legitimacy the ANC claims (and apparently is awarded) is sufficient to allow for a wide range of abuses, or South Africa as a political culture has simply grown accustomed to abusing its poor/African population.

Finally, I wish to note that whether or not the continued existence of forced removals to nowhere, the bureaucratization of racialized and class-dependent space and the indifference of elites to miserable housing conditions is the persistence of Apartheid, these policies are ugly. These policy choices are dehumanizing and cruel. That the words “Apartheid” and “colonial” should cause revulsion is surely not missed on the author. Indeed, when arguing that something is “persistent” or “continued” Apartheid a speaker no doubt intends to conjure all the hostility that an audience might possess. We use the word to demonstrate just how vile the situation is. And in fear that I have not demonstrated so, I will rest on the claim that these actions by the ANC and the Republic of South Africa are vicious, and seemingly designed to benefit only the rich at the expense of the majority. Given that that majority is Black and the setting is South Africa, we might consider the situation akin to Apartheid. But given that many of the practitioners are Black, the “Apartheid” label may be difficult to stick. Let us rest then, and agree that these policies, regardless of their authors and victims, are as malignant as any Botha and the Broederbond considered. Apartheid or not, 2006 South Africa is a horror in many ways for the Black majority due to the choices of its rulers. And replace 2006 with 1956 and you’d call it Apartheid, replace it with 1856 and you’d be in the Republic of Natalia.

Chapter Seven – Conclusion

As predicted by Gramsci, South African's rulers have maintained faithful to capital, but have done so with more success than the NP could because of their perceived legitimacy. Whereas the NP's Normative Economic Model in 1993 could not be implemented because the NP had failed politically, the ANC's GEAR macro-economic policy, though strikingly similar in ideology and effect to the NEM, could be rammed through South Africa without much coercion. South Africans as a whole, demonstrated by elections and their withdrawal from resistance, have consented. In power, the ANC's decisions to privatize "as many [municipal] services as possible"⁴⁵² was a boon to investors, one that could not have been accomplished during the NP's rule. These decisions "would not only lead to retrenchment of workers but would rapidly hike the price of services and cause a clampdown of unimaginable proportions on those who were too poor to pay for the meager services they were receiving."⁴⁵³ On the margins, coercion is required for those who remain committed to a change in life. But the new "hegemony by the ruling class has resulted in a new historic bloc, comprising large-scale export-oriented capital together with African nationalist political leadership."⁴⁵⁴ Capital has indeed wedded the ANC, and the ANC capital, as the "political legitimacy of the ANC, founded on years of struggle, enabled the banks to act on bad debts,"⁴⁵⁵ the privatization of public services, and facilitated South Africa's passage into neo-liberalism. Capital employed the ANC to return South Africa's population to governability by gaining their consent. As "a ruling group exercises hegemony to the extent that it can rely on the voluntary cooperation of its citizens [and to] that extent it has to employ police-state methods it does not possess hegemony,"⁴⁵⁶ we can observe that the transition to democracy was an elite transfer of power rather than a break with the past. Capital's middle-managers, its deputies and local

⁴⁵² Desai 2002 p.92.

⁴⁵³ Desai 2002 p.92.

⁴⁵⁴ Greenberg p.5.

⁴⁵⁵ Desai, and Pithouse p.4.

⁴⁵⁶ Germino p.26.

enforcers, are now those who once opposed both the capitalist system and South Africa's local managers. With the once-"opposition" in power, ungovernability vanishes and hegemony is maintained; consent is secured because of the leaders and their history, not because of the policies they enforce. Mbeki has even argued "against the specter of ungovernability" in internal ANC documents.⁴⁵⁷ Mbeki's reliance on COSATU and the SACP is most obvious during elections: "Mbeki needs COSATU and the SACP to contain the working class and deliver the votes. There's no way he wants to break up the alliance; he just doesn't want them to cross a certain line."⁴⁵⁸

In few areas other than land reform is this argument stronger. The NLC's protests during the Kempton Park negotiations have already been mentioned, but a fuller discussion of the stalled land reform policies the ANC has promulgated should quickly show that the ANC has used its position as a legitimate and (self-) righteous national force to mold the South African population back into earlier designs: "the 'nation' translated this image of unity into organized consent for policies of development and modernization."⁴⁵⁹ The policies violently resisted during Apartheid are now cemented. Land reform, in a nutshell, "has been side tracked, and there has been no significant attempt to reorganize the rural economy on the basis of a more egalitarian ownership structure."⁴⁶⁰ In effect, the ANC decided it would not disrupt the ownership patterns Apartheid created and coerced its subjects to follow. But now, the ANC generates spontaneous consent, but of course not everywhere. Subaltern and marginalized groups protested with great publicity at the 2001 World Conference Against Racism in Durban. Over 20,000, compared to the ANC's few hundred, denounced the conference and its sponsors under the slogan "Neoliberalism is Racism." They were denounced as "ultra-leftists" by the regime and its

⁴⁵⁷ Mngxitama p.63.

⁴⁵⁸ Ngwane, Trevor. "Sparks in the Township." Interview. *New Left Review* 22. July/Aug 2003. p.54.

⁴⁵⁹ Barchsiei p.12.

⁴⁶⁰ Greenberg p.16.

cohorts, but their words are important. The motley group of landless, HIV+, environmentalists and others objected to “the UN system and the ways in which the ANC and heads of state all over the world are allowed to posture as acting in the interests of the poor through proclamations around fighting racism while implementing policies that prevent the eradication of racism.”⁴⁶¹ COSATU has used its heft to denounce, demonize and disrupt participants, notably at the World Summit on Sustainable Development the next year when the labour congress forbade entrance to groups critical of the ANC. COSATU’s 2005 Central Committee Declaration reiterates these points. In their own words (to a shrinking membership), they declare:

7. ANC

The Central Committee welcome the decision of the ANC NGC that the ANC should retain its character as a liberation movement. Under no circumstances should the ANC give up its traditions of working-class leadership, internal democracy and debate in exchange for a western-style bureaucratic political party geared only to winning elections.⁴⁶²

Operating within the aforementioned property clause restrictions, the ANC in power enacted land reform legislation that was designed to be minimal in impact. The large agricultural sector had commanded an important place in the Apartheid regime that related its legitimacy to the “Great Trek” of Boer farmers into the veld. Forced removals in urban and rural areas had deracinated millions during the period of minority rule (both British and Afrikaner) and turned them into subjects of South Africa, not citizens. The government’s re-tribalization should be seen as an aspect of indirect control, in Mamdani’s argument the apex of colonization, not an aberration.

⁴⁶¹ Naidoo and Veriava p.47.

⁴⁶² Declaration of the Third COSATU Central Committee. August 2005. Section 7. available online p.<http://www.cosatu.org.za/docs/2005/declarations.pdf>

Greenberg argues that these property thefts are crucial in understanding the loss of citizenship rights for South Africans, and redressing them is as important a step as could be taken toward making South Africans full persons before the law again. This was not in the interest of capital or the ANC if we are to take their policies as any indication of their interest. A strong protection of property in the new Constitution, landless groups screamed during negotiations, “would actually ensure that historic land theft would be legitimized by the new Constitution, thereby limiting the possibilities of land reform in the post-Apartheid era.”⁴⁶³ Pressures from the World Bank and industrial capital demanded that the ANC resist any large property returns, and those pressures triumphed. And in urban areas, “despite the rhetoric of integrated urban spaces,” the Rainbow Nation, and the deracialized South Africa, “most housing subsidy projects have been – and continue to be – located on cheap land in peripheral locations, thereby consolidating existing Apartheid spatial patterns and creating new inequities.”⁴⁶⁴

Land reform has been premised on a “willing buyer-seller” model; the market god is entrusted “as the primary mechanism for the allocation of productive resources and the distribution of goods and services.”⁴⁶⁵ Fewer than 3% of slated land has been redistributed since 1994, and that allocation target was selected by the ANC. In terms of commercial land, the most valuable and highly important in terms of our discussion on the persistence of an Apartheid-economy, the deracinated have seen .007% of commercial agricultural land returned.⁴⁶⁶ “There is no clear break with the colonial and Apartheid relations of oppression, exploitation and indignity for these landless, less so with capitalist property relations and ownership of land.”⁴⁶⁷ Again, we see the ANC’s “seductive discourses [of] ‘National Liberation’ and ‘Developmentism’” have allowed it

⁴⁶³ Mngxitama p.58.

⁴⁶⁴ Greenberg p.13.

⁴⁶⁵ Greenberg p.2.

⁴⁶⁶ Greenberg p.17.

⁴⁶⁷ Mngxitama p.38.

to do what the NP could not – entrench Apartheid’s dividends. All claims for land reform had to be dated after 1913, the year the Native Land Act went into effect and the African population was confined to 7% of the country. This was, crucially, one of the largest singular dispossessions, one of the most obvious state crimes, and one of the last national thefts – the ANC’s decision to only hear land claims after 1913 ensured that these crimes would never be redressed, that the fundamental market they had created could remain intact. The land issue – both urban and rural, if they are even separate – has been one of the most persistently contentious in South Africa since Europeans arrived in 1652, and it would continue were it not for the ANC’s ability to end the issue. Desai and Pithouse are frank when they explain,

The white elite relentlessly seeks to naturalize its privilege by disguising its history of conquest, expropriation and exploitation and presenting itself as the modernizing vanguard while the Black elite seeks, with equal vigour, to entrench a systemic forgetting of the radical values of the struggles that brought it to power to be able to claim to be the vanguard of a project called transformation.’ In both cases the majority, who are becoming steadily poorer, are told that everything depends on nurturing and perpetuating the privilege of a minority who are becoming steadily richer.⁴⁶⁸

Witness the rise of forced removals in Johannesburg, Durban and Cape Town, and one can find the protection of an Apartheid distribution of power and wealth in action. But what is most interesting is the quiescence of South Africans to the conditions (or more impoverished conditions) in these slums that were once the sites of violent and sustained anti-systemic movements. Writing about the forced removals of thousands at the Mandela Park settlement outside Cape Town, Desai and Pithouse show how the ANC has taken to using its legitimacy to act on Apartheid-era debts and institute the forced removals of debtors.

⁴⁶⁸ Desai and Pithouse p.8.

It was not only in Durban that resistance to the new government and its policies was being bred. Struggles led by independent community-based organizations flared up all over South Africa. Those closer to the action in Soweto in Gauteng and Tafelsig in the Western Cape are better able to make sense of the dramatic developments in these areas. But in the townships of Durban, Cape Town, and Johannesburg the issues were the same: cost recovery was causing government to attack its own citizens in ways reminiscent of the Apartheid days.⁴⁶⁹

In this private-public-partnership with the South African Nation Civics Organization (SANCO), the ANC gave a 20% stake in the Apartheid-created slum to the “independent” civil society group. Acting to collect debts accrued under Apartheid for the shacks, SANCO and the ANC responded to the banks demands for removals. “Banks are important, even revered. When the bank’s lawyers get nasty, the state must be seen to respond to their Court orders immediately, lest boardroom whispers begin about South Africa’s commitment to the rule of law.”⁴⁷⁰ SANCO is like other parts of civil society that the ANC has directly funded or supported, often after losing popular battles with indigenous NGOs. The Treatment Action Campaign, a highly-successful and militant HIV+ rights and treatment group, found itself challenged on the right by the ANC’s National Association for People With AIDS after the TAC’s successes. Prescient, long-term observers observe “The ANC has taken this further by trying to create or co-opt simulated mass organization to legitimize its policies.”⁴⁷¹

Beyond the initiation of forced removals, entrenching the land rights of the Apartheid masters may be the ANC’s most deliberate and conspicuous machinations to appease capital. The fiscal crisis the Black majority caused to South African capital in the 80s could only be managed, I have argued, by the ANC. As the “State is the entire complex of practical and theoretical activities with which the ruling class not only justifies and maintains its dominance, but manages to win the active consent of those over whom it

⁴⁶⁹ Desai 2002 p.91.

⁴⁷⁰ Desai and Pithouse p.13.

⁴⁷¹ Desai and Pithouse p.12.

rules,”⁴⁷² and the NP had outlasted its abilities to win consent, justify its dominance and pursue new reforms in the world capitalist system, it could not remain. We should not be surprised that the CEO of Anglo-American, the mining cartel that controls most of the world’s diamonds and almost everything that comes out of the mines in South Africa, officially met with the ANC before the NP did.

Apartheid coercion became too expensive for capital, and the ANC offered capital the most adequate stabilization force, the best consent-generators for a democratic South Africa. Given that divestment and domestic unrest would not end without majority rule, the majority’s rulers were groomed to accomplish what their sadistic predecessors could not: “liberalize” the economy and secure their dominance. Throughout the 1980s, “South African capitalism was increasingly viewed not only as a prisoner of an outmoded (and increasingly politically dangerous) racial ideology but of an outmoded economic strategy as well.”⁴⁷³ The Apartheid government’s pariah status prevented its incorporation in the sub-region and continent. Since “liberation,” the ANC has presided over South Africa’s entrance into and dominance of the Southern Africa Development Community, an economic cooperation program designed to reduce tariffs and encourage investment. Growth, they claim, will follow. South Africa contains Africa’s most developed infrastructure and represents nearly half the continent’s GDP; finally, South African industry can expand beyond its Apartheid borders and pursue new markets.

The mind-bogglingly large repressive state apparatus that was Apartheid had broken in many regards, thanks largely to the militancy of the COSATU, the very organization the ANC would successfully demobilize and corporatize after the transition to majority rule. This decision was crucial to its success as the new managers of South Africa for the

⁴⁷² SPN p.244.

⁴⁷³ Saul p.204.

radical democratic nature of COSATU and its economic-left orientation had to shut down and begin serving its purpose in civil society: reiterate TINA and nationalist bromides, and generate consent for the (unchanged) productive requirements of society. Industrial “conflict was to be institutionalized” and COSATU began “to contain and domesticate dissent” to the ANC.⁴⁷⁴ COSATU, when formed, would in the words of its leaders, allow the workers to dictate the terms and goals of the liberation struggle. COSATU found itself working for the ANC’s bankers after 1994, banning members who saw their goals dashed by the leadership, and attacking anti-hegemonic groups like the Anti-Privatization Forum.⁴⁷⁵ COSATU’s internal documents acknowledge its current position as lieutenant for the ANC’s investors; its 2003 discussion document states “The Alliance has been reduced in practice into a crisis manager, mediating mostly between the state and COSATU.”⁴⁷⁶ Estimates rage, but it is clear that South Africa has been hemorrhaging jobs since the 1970s – and the ANC has ruled over the “biggest reduction in employment” in decades.⁴⁷⁷ In the late 1990s, when the COSATU-ANC-SACP Alliance was firmly in controls of government, net job losses at 1-4% registered, and the estimates of unemployment in the country approach 50% nationally, while some regions (particularly in the North) are well over 65%.⁴⁷⁸ Even official governmental figures show that in 2002, unemployment jumped from 16% in 1995 to 30% in 2002.⁴⁷⁹ These figures challenge the alleged liberation of South African’s Africans, and complicates the image of a new/improved/different South Africa. Bond argues “ANC’s demobilization of unions and hostility to national strikes undertaken for political purposes, such as the national actions against privatization in 2001 and 2002”⁴⁸⁰ are indicative of the new role of

⁴⁷⁴Desai, Ashwin. “Neoliberalism and Resistance in South Africa.” *Monthly Review*, Jan 2003, 54, 8. p.23-4.

⁴⁷⁵ Naidoo and Veriava p.41.

⁴⁷⁶ Naidoo, and Veriava p.20. .

⁴⁷⁷ Hemson p.206.

⁴⁷⁸ Bond p.47.

⁴⁷⁹ Bond p.47.

⁴⁸⁰ Bond p.47.

COSATU: a muffler in civil society. After participating and witnessing his struggles for decades, Desai records how the COSATU has become a powerful force in civil society that supports the ANC and uses its position to reinforce their neoliberal policies rather than attack them. They are consent-generators, and especially strong ones given their history and past lives of resistance:

Given the scale of their contribution to the struggle against Apartheid, one would expect the unions to lead the fight for social justice in the new South Africa. This is not the reality, however...the big trade unions are part of the bulwark that is preventing autonomous and radical resistance developing against the ANC and its neoliberal policies.⁴⁸¹

These circumstances are strikingly reminiscent of Gramsci's "civil society" sketches, such that COSATU's function is now to dampen labour militancy and mold its members to the productive needs of the larger society. With its partner the ANC in power, capital has muted the once-opposition COSATU. Whereas once non-racial trade unions were therefore a huge impediment to the Apartheid system – the solidarity of workers in a 1984 stay-away demonstrated to the shareholders of South Africa that political demands would now be voiced in the workplace – COSATU works to secure consent for the hegemony of the economic system which the ANC has inherited. Whereas COSATU's first purpose was to bring the anti-Apartheid struggle into the workplace so that no part of South Africa was immune to the ungovernability tactic, it is now charged with legitimating and rationalizing the ANC's neoliberal policies. In the crucial period following the unbanning of the ANC and release of Mandela and other leaders, it was COSATU's mobilizing capacity, organizing drives and councils that allowed the ANC to hit the ground running. And this had to end: the demobilizing effects of ANC labour legislation were intentional; the institutional framework arranged by the post-Apartheid government "binds labour to a set of processes that prevent industrial action and bind

⁴⁸¹ Desai 2002 p.100.

workers to the vision of enhancing productivity in the interests of growth as defined by GEAR.”⁴⁸²

Considering whether the new government has really succeeded in (or attempted to) make anything “post” Apartheid different from Apartheid, we might look into the words of Walter Sisulu, one of the founders of the armed wing of the ANC who spent 27 years with Mandela in Robben Island.

When Walter Sisulu was released from prison and went back to Soweto, he had said, ‘Much of Soweto has not changed since I first came to live here in the thirties...with few exception the matchbox houses are very much the same. A government who is not addressing the basic issue of decent housing is not seriously committed towards political change.’⁴⁸³

And this is exactly the point. The ANC’s mantle of a national liberation force allowed it to impose and extract consent from the majority of South Africans in several election cycles; their command over the country is nearly total. Given their now awesome responsibilities to maintaining the inequalities that were so advantageous to a minority, and molding the population according to the productive desires of that same plutocracy, “the reality was that, for many, things were going to get worse and more difficult”⁴⁸⁴ after the ANC assumed the commanding heights. The ANC, if we take Sisulu’s judgment forward a few years, “is not seriously committed towards political change.” It is committed to perpetuating the economic apparatus most advantageous to the small elite section of society; building new homes for the slum population is not their concern; the houses are very much the same. “The multitude that brought that ANC to power with millions of acts of rebellion, from strikes to burning barricades to refusing to stay and pay and obey, became a (just slightly fractious) people under the ANC.”⁴⁸⁵ Much has

⁴⁸² Naidoo, Prishani, and Veriava, Ahmed.

⁴⁸³ Desai 2002 p.91.

⁴⁸⁴ Desai 2002 p.92.

⁴⁸⁵ Desai 2002 p.10.

persisted in South Africa; it is only the decline of coercion that waned, not poverty; it is only consent that has increased, certainly not wages, health or living standards.

In this thesis I have attempted to analyze the ANC's performance with guidance from Antonio Gramsci's theories on consent and coercion. It was argued that the ANC's predecessors, the NP, failed to extract consent from the majority of the population, and consequently had to exert their coercive apparatus against this majority. But as such a situation was untenable to the interests of investors and South Africa's financial managers, they sought replacements whose leadership could generate spontaneous consent, and thus bring the country into a more current model of political economy. Central to the success of this strategy was the demobilization of counter-hegemonic organizations (COSATU the most important), and the transformation of these elements into loyal members of civil society.

If I am correct, counter-hegemonic strategies aimed at unseating the ANC (only the current most visible element of power in South Africa) and the system it manages, should strive to indicate the continuities between successive regimes. Given the demonization of Apartheid across the world, any linkages that can be substantiated between ANC and NP policies against the Black majority and poor majority might work toward unearthing the situation Gramsci may have predicted. "Apartheid Persists Under the ANC," "Neoliberalism is Racism," "Privatization is Afrikaans for Poverty," "LEAVE COSATU," for instance, may help to convince persons of the inevitable failure of the ANC. Persistent criticisms of land reform of both urban and rural character, in Greenberg's eyes the central issue to South Africa, and according to Mike Davis the possible location of an enormous and impending anti-systemic current⁴⁸⁶, may be one of

⁴⁸⁶ Davis, Mike. "Planet of Slums." *New Left Review*, 26 2004.

the most strategic paths. We would do well to simply listen to the subaltern. One activist considers the situation this way:

The Apartheid system was defeated but nothing changed. This is a farm. South Africa is a farm. And the whites were the farm managers. Now they've been kicked and we have Black farm managers, same mother fuckers, same minds, same greed, different color, it's a little paint. It's the haves and the have-nots. It's always been the haves and the have-nots. Simply put, the Americans, Germans, Canadians, who had so much invested in keeping us miles under the ground digging our gold and diamonds, they found out that their shares were at risk, all right, because the mineworkers were organizing themselves and so they went to the ANC who had been in bed with the communists for all that time, and they says,
"Are you willing to manage our business?"
"What's your business?"
"South Africa"
And they said "sure."
So now, in fact, our government is the farm managers. I'm a field nigger. South Africa is a farm.⁴⁸⁷

Real change is elusive in South Africa, and Gramsci can help us understand how Apartheid-era policies have been expanded and entrenched by the ANC. It has been my attempt to use the Italian's words to help understand the dynamics of the struggle in South Africa.

Durban's Warriors

We're trying to create a movement that is for everyone's struggle. It's a poor people's movement. What is not on board already should be brought on board. If people don't know what happening in the community we should bring it on. The ANC is not relevant to our struggle – we are here about poor people and poor people's struggles. People that come there and don't know about what is happening and want to learn must know it's about poor people's struggles.⁴⁸⁸

The diverse demands of the Abahlali baseMjondolo, Westcliffe Flats Residents Association, Wentworth Development Forum and South Durban Community

⁴⁸⁷ Unattributed interviews in the film "The Fourth World War." Likely Milo, Yazir Henry, Ashraf Cassim, or Zane Ibrahim, as credited in the company details under "South Africa – Interviews." Big Noise Tactical Productions: 2003.

⁴⁸⁸ Naidoo, Orlean. 27-May-2006, community meeting.

Environmental Alliance lead many to consider these movements as distinct. Shackdwellers, flatdwellers, and a larger environmental-community group share, at face value, little more than their marginal position in the “new” South Africa. These communities are predominately poor, though relative income and possessions are not identical. Shack settlements surrounding Durban are, likely, the “poorest of the poor,”⁴⁸⁹ living in tin-roofed and paper-walled shacks in some of the most inhospitable venues in the city. The Kennedy Road Community, for instance, abuts the largest landfill on the African continent, and residents there have grown thick skins to mosquitoes. Lungs and livers, however, cannot often be supplemented by stout hearts. The Bisasra landfill will be open for new garbage until 2017⁴⁹⁰. Given earlier pronouncements of earlier close-dates, we should not expect 2017 to be exceedingly firm. If a proposed carbon trading scheme is successful, perhaps we could imagine Bisasra to continue spewing carcinogens for many years after 2017. “Seven out of then households in this downwind area of Clare Estate reported tumour cases”⁴⁹¹ and for the sake of human life it is reasonable to assume that this is caused by Bisasra’s “waste emissions considered potentially hazardous” including 10x the safe level of Pb and 2x Cd.⁴⁹² For this reason, it seems unlikely that public health in and around the Kennedy Road settlement will ever substantially improve. More electricity and water connections are possible and should not be written off, though the reality remains and will not likely change that the area around Bisasra will be detrimental to human and plant life for at least 50 years after its closure (whenever that may be). In this scenario, we must carefully weigh the prospect of resettlement when we advocate for improved services in existing locations.⁴⁹³

⁴⁸⁹ Zikode, S’bu. Wolpe Lecture. 28-June-2006, Howard College, Durban, UKZN.

⁴⁹⁰ http://www.durban.gov.za/eThekweni/Services/dsw/recycling/copy_of_index.html. Accessed 22-May-06.

⁴⁹¹ Ruddy, Trisha. “Durban’s Perfume Rods, Plastic Covers and Sweet-Smelling Toxic Dump.” in *Trouble in the Air – Global Warming and the Privatised Atmosphere*. Bond, Patrick, and Dada, Rehana. Centre for Civil Society Energy Reader, 2005. p.69.

⁴⁹² Ruddy p.69.

⁴⁹³ Pithouse and Patel’s 12 May 2006 essay in *The Mercury*, for instance, called for electric outlays to the settlements involved in the Abahlali baseMjondolo movement. There are obvious complications with this

South Durban's flat communities, however, live in housing blocks built "in 1961 and not once upgraded since then."⁴⁹⁴ Cracks in the walls, holes in the ceiling, and citing of the flats on the sharp slopes of bluffs makes life similarly challenging, especially for the elderly and disabled. The most obvious difference between these communities, between the Foreman Road shack settlement and the flats of Bayview, is race. As per Durban's Group Areas plans, Indians were housed in flats directly abutting the industrial strip of refineries, chemical storage facilities, and paper mills. The accumulated horrors of these toxins are nothing short of murderous. Hence, the flats were built in 1961 and since not upgraded. Africans, on the other hand, were still considered foreigners, and there never were any Group Areas proclaimed for them, as the homelands and self-governing states were nominally "theirs."

For clarity's sake, it is worth noting that the flats comprise a "kitchen" with lavatory, and a "lounge." Some house as many as ten persons in a space no wider than one park bench, and just as long as two. The shacks are created personally, though within guidelines specified by the community development committees. Kennedy Road and many like it sprang into existence in the 1980s when Influx Control and Group Areas were relaxed. That people were willing to resettle there should give us some indication about the possibilities of employment and quality of life in the homelands where they had been confined earlier.

positions, which I shall not address fully here. Importantly, however, demands for upgrades in existing locations essentially condone or accept those locations, and the spatial relationships that have required them. Mobilizing around councilors for better service delivery also represents a rather reformist position. If communities fight for less corrupt or more responsible councilors, are they not endorsing the policies handed down to the councilors? There seem few events more pleasing to the true managers of South Africa than militant demands made to the most replaceable and unimportant persons, the most accessible face of power – local councilors. Just how much those demanding better services are conceding in terms of the policy framework charged to deliver "access" (not water, but access to water, not housing and electricity, but access thereto), is a vitally important debate which we should enter immediately.

⁴⁹⁴ Ebriham, Shirley. Interview, 16-June-2006.

Alliances between these groups were not immediate. “When we started organizing, we were racist” and did not believe “the shackdwellers shared our problems,” says Orlean Naidoo.⁴⁹⁵ In addition, these communities lacked common borders and were preyed on by different electoral machines. Politicians regarded the shackdwellers as solidly ANC, while the predominantly Indian and Coloured communities of South Durban have voted for the Democratic Alliance and ANC in different cycles.

Demands from the flats centered on arrear-scraping, and service delivery. Chiefly regarding rent, water and electricity, some communities of flat dwellers have mobilized around these issues, with spikes in activity surrounding brutal evictions. This history is well captured elsewhere.⁴⁹⁶ Organizing in the shacks, however, was slower, as many focused energies on the painfully-slow and notoriously corrupt and inept housing programmes implemented by the ANC since 1994. Their issues, in the words of Mnikelo Ndabankulu are “land and housing.”⁴⁹⁷ He continues “no one, no matter how poor, should be forced to live in the jondolos.”⁴⁹⁸

What these struggles concretely share is their disgust with the pace and cost of housing and service delivery, and, I would argue, hostility to the “attempts” to redress the enduring distribution of space and land in South Africa. At a meeting of over 200 activists from throughout the province on 25 June, 2006, at Kennedy Road, almost one

⁴⁹⁵ Naidoo, Orlean. Chairperson of the Westcliff Flats Residents Association (WFRA) 28-July-2006, p.community meeting.

⁴⁹⁶ Desai, Ashwin. *We Are the Poors*. New York: Monthly Review Press. 2002. For a powerful description of the origins of Abahlali baseMjondolo, see Pithouse, Richard. “Struggle Is a School: The Rise of a Shack Dwellers’ Movement in Durban, South Africa.” *Monthly Review*. February 2006.

⁴⁹⁷ Ndabankulu, Mnikelo. 13-June-2006, community meeting.

⁴⁹⁸ Ibid.

third of the agenda was devoted to sharing stories of struggles.⁴⁹⁹ What was obvious from these multilingual conversations was the similarities of the evictions, the commonalities of the crises of water and electricity, and the indifference of to government to all of them (or, in fact, the role of government as perpetrator in all of them). Perhaps this is what Naidoo means when she describes the new government as “waging war on the poor.” What became clear to participants was their linked struggle; indeed, it is a struggle against the setup of South Africa. South Durbanites are exposed to carcinogens because they were forced to live next to refineries. The same is evident at Kennedy Road, though cadmium stands in for sulfur dioxide, and regular infernos do much of the evicting work for the government. What seems obvious is the continued misery forced on the poor of South Africa as a direct result of the allocation of space and land in the country. Given that the Bissar landfill was sited next to an Indian community of Clare Estate *because the government considered their lives less valuable*, does it not follow that the indifference of the government to house those now living *even closer to it* now are treated again as sub-human? Could we replace “sub-human” with “non-white” and get the same result? These struggles, I believe, are coalescing precisely because they are each fighting the persistence of the settler colony’s land and space restrictions in which they are, perennially, excluded from full ownership, full citizenship, and full rights. This happened because Natal’s managers, long ago, decided Natal was only for Europeans, and successive regimes have not yet acted in contradiction. The evolution of space exclusion and landlessness has taken many forms – Locations, Reserves, Peggings, Group Areas Acts, and now privatization and cost-recovery, pathetic subsidies and market-led “reforms” – all of which aim to “concentrate on perpetuating what has been achieved.”⁵⁰⁰

⁴⁹⁹ Organizers did not make the common mistake of neglecting translation; so often government officials are deaf, and simultaneously speaking not to, but at, the people in front of them. Translations were constant, such that those most comfortable in isiZulu could express themselves fully.

⁵⁰⁰ *Strydom Report* p.29.

We operate on a bounded plane. That is, as long as we accept the distribution of space in KwaZulu-Natal. Housing, urbanization, and industrialization policies in SA are largely static since at least the early 1980s. ANC and GNU-led governments have authored and promulgated policies with great similarity – in letter and spirit – to the NP. The policies of Apartheid relating to space and development (two of its most notorious elements) are today in practice. Whatever ended about or in Apartheid did obviously not include these elements. It seems inescapable that any form of redress, redistribution, or even movements toward justice, must involve the displacement of the owners of the landmass. The specter of the “Mau Mau” can be used effectively to demand concessions. Many in South Africa, especially governing circles, fear the prospect of a “South African Mugabe,” a reference to Zimbabwean President (and thug) Robert Mugabe, whose land reform resulted in the seizure of thousands of white farms.⁵⁰¹

Insofar as we do not contest the legitimacy of deeded property in KZN, there will continue to be a dearth of “suitable land” and there will continue to be deaths resulting directly from these horribly unequal shares of South Africa’s soil. There are no conclusions to these problems that do not involve massive alterations to existing property-owning patterns and distributions. Given that majority-rule has done so little to actually affect these relationships, pursuit of justice through the “system” seems doomed to failure. Audre Lorde explained this well: “The master’s tools will never dismantle the master’s house. They may allow us temporarily to beat him at his own game, but they will never enable us to bring about genuine change.”⁵⁰² That state’s job, after all, is to protect private property, and few things make this fact more clear than the reinforcement of property rights in the Interim and Final Constitutions, and the pathetic land reform and

⁵⁰¹ Mugabe’s “reforms” were cronyism, violent, and actually against the will of Zimbabweans. A 2002 referendum was defeated, but Mugabe proceeded anyway, and largely doled out the seized farms to veterans.

⁵⁰² cited in ill Collins, Patricia. *Black Feminist Thought*. Revised Tenth Anniversary Edition. New York: Routledge. 2000. p.117. the line is Lorde’s.

housing supply schemes in place. The land and housing questions are not dissimilar, and they are not distinct. These “questions” are the same, and we should be wary of attempts to bifurcate them. The answer to each requires a fundamental restructuring of South Africa. It will require, for the first time, the movement and discomfort of South Africa’s minority white population. As long as whites retain control, whether electoral or economic, over the landmass, there will be no upending of the colonial land schemes responsible for so very much of the conditions that these social movements protest. Land occupations, I would argue, are the best and only option. We cannot safely and healthily house South Africans as long as there are three golf courses in urban Durban. It is long past time that we object to the legitimacy of these deeds and these parcels, rather than the councilors, the ANC, and the pathetic subsidy programs. No subsidy is large enough to retake the Berea.

The Landless People’s Movement is, in my approximation, a culmination of these logics.⁵⁰³ Contenting that “the market-based approach has not fundamentally shifted the economic order, and leaves the redress of historical dispossession out of the equation,”⁵⁰⁴ the LPM has refused the land “reform” offered by the ANC, and has insisted “We will not buy back our land.”⁵⁰⁵ Though five observers in 2006 were “astonished” to learn that 85% of Black South Africans believed “most land in South Africa was taken unfairly by white settlers, and they therefore have no right in the land today” and two-thirds agreed that “land must be returned to Blacks in South Africa, no matter what the consequences are for the current owners and for political stability in the country,”⁵⁰⁶ this short history of

⁵⁰³ The various movements in Durban today have not formally linked with the LPM, though their “No Land, No House, No Vote” campaign during this year’s election cycle makes obvious these movements are in dialogue.

⁵⁰⁴ Alexander, Amanda. “Rights beyond the urban-rural divide: South Africa’s Landless People’s Movement and the creation of a landless subject.” Paper prepared for the ‘Silencing Human Rights’ conference, University of Sussex, 8-9 June, 2006. p.14.

⁵⁰⁵ Ibid p.14.

⁵⁰⁶ van den Brink et al p.17-8.

the realities of land and space in South Africa should quiet the wonder of readers. The land and space imperative, not question, in South Africa is nothing short of life-ending and shortening. In the three months I was in Durban, no fewer than two shack settlements erupted in flames; given the municipality refuses to electrify the shacks for lack of funds and the cause of these fires is from candles, paraffin stoves and other crude heating devices, we should expect much more of the same.⁵⁰⁷

When dozens of shacks burned at Jadhu Place on 1 August 2006, and I stood over the incinerated life-savings of hundreds of South Africans, the brightly-illuminated houses just across the road distance painted a rabid juxtaposition that belies anything “new” about this South Africa. Zipela Arurela told me the fire “went into my wife’s mouth, down her throat.”⁵⁰⁸ Only by looking straight into the cinders could one fail to notice the homes in the distance. As the shacks still smoldered, the lights of porches and dens illuminated the hillside opposite Jadhu Place. The cost of the shining distance is paid by the smoke rising from the release of energy from someone’s possessions at my feet. Those bulbs run on these flames. Cost-recovery and orderly urbanization cause people to eat fire. Let that conclude this discussion.

Some Concluding Thoughts

I have attempted to argue that the original land theft has been perpetuated intentionally by successive South African governments, and that schemes of private development and cost-recovery are two of the primary means of these actions. That these policies were recommended by the NP in order to preserve their gains, and subsequently taken up by

⁵⁰⁷ See Patel, Raj, and Pithouse, Richard. *The Durban Mercury*. 12-May-2006.

⁵⁰⁸ Arurela, Zipela. 1-August-2006, Jadhu Place, Durban. More than 20 shacks, a tuck shop, and a chapel burned to the ground that night. It took firefighters “45 minutes” to arrive according to Zipela. Often, the fire department does not respond to shack calls p.all.

the ANC, is the main discovery of the research. Much more work needs to be done in these areas, of course. And, an important area I have not included above is water. It is not surprising that the homelands and other places where disqualified persons were forced to live were resource-poor, especially regarding water. The continued shortage of clean, free and accessible water is a manufactured draught, owing much to the colonial and Apartheid-era spatial dispossessions and forced removals.⁵⁰⁹ When Jan planted the bitter hedge in the Cape, he also declared that all water was owned by the Dutch and forbade “incoming chiefs and less qualified persons’ from washing their persons and their clothing” in the streams of the Table Valley.⁵¹⁰

I have not touched on GEAR much. This is because I think GEAR exacerbates the situation, but bears little responsibility for it. Whether GEAR is to blame or just the current costume for these processes, is left for the reader to decide. Given the history of SA, any adherence to capitalist practices and processes – in the form of GEAR or another – seems more to entrench than rectify, more to perpetuate than offer restitution.

On the whole, I have aimed to understand and consider the history of land and space in KwaZulu-Natal that has led the Landless People’s Movement to declare

The 28-million poor & landless Black majority of South Africa are poor and landless today mainly because of our land was stolen from us through centuries of brutal and violent wars and laws of dispossession that began in 1652 and continued throughout colonialism and Apartheid. Our ancestors fought valiantly against this theft and we fought to end Apartheid so that this land would be returned to us. **We are not willing to buy back our stolen land! We are not willing buyers!** Today, more than 80% of the land of our ancestors remains in the hands of less than 60,000 white farmers who inherited the land from this colonial and Apartheid theft. **We do not care whether they are willing to sell it back to us or not – we demand that our land be returned to us! The market-led land reform** model that the post-Apartheid government copied from the World Bank has not worked anywhere in the world! In South Africa, it is an insult to our ancestors that we must buy back our stolen land! The entire South Africa ‘land market’ on which our stolen land is bought and sold at

⁵⁰⁹ See my “A Brief Social History of Water in South Africa.” December 2005, unpublished.

⁵¹⁰ Hall, C. G. “The Origin of Water Rights in South Africa.” 54 S. African L. J. 160. 1937. p.160. translation is my own.

price determined by the beneficiaries of Apartheid is nothing but a continuation of Apartheid. We demand that the state and the landless organise to **'take back the land'** that was stolen from us!⁵¹¹

I have attempted to do the speakers justice and honestly explore the historical and political events leading to these statements. Any errors in understanding herein are my own, and I apologize for them.

⁵¹¹ Landless People's Movement. 2005. Memorandum of demands to the National Land Summit held in Johannesburg on 27-31 July, 2005. http://land.pwv.gov.za/Land_Summit/Position_Conference_Papers/Conference_Papers/LPM.doc.

APPENDIX I

Interviews/Meetings Consulted

Meetings occurred at Howard College, UKZN, the Community Centre at Kennedy Road, the South Durban Community Hall, and at the Centre for Public Participation.

The most important participant organizations included were the

- Abahlali baseMjondolo; President Sbu Zikode, Vice President Philani Zungu, General Secretary Mdu Hlongwa, Vice Secretary Molswanda, Treasurer Lindela Figlan, P.R.O. Mnikelo Ndabankuzu, Chief Whip Mr. Jakuja). ABM's affiliates include the Foreman Road Development Committee, Motala Heights Development Committee, and community groups from Jadhu Place, Pinetown, and throughout Durban.
- South Durban Community Environmental Alliance (SDCEA); President Des D'sa
- Peoples Social Movement (PSM), Social Movement Indaba (SMI).
- Wentworth Development Forum; Des D'sa, Chairperson, Vice-Chair Catherine Goordeen
- Westcliff Flats Residents Association; Chairperson Orlean Naidoo, Vice Chairperson Mehmood Ismail, Secretary Vanessa Pillay.

Ebrhiam, Shirley. Interview, 20-June-2006.

27 May 2006 Community Meeting

3 June 2006 Community Meeting

10 June 2006 Community Meeting

13 June 2006 Community Meeting

17 June 2006 Community Meeting & Writing Workshop

25 June 2006 Social Movement Indaba

6 July 2006 Centre for Public Participation.

22 July 2006 World Social Forum Workshop

11 August 2006 Community Meeting

APPENDIX II

Program from the 25 June Social Movement Indaba

AMANDLA BAHLALI!



KZN Social
Movement
Workshop
25 June 2006

Kennedy Road
Durban

isikhathi	Uhlelo Lomhlangano nge siZULU
11.50-12.20	Ukuwamukela nezaziso- umculo nengoma e vela kubahlali base Kennedy road. Uhlelo nezintloso zomhlangano.
12.20-13.05	Inkulumo ya base ohlelweni abahlukahlukene
13.05-13.30	Kuyini iSMI? Inkulumo elungisiwe yika Komrade Mondli Hlatshwayo, Mdu, Orlean isikhashana semibuzo nenxoxo.
13.30-13.45	Inkulumo elungisiwe ezo xoxa nomhlangano wonke ngokuthi ubumbano elemihlangano ehluke lingahle lisebenze kanjani- uKomrade Richard Pithouse uzo phawula ngalokho sizo kuxoxa ema cembini amancane. ukuhlukaniswa kumaqembu amancane
13.45-14.30	ukukhuluma ngokuthi imbumbo ehlangene inga sebenza kanjani.X10 amacembu ana Bantu abayi 25 ngalinye. Kufanela ku khethwe ushlali, unobhala, umtoliki no sgcina sikhathi.
14.30-15. 10	Imibiko yamaqembu amancane 3 minithi yokukhuluma iqembu ngalinye.
15.10-16.00	Isikhathi sokudla
16.00-16.45	Ukuqhubheka Phambili kwomzabalazo inaxoxisano nga lokho siku lindele ngalembumbano. Ukuhlaganisa Imizabalazo eye zinhlangano ezihluka hluke no uku thatha isiqumo ngosuku loku songulula imbumba ye Kwazulu Natal
16.45-17.00	Usuku lomhlangano olandelayo
18.00	Ukuzijabulisa ngamafilimu alethwe ngi CCS

Time	Workshop Program
11.50-12.20	Greetings and welcome, a performance from Kennedy road cultural groups. Program review, aims and objectives.
12.20- 13.05	Presentation to plenary by organizational speakers: each has Four minutes to present & 3 min for clarity points from floor
13.05-13.30	Who is the SMI? - prepared presentation from comrade Mondli Hlatshwayo with response by Mdu and Orlean. Brief Plenary discussion and questions of clarity
13.30-13.45	What forms a united movement should take? Presentation from comrade Richard Pithouse and drawing key issues to be discussed in small commissions. Break into small groups
13.45-14.30	Small groups discuss what forms a united movement should take. X10 groups of 25, should consist of chairperson, scribe, translator and time keeper/s.
14.30- 15.15	Report back from commissions and brief discussion -3 minute for each group report.
15.15- 16.00	Supper
16.00-16.45	Plenary discussion on expectations, and what people want from united front. Future campaigns, launch of united movement discussion
16.45-17.00	Date of next meeting, closure
18.00	film screening



Profiles and struggles

Abahlali baseMjondolo Movement South Africa
S'bu Zikode 083 547 0474
Philani Dlamini 072 760 0680
Mdu Hlongwa: 0723358966
Mr Jakuja: 0732854270
Mr. Mcwango: 076 225 0260
Mnikelo Ndabankulu 073 565 6241
Foreman Road/ Jadhuplace/ Joe Slovo/ Lacey Road / Kennedy Road Abahlali

Umungameli ngumnumzana S'bu Zikode, usekela wakhe ngu Mnumzana Philani Zungu, uNobala jikelele ngumNnumzane Mdu Hlongwa, usekela nobala ngu Molswana, usozimali ngu mnumzana Lindela Figlan, owezomphakathi ne sikhulumi ngu mnumzana Mnikelo Ndabankulu, owezokuziphatha kwa malungu ngu mnomzana Jakuja.

Inhlangano yAbahlali Base Mijondolo sungulwa ngo 2005 ukuze isheshise izindaba zezindlu ezindaweni zalabo abahlala emijondolo kuzwe lonke. Lapho uthola imijondolo kule lizwe, kulapho uthola inhlangano yabahlali. Ukuhlupheka akusho ukuthi sifanele sifele emijondolo.

Sesibuya kwimizabalazo eminingu kunyaka wo 2005, sasi masha sibikishela amakhansela abazicabangela bona bodwa futhi abahlule kile ukuzifeza izithembiso zabo. u2005 sasi wuqabe nje ngonyaka wokunyakazisa imiphakathi, u2006 sibhekana noku tholakala kwe zindlu nomhlaba wethu. Ngo November 14 2005, sasiyo bhikisha eThekwini, sangathola iphemithi lokumasha, amaphoyisa wasilimaza esishaya ababanye bethu baboshwa ngamaphoyisa.

Saphumelela ukukhipha abanye bamalungu awethu ejele, noku Phoqaumeya Obet Mlaba kuthi ahlale phantsi nathi si xoxe nge zinkinga zezindlu. Sanqoba kakhulu futhi ngo 27 ka February lapho sikwaze uku jika isinqumo sika city mananga we eThekwini Municipality umonzana Sutcliff, ngo ku thola amaphepha awe kundla yamacala enkulu yase thekwini.

Izinqumo zenhlangano zithathwa ngokuya kwe ntando ye ningi izwi le ningi yilona elisalayo. Imhlangano yetho siyibiza njalo ngoMgqibelo nge hora lesihlanu ntambama.

Amalungu ethu ayi yonke iminyaka , zonke izinhlanga ngokuhlukana kwazo,futhi abeslisa nabesfazane ba amukelekile kunhlangano yethu. Asinalo ubandlululo. Futhi sinakho uku hlanganisa imizabalazo yethu nezinye izintlangano.

Lomhlangano we Social Movements Indaba ungakwazi ukuthi uakhe noma u phule imizabalazo yethu kulesifundazwe se Kwazulu natal. Isizwa singa thembi ukuthi ngepela iSMI izokwazi yini ukuqinisa imizabalazo yethu ngoba sasi badinga ngomhla ka 27 February kwodwa azange sibathole. Kwenzeke kanjani bangakwazanga ukusisiza ngalolo suku?

Singa thanda ukuwazi ngokuthi yona le SMI izimiseleni nokuthi singasebenzisana kanjani nayo. Kufanele ukuphathwa kwamalungu kufane futhi kulingane.iKwazulu natal kufanele iandiselwe amalungu aku zinga lokuthatha iziqumo.

Abahlali baseMjondolo Movement South Africa
S'bu Zikode 083 547 0474
Philani Dlamini 072 760 0680
Foreman Road/Abahlali Mnikelo Ndabankulu 073 565 6241

President Sbu Zikode, Vice President Philani Zungu, General Secretary Mdu Hlongwa, Vice Secretary Nokwanda, Treasurer Lindela Figlan, P.R.O. Mnikelo Ndabankuzu, Chief Whip Mr. Jakuja.

The A.B.M. was formed in 2005 to speed up the housing issues in the informal settlement nationwide. A.B.M is located everywhere in South Africa where you see informal settlements. Being a poor person should not mean staying in the ijimondolo and all other poor people including the rural poor.

We have struggled a lot in 2005, marching against councilors who were not serving the shack dwellers as their promised. We even call 2005 as a year of action so automatically, 2006 must be a year of land and housing. Our protest was on 14 November 2005 when we did not get the permit to march. Thereafter our members got assaulted and arrested by the police. Our victories were to get our members out of jail, and after the arrests on 14 November, to force the mayor, Obet Mlaba, to sit down with us to discuss housing issues. The greatest victory was on 27 February 2007. We won the court case against Mr. Sutcliff, the city manager of eThekwini Municipality, to get a permit to march in the city.

We take decisions democratically and choose majority voice as final. We meet every Saturday at 5pm. Our members are all ages, colours and genders. We are non-racial. We have partnered with other Social Movements, on issues of lack of service deliveries.

SMI can strengthen or weaken the struggles in the region. We do not think they will strengthen our struggle because when we needed them most they were nowhere to be found, such as on activism day of 27 February. They did not support us that day.

We need to know about the aims and objectives of the SMI. It must be democratically, equal treatment. We must have several representatives from our province in on decision-taking.



Westcliff-flat Residents Association, Chatsworth		
Chairperson	Orlean Naidoo	084 838 5628
Vice Chairperson	Mehmood Ismail	031 401 1155
Secretary	Vanessa Pillay	031 401 1155

iWestcliff Flats Residents Association ya sungulwa ngo 1998, ukuze isize ukulwela amalungelo aba hluphekile labo bahlala emafulethini kulo lonke iThekwu. Ngesikhathi umbuso omusha ungena, sethola ukuthi abahluphekile bayi zinyamazana zombuso wa makapitali amuama. Imali yo ukusiza izingane ezemideni ehluphekile ya phungulwa kakhulu, kusenjalo amarenti wakhupukaSathola inkinga enkulu yokuthi imizi ephethwe ngabesifazane yiyo ehlupheke kakhulu futhi uma kufanele I khokhele ugasi namanzi iyahluleka, ngakho umaumasipali a cisha ugesi kakhulu kuhlupheka lemizi.njengomphakathi we ndawo sa qala sa zihlanganisa njengenhlangano.

Sesi bhikishe kaningi se yisa izikhalazo zethu ku mahovisi ase Chatsworth nase City Hall saze sakwazi uku hlala pansi nopaspala. Umasipala wabonisa ukusidelela, waze waletha abantu kuze basikhiphe ngamandla ezindlini zethu. Sasukuma ngeinyawo nathi sa bambana nabo ngezandla namanqindi sa phinde saya enkantolo lapho umasipala wa tshelwa ukuthi a yeke lento ayiyenzayo namaje akaze azame lutho.

Ugesi wethu namanzi asacishiwa, kondwa ingathi uzinga lwakhona lithanda ukuyehla. Sesiqale umzamo woku khanyisa endaweni yethu. Phezukwa lezinkinga umphakathi wethu ubhekene nezinkinga zezidakamizo ezisebenziswa yizingane zethu, ukuhlukumezeka kwemideni, indlala noku sweleka kwemisebenzi. Sekubonakele uku ama pesente aiwu 75% iphila ngaphasi kwezinga lokwazi ukuthenga isinkwa ngosuku.ne 50% yama khaya a phethwe ngo mama.

Umnicidezeli wethu omkhulu ngu masipala. Baze endaweni zethu bathi bazo lungisa amflathi kodwa abasizeke ngalokhu abanezimali. Uningi lwe mali yoku akha lidliwe ngu sonkontraka namakonsultanti wakhe. Amafulethi ase zingeni loku dilika phezu kwethu. Asisawafuni ngoba ane ngozi kunqono siakhelwe izindlu eziphephile.

Westcliff-flat Residents Association, Chatsworth		
Chairperson	Orlean Naidoo	084 838 5628
Vice Chairperson	Mehmood Ismail	031 401 1155
Secretary	Vanessa Pillay	031 401 1155

The Westcliff Flats Residents Association was established in 1998 around the struggles of the poor flat dwellers around Durban. When the new government came into power we found that poor people were the target of the government. They cut off child support by 1/3 and in the same month the rents were increased. We found this to be a major problem. Female headed households were now threatened with disconnections and evictions. As a community we found a need to organize. We staged many protest marches to our satellite office in Chatsworth and to City Hall and we started engaging with the municipality. We found that they did not respect us and they came and physically started evicting. We resisted the eviction by physically fighting and legally by interdicting the council. They have since put a moratorium on evictions. Our lights and water still get cut, but on a very small scale. We have launched a reconnect campaign. Our communities face many more problems, such as school fees, teenage prostitution,

teenage drug abuse, family violence, poverty is a huge problem, unemployment is very very high. Surveys have shown that +/- 75% of the community lives below the bread line, 50% of the community consists of female-headed households. Our main oppressor is local government, the municipality. They came to upgrade our flats two years ago, but we found that only the rich have benefited. The contractor and the consuler have taken most of the monies. The conditions of the flats have worsened. We are now saying that we want decent homes. We want to embark on a demolish and rebuild decent homes campaign. We have fought for the free basic services, especially water. We found that the rich have only benefited. Because of the arrears, we don't get free water.



Wentworth Development Forum
Des D'sa, Chairperson – 083 982 6939
Catherine Goordeen – 073 613 0224, 073 4011 063

iWentworth community development Forum ya sungulwa ngo 1995, ukuze I bhokane nezinkinga zabahlali be ndawo yuthu ezi fana ne zikweledi zamarete, ku nqunya kwo gesi na manzi kanye nokukhishwa kwabahlali emizini yabo. Abaningi ba malunga awethu a lwisana noku bola kwe zentlalo ngaphakathi kwe mindeni, ukuthathwa kwe zidakamizo no jwala izingane zesikola nodlame elibhekiswe kwabesifazane nezingane.

Intloso yethu yayiku khumbuza umbuso ukuthi ufanele ubheke zidingo zabahlali. Inkolo yethu ithi: Babahlali ababumbene bay'umphakathi ohlangene. iWentworth Community Development Forum ikwazile ukulwisana nokucishwa kwe gesi, ukukhishwa kabahlali emizini yabo, futhi sa masha ukuze wonke umhlali a xqhase iR10 campaign eyethu. Iforum isiyenze umsebenzi omingi maelana noku fundisa umphakathi nge qiwane le HIV/AIDS, ukuphuqulwa kwamafulethi wa bahlali base Wentworth. Futhi uhlelo lwe Education Rights Project lizise kakhulu ukufundisa abafundi be ndawo nga malungelo abo ezikweleni . Inkinga okungatholakali kwemisebenzi yiyo inkinga enkulu ebhekane nomphakathi wase Wentworth.

Thina sicabanga ukuthi iSMI ifanele ithole indla yoku siza inhlano zethu ekutholeni izinxazululo zalezinkinga siyazi ukuthi lokhu akukho lula kodwa imizamo iyadingakala kumele sihlanganiseni amakhanda sonke sibone ukuthi siyi khulisa kanjani imizabalazo ehluke.

Wentworth Development Forum
Chairperson Des D'sa, – 083 982 6939
Catherine Goordeen – 073 613 0224. 073 4011 063

The Wentworth Development Forum was formed in 1995 due to the concerns that communities were facing: rental arrears, electricity cut-offs, water cut-offs, and evictions. Some were faced with social problems in the homes: alcohol and drug abuse, family violence and sexual abuse. Our aim was to hold the government accountable for the people (communities). Our slogan: One Community One People. The Wentworth Development Forum has challenged government-enforced evictions, works to prevent service cut-offs, and marched against the

R10 campaign. It does extensive work around HIV/AIDS, upgrading of flats, and made Chatsworth Housing stop evictions. Our School Education Rights Project has gone a long way in educating people about their rights as learners and parents. Unemployment is a huge issue that impacts all these other areas as well.

We would like the SMI to address all these problems which we know will be difficult but the communities are desperate. It is difficult to say how, maybe we can put our heads together and come up with a solution.



ECOPEACE www.ecopeace.co.za
Alan Murphy (Coordinator) 0731946585
alanmurphy@absamail.co.za
Vanita Naidu (Candidate Ward 25) 0824959953, 0835308443
buyer2@sabex.co.za
Silungile Sibiya (Empowerment and Publicity) 0833827189
slus@goldcircle.co.za

ECOPEACE Environmental Party was launched in Durban on 11 May 1995 as eThekweni Ecoparty - because the new government was still not 'environmental' and the ANC had taken a 180° turn on being elected (changing from pro-nationalisation to pro-privatisation over a 24-hour

period). ECOPEACE has about 200 signed-up members and about 2000 supporters.

ECOPEACE campaigned in the 1996 first democratic local elections but was not elected. Since 1996 ECOPEACE participated in many government/public processes and Environmental Impact Assessments (EIA). In 2000 one PR seat was won in the local elections. ECOPEACE also used its councillor's income to fund community projects.

ECOPEACE meets once a month or more with a varied membership from across the South African social spectrum. ECOPEACE has partnered with social movements and community groups including People Against War, Abahlali baseMjondolo, ELA's Nuclear Energy Costs the Earth Campaign, SAFeAGE, etc. ECOPEACE has supported DSF, CCF, SMI and eSF/PSM. The KZN Social Movement needs to be; organized in structure, pro-active and community driven, independent in funding. A visible forward movement is imperative. It must be inclusive, principles based, operate on consensus, and develop explicit policies and programs to promote clearly shared vision and values.

PSM
Matthew Fairbank, Coordinator, matff@telkomsa.net

The PSM emerged out of the eThekweni Social Forum, which was a location for social movements to discuss their struggles. The PSM is like the SMI in that it is a forum more than an organization. Matthew Francis from Merebank is its current coordinator. The current structure has a small working group of 5-6 individuals, who meet regularly to discuss issues.

UBUNTU MABANDE – The PEOPLES SOCIAL MOVEMENT (PSM) is a duly constituted inclusive, democratic, participatory network of organisations and individuals committed to social, economic and environmental justice. We stand with the oppressed in their struggles and challenges and uphold their right to be heard on the issues of: HIV/AIDS, Cut-Offs, Evictions, Privatisation, Poverty, Apartheid Debt, Reparations, Land Reform, Human Rights, War, Military Spending, Pollution, etc.

We are committed to an autonomous, unified Africa and demand that we the people of Africa, and not the corporate and political elites, shape our own destiny. We reject neo-liberal economic policies, as embodied in NEPAD and GEAR, including privatisation and unregulated "free trade". We reject the use of race, sex, gender or adult sexual preference as exclusionary criteria as well as other traditional authoritarian methods. We support proactive non-violence, participatory-democracy and consensus process



Abahlali base mijondolo
Problems of our place- Motala Heights, Pinetown
Ninga sithinta ku lelu cingo: Sthembiso Mkhize: 0839853869

Ever since we have been living in Motala Heights we have never received anything. It has been thirty years since we have been living here and still nothing has been done to improve our conditions of life in the mjodolos. The greatest tragedy and an open wound in the community is the fact that, when it comes to voting periods that happen once in a blue moon, we see movement on the side of the municipality, they bring their bulldozers and their saws and begin demolishing, this is done to appease nearby residents in formal housing. We have families here, now it is impossible to have healthy sexual relations if you live in a small room and share it with all members of the family, especially the children. When we try to attach small extensions to our Mjondolos, we are greeted by municipality's saw. In the end we were fed up with being Dimba's fools. Every time around election period he comes and promises us houses in Nazareth (some distance away from Motala) whilst at the same time municipal workers chop down our Mjondolos.

To be clear: We Don't Want to Be Moved to another Place, We Want Development To Happen Where We Are Living.

Here are some of our problems with the current councilor:

1. When there are employment opportunities, he only gives these to his pals and cronies.
2. The councilor appointed his committee there was no community participation.
3. The councilor hogs all the money for the ward he ends up enriching himself and we as the community do not benefit.
4. The clean water we are now having came out of the efforts of the community itself, the council failed to provide us with water.
5. The few toilets we have, we contribute a portion of money so as to pay someone to keep them hygienic.

6. We are denied Bank accounts and our children struggle to be registered at schools and the councilor has done nothing to improve our situation.
7. We want a person who will champion our interests to be our councilor apart from that- there is no point in participating.
8. The councilor is scornful and abusive; he has sworn that we will suffer for another five years. NDIMBA MUST GO!

Izinkinga ze ndawo : Motala Hieghts, Pinetown.
Abahlali base Motala Heights.
Ninga sithinta ku lelu cingo: Sthembiso Mkhize: 0839853869

Selokhu safika la kulendawo asikaze sithole lutho. Seesineminyaka engu 30 asikaze sithole lutho. Sibalula kusukela si thola inkululeko ya Bantu abamyama ngo 1994, kwakune zindlu eziqashisile ezendiya uPhushka. Sa khala ngezindlu zangasese, sa khala ngamanzi siphuza iziphaphu kanye nezinya.

Sase sinqaba ukurenta endiyeni lase lilanda umasipala wafika wawisa amkotheshi awethu. Amaphoyisa athatha izimpahla zethu ahamba nazo. Saqala lapho ke ukuzakhela ezethu izindlu; wa lokhu elifakile umasipala isaha.

Sazama inhlangotho ye Federation kwahlangotho zimuka nomoya langena isaha. Kwathi ngo 1997, sazama ummeli umabaso e Klaarwater, ngoba sifuna ukuthi asivimbele umasipala, sahlala phantsi nomasipala- ummeli Mabaso wathi kuwo mawume ukufaka isaha kulezindlu.

Zaqhubeka izingxoxo nomasipala ulokhu uphikile, ikhansela elalikhona ngaleso sikhathi kwaku ngu Mrs Olive: owayethi asiyohlala ematendeni sasingakwamukeli lokho waze washiya kuse njalo.

Emva kwalokho umkhandlu wasinikeza u Barbra # okwathiwa nguyena ozosisiza. Wasizamela usizo wasinikeza amathuba emsebenzi,

wa nikeza pheqelezi: ‘allocator’, izindlu eziwu foti (40) wase wahamba lokho.

Ukuqala kwa wesibili waba nenkinga ngoku hamba kwe ndlu ezazi akhiwa eSthundu Hill. Waphinda wa ‘locator’ izindlu ezingu 29 Etsheni Elimnyama kodwa labo batu basahlala nathi namanje.

Bamkhipha uBarbra.

Kwabese kungena uNkosi Dimba, aqhubeka nokulwela lezindlu ezingu 29 ukuthi aziqhutshwa ngani.

Njalo ntambama sasahlala kwamaspala no Jeff # kanye ne kansela lethu uNkosi Dimba owayefike angalaleli lutho alale. Uma evuka lapho athi kukhona enye *imeeting* ajahe kuyo.

uJeff kanye noNdimba baphetha ngokuthi izindlu lezo ezingu 29 ngeke sizithole ngoba zine *corruption*. Emva kwalokho ba phinda basthembisa ukuthi bazosakhela ama flat khona la ku lot 49! Kwaphinda kwathiwa sizokwakhelwa ngakwa Mercedes ku Surprise Road.

Kwafika u Jeff wajikeleza indawo kodwa kodwa kwa phinde kwa thuleka saze sakhathala ngamanga ka masipala.

Okubi kakhulunokuhlukumeza umphakathi wukuthi njalo uma sekuzovotwa sibona ngo masipala namasaha, kanye nogandaganda bezodiliza. Sesinemindeni la maje inkonzo yase kameleni ayisinzeki.

Umasixhuma amanye amakamela kungena isaha. Sagnina sesikhathele ukuba izithutha zika Dimba. Njalo uma kusondele ukhetho asithembise ngezindlu zase Nazareth. Emva kwalokho lingene isaha. Okuseqiniseni nje *asifuni ukuya kwezinye izindawo njengako Nazareth noma eTshenlimnyama. Sifuna lendawo esikanyo.*

Nansi into esicasula kuleli khansela

1. uma kuvela amathuba emisebenzi libhekela abangani balo.
2. Liyazikhethela ikomiti elizo sebenza nalo.
3. Liyaziphathela imali ekugcineni singatholi lutho
4. Amanzi sa zizamela wona thina ngokwethu.
5. Amathoyilethi sikhokhela umuntu owa hlanzayo.
6. Wathi githi sesi ‘well developed’ kodwa sisahlala emjondolo.

7. umasiyocela izincwadi zasemabank ne zezikola asilutholi usizo, lisikhomba kwi Independent.
8. Okokuqala asilikhethanga , lithe lisuka lakhetha umuntu ozosebenza lona lizoba ngemva.
9. Sifuna umuntu ozolwelw izimfuno zethu- ngale kwalokho sibuyele ku mavoting station.
10. Wathi sizo hlupheka eminye iminyaka emihlanu- ASIMFUNI u NDIMBA.

Social Movement Indaba



Social Movement Indaba, SMI, came together in 2002 around a common platform. It is more of a network than a body. It was launched at the World Summit for Sustainable Development (WSSD) in Johannesburg in 2002. There, it attacked neoliberalism, the economic theory that requires payment for everything from the government, privatization, and full cost-recovery. SMI has meetings a few times a year and activists from around SA go to its workshops to share experiences of struggle against environmental and social injustice. The SMI says it wants to bring different movements together “under the umbrella of the struggle against neoliberalism.” Some joint campaigns and days of protest were planned, but outside Durban none of them happened.

The SMI setup a legal fund to help comrades in struggle pay for bail, lawyers fees, etc. The Freedom of Expression Institute was to

administer the funds. When Abahlali and other Durban groups asked for some of these legal funds in 2005, they were denied.

The SMI meeting in December 2005 decided that the next national meeting should be in Durban, but some in Durban feel this decision was taken without their input. It is still not clear if the SMI will fund a national meeting in KZN.

Social Movement Indaba

Uhlelo lwe nhlangano ye Social Movements Indaba

iSocial Movements Indaba ya songululwa ngo 2002, yayi akhalwe ukuze izinhlangano zemiphakathi ilwela izinkinga ezabampofu nabahlali bezindawo zabantu abantsundu ezifundazweni ezihlukahlukene za se mZantsi afric zikwazi uku akha imbumba. Ya sungulwa ngesikhathi imizabalazo eyayi phikisana no hlelo lwe World Summit on Sustainable Development leyo ibizobambelwa eJohannesburg. Kusukela kulezo ntsuku, yonke imizamo yayi bhekene nokuakha isvumelano ngaphakathi kwe zinhlangano ezihlukahlukene ngoku cinisa imizabalazo yazo zonke. Letloso kusa yiyona ekhokhela imihlangano engaphakathi kwe SMI nanamhlange.

Umoya we mbumbano u fikelele ezingeni eliphezulu kuzinhlangano ze SMI kuzindawo ezihlukahlukene. eJohannesburg inhlangano iAnti-Privatisation Forum ne Landless People’s Movement ziye zahlanganisa imizabalazo yazo ngezinkinga zomhlaba nokutholakala kwezindlu. eThekwini nase Cape town, izinhlangano zilwisana noku hlaselwa kwe Iraq ne zinkinga ezibhekene ne zidingo zabahlali. Siyakueamukela ukuthi iSMI ine zinkinga ezezimali no kuhluleka ukusiza ekuhlanganiseni amalungu wayo ezindaweni zawo. Ukuze sixazulule lezinkinga; kungasiza ukuthi izintlangano zi sondelane ezifundazweni zazo.

African Social Forum eyayi babelwe e Harare-Zimbabwe ngo 2005. ezinkulumweni na bafowethu eZimbabwe, kuvezwe ukuthi uningi lwa batu abazibandakanya ne mizabalazo yabahlali base Zimbabwe, baboshiwe emajele wase Zimbabwe. Njenga balweli bamalungulo abahlali lana eMzansi, asikwazi ukudeda si songe izandla uma sibona ukukhohlakala kwembuso wase Zimbabwe; sifanele si sukume sizame uku nika usizo kumaqabane ethu.

Ezinye zezinhloso zomhlangano:

1. Ukuxoxisana nge simo sa lana emzantsi na kwamanye amazwe.
2. Ukuthola izaziso ngo kuqhubeka kwemizabalazo emalokishini nezindawo ezabampofu ezweni lonke.
3. Uku akha isivumelano, pheqelezi: Platform nge mizabalazo yemizabalazo ehlukahlukene.
4. uku bonisana nge zinkinga izibhekene ne SMI.

Lomhlangano uvale ngo kuthi umhlangano olandelayo we SMI ubanjelwe eThekwini.

(Isithombe so Mhlangano we SMI obowubabelwe eJohannesburg 2005)



BIBLIOGRAPHY

--to conserve space, the section below does not include all legislation consulted above; footnotes in the text should suffice--

- Alexander, Amanda. "Rights beyond the urban-rural divide: South Africa's Landless People's Movement and the creation of a landless subject." Paper prepared for the 'Silencing Human Rights' conference, University of Sussex, 8-9 June, 2006.
- Barchiesi, Franco. "Classes, Multitudes, and the Politics of Community Movements in Post-Apartheid South Africa." *UKZN CCS Research Report No. 20*. August 2004.
- Bond, Patrick. "10 Years of Democracy: A Review." In *Articulations, A Harold Wolpe Memorial Lecture Collection*. Amanda Alexander, ed. Asmara, Eritrea: Africa World Press. 2006.
- Bond, Patrick. "From Racial to Class Apartheid." *Monthly Review*; March 2004; 55; 10.
- Brookes, Edgar H., and Webb, Colin de B. *A History of Natal*. Pietermaritzburg: University of Natal Press. 1964.
- Brown, Faizel. "Housing Crisis in Cape Town, Western Cape, 1994-2004. in *From the Depths of Poverty. RASSP Research Reports 2005, Vol. 1*.
- Bundy, Colin. "Land, Law and Power." in *No Place to Rest*. Christina Murray and Catherine O'Regan, eds. Cape Town: Oxford University Press. 1990
- Cottle, Eddie. "The Class Nature of Free Water in South Africa: From Past to Present." The Research Library of the Center for Civil Society – University of KwaZulu-Natal, Durban: June, 2004. available online at <http://www.ukzn.ac.za/ccs/default.asp?3,28>
- Davis, Mike. "Planet of Slums." *New Left Review*, 26 2004.
- Desai, Ashwin. *We Are The Poors*. New York: Monthly Review Press. 2002.
- Desai, Ashwin. "Shadow Boxing? COASTU, Social Movements and the ANC

- Government. On the Occasion of COSATU's 20th Anniversary." Centre for Civil Society at the University of KwaZulu-Natal, Durban. available at <http://www.ukzn.ac.za/ccs/default.asp?2,40,3,815>
- Desai, Ashwin. "Neoliberalism and Resistance in South Africa." *Monthly Review*, Jan 2003, 54, 8. at 19.
- Desai, Ashwin, and Pithouse, Richard. "'But We are Thousands.' Dispossession, Resistance, Repossession and Repression in Mandela Park." *UKZN CCS Research Report 9*. 2003.
- Festenstein, Melville, and Pickard-Cambridge, Claire. *Land And Race – South Africa's Group Areas and Land Acts*. Johannesburg: South African Institute on Race Relations. 1987.
- Foucault, Michael. *Discipline and Punish*. New York: Vintage. 1995.
- "The Fourth World War." Big Noise Tactical Productions: 2003.
- Germino, Dante. "Antonio Gramsci: From the Margins to the Center, the Journey of a Hunchback." *Boundary 2*, Vol. 14, No. 3, The Legacy of Antonio Gramsci. (Spring, 1986). Pp. 19-30.
- Gorlier, Claudio. "Post-Marxism in an African Context: The Usability of Antonio Gramsci." *Research in African Literature*, Vol. 33, No. 3. Fall 2002.
- Gramsci, Antonio. *Pre-Prison Writings*. Bellamy, editor, Cox, translator. New York: Cambridge UP. 1993. (PPN)
- Gramsci, Antonio. *Selections from the Prison Notebooks*. Hoare and Smith, translators and editors. New York: International Publishers. 1999, 1971. (SPN) at 298.
- Greenberg, Stephen. "Post-Apartheid Development, Landlessness, and the Reproduction of Exclusion in South Africa." *UKZN CCS Research Report No. 17*. May 2004.
- Hemson, David. "Breaking the Impasse, Beginning the Change." In *(D)urban Vortex* Freund and Padayachee, eds. Pietermaritzburg: University of Natal Press. 2002.
- Hall, C. G. "The Origin of Water Rights in South Africa." 54 S. African L. J. 160. 1937.

- Hall, Ruth, and Williams, Gavin. "Land Reform: The South African Case." in *From Cape to Congo*, Landsberg and Baregu, eds. Boulder: Lynne Reinner. 2003.
- Hill Collins, Patricia. *Black Feminist Thought*. Revised Tenth Anniversary Edition. New York: Routledge. 2000.
- Krog, Antjie. *Country of My Skull*. New York: Three Rivers Press. 1998.
- Kuper et al. *Durban – A Study in Racial Ecology*. New York: Columbia UP. 1958.
- Landis, Elizabeth S. "South African Apartheid Legislation I: Fundamental Structures." *The Yale Law Journal*, Vol. 71, No. 1. (Nov., 1961), pp. 1-52.
- Landy, Marcia. "Culture and Politics in the Work of Antonio Gramsci." *Boundary 2*, Vol. 14, No. 3, The Legacy of Antonio Gramsci. (Spring, 1986), pp. 49-72.
- Logan, John R, and Molotch, Harvey L. *Urban Fortunes – the Political Economy of Place*. Los Angeles: UC Press. 1988.
- Louw, P. Eric. *The Rise, Fall, and Legacy of Apartheid*. Westport, Connecticut: Praeger. 2004.
- Mabin, Alan. "Comprehensive Segregation: The Origins of the Group Areas Act and Its Planning Apparatuses." *Journal of Southern African Studies*, Vol. 19, No. 2. (Jun., 1992), pp. 405-429.
- Maharaj, Brij. "Segregation, Desegregation, and De-Racialisation." in *(D)Urban Vortex*. Freund and Padayachee, eds. Pietermaritzburg: University of Natal Press. 2002.
- Mathebula, Tiyisela Themba. "Accessing Housing Subsidy Benefits by Informal Settlements in the West Rand District Municipalities." in *From The Depths of Poverty, RASSP Research Reports 2005, Vol. 1*.
- Mcdonald, David A. "You Get What You Can Pay For: Cost Recovery and the Crisis of Service Delivery in South Africa. In *Articulations, A Harold Wolpe Memorial Lecture Collection*. Amanda Alexander, ed. Asmara, Eritrea: Africa World Press. 2006.
- Minnaar, Anthony. *Squatters, Violence and the Future of the Informal Settlements in the*

- Greater Durban Region*. Pretoria: Human Sciences Research Council, 1992.
- Mngxitama, Andile. "The National Land Committee, 1994-2004; A Critical Insider's Perspective." *UKZN CCS Research Report No. 34*. University of KwaZulu-Natal, Centre for Civil Society.
- Naidoo, Prishani, and Veriava, Ahmed. "re-membering movements. the trade union movement & new social movements in neo-liberal south africa." Centre for Civil Society at the University of KwaZulu-Natal, Durban. available at www.red.org.za.
- Ngwane, Trevor. "Sparks in the Township." Interview. *New Left Review* 22. July/Aug 2003.
- Ntsebeza, Lungisile. "Slow Delivery in South Africa's Land Reform Programme: The Property Clause Revisited." In *Articulations, A Harold Wolpe Memorial Lecture Collection*. Amanda Alexander, ed. Asmara, Eritrea: Africa World Press. 2006.
- Pachai, B. *The International Aspects of the South African Indian Question 1860-1971*. Cape Town: C. Struik. 1971.
- Pearce, Justin. "Johannesburg poor fight for their homes "Story from BBC NEWS: <http://news.bbc.co.uk/go/pr/fr/-/2/hi/africa/4883926.stm>. Published: 2006/04/10 00:14:32 GMT
- Pithouse, Richard. "Struggle Is a School: The Rise of a Shack Dwellers' Movement in Durban, South Africa." *Monthly Review*. February 2006.
- Plaut Martin. "The Political Significance of COASTU." *Transformation* 2 (1986).
- Plaut, Martin. "Debates in a Shark Tank. The Politics of South Africa's Non-Racial Trade Unions." *African Affairs*, Vol. 91, No. 634 (Jul., 1992), 389-403.
- Robertson, Michael. "An Introduction to Apartheid Land Law." in *No Place to Rest*, Christina Murray and Catherine O'Regan, eds. Cape Town: Oxford University Press. 1990.
- Ruddy, Trisha. "Durban's Perfume Rods, Plastic Covers and Sweet-Smelling Toxic

- Dump.” in *Trouble in the Air – Global Warming and the Privatised Atmosphere*. Bond, Patrick, and Dada, Rehana, eds. Centre for Civil Society Energy Reader. 2005.
- Saul, John. *The Next Liberation Struggle*. Scottsville: University of KwaZulu-Natal Press. 2005.
- Skinner, Caroline, and Valodia, Imraan. “Labour Market Policy, Flexibility, and the Future of Labour Relations: the case of KwaZulu-Natal clothing industry.” *Transformation* 50 (2002).
- Sapire, Hilary. “Politics and Protest in Shack Settlements of the Pretoria-Witwatersrand-Vereeniging Region, South Africa, 1980-1990.” *Journal of Southern African Studies*, Vol. 18, No. 3. Special Issue: Political Violence in Southern Africa. (Sep., 1992), pp. 670-697. .
- Saul, John. *The Next Liberation Struggle*. Scottsville: University of KwaZulu-Natal Pres. 2005.
- Schoombee, J.T.. “Group Areas Legislation – The Political Control of Ownership and Occupation of Land. 1985 *Acta Juridica* 77
- “South African Native Land Laws.” Excerpt of report by E. L. Matthew, C.M.G., Law Adviser to the South African Department of Justice, 1913. reprinted in *Journal of the Society of Comparative Legislation*, New Ser., Vol. 15, No. 1 (1915), pp 9-16.
- Southworth, Hamilton III. “Strangling South Africa’s Cities: Resistance to Group Areas in Durban during the 1950s.” *The International Journal of African Historical Studies*. Vol. 24, No. 1 (191), pp 1-34.
- Sparks, Allister. *Tomorrow is Another Country*. Chicago. UChicago Press. 1995.
- Sutcliffe, Mike, Todes, Allison, and Walker, Norah. “State Urbanization Strategies since 1986.” in *No Place to Rest*. Christina Murray and Catherine O’Regan, eds. Cape Town: Oxford University Press. 1990.
- Tleane, Console. “Is There Any Future in the Past? A Critique of the Freedom Charter in

the Era of Neoliberalism.” In *Articulations*, Alexander, ed.
Thiong’o, Ngũgĩ wa. *Petals of Blood*. 1977. London: Penguin. 2002.
van den Brink, Rogier, et al. *Consensus, Confusion, and Controversy. Selected Land
Reform Issues in Sub-Saharan Africa*. World Bank Working Paper No, 71.
Washington. 2006.
Von Holdt, Karl. :The Political Significance of COASTU.” *Transformation* 5 (1987).
Zikode, S’bu. Wolpe Lecture. 28-June-2006, Howard College, Durban, UKZN.

Documents

African National Congress Constitution, as amended at 51st National Congress,
December 2002. available at
<http://www.anc.org.za/ancdocs/history/const/const2002.html>
Report of the Technical Committee of Enquire into The Groups Areas Act, 1966, The
Reservation of Separate Amenities Act, 1953, and Related Legislation. (Strydom
Report). Pretoria. 1983. [Available at UKZN, Howard College, Law Library]
First Report of the Commission of Inquiry into Township Establishment and Related
Matters (Venter Report). Pretoria. 1983. [Available at UKZN, Howard College,
Law Library]
White Paper on Urbanization. Pretoria. 1986. [Available only, by my search, at the
National Libraries in Cape Town and Pretoria]
Declaration of the Third COSATU Central Committee. August 2005. Section 7. available
online at <http://www.cosatu.org.za/docs/2005/declarations.pdf>