

**URBAN HOUSING CONSTRAINTS AND CIVIL  
SOCIETY ENGAGEMENT IN CAPE TOWN,  
SOUTH AFRICA: AN ANALYSIS OF THE N2  
GATEWAY PROJECT**

By

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UNIVERSITY OF CAPE TOWN

ABSTRACT

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With the end of apartheid, many South Africans were anticipating improved living conditions and a better quality of life. Instead, over fifteen years later, many still reside in informal settlements, waiting for their government to rectify decades of inequality and injustice. The housing backlog continues to grow as planners reevaluate prior housing development plans and launch new housing strategies. At the same time, the vibrant activist community, which took root during the oppressive apartheid years, rallies around the struggles of the impoverished using a variety of tactics to advocate for policies which may close the widening economic gap.

This paper examines the N2 Gateway Project in Cape Town, South Africa, a pilot project of nation's new *Breaking New Ground* housing strategy, and the ways in which civil society has engaged with the project. Though this pilot has been plagued with delays, missed targets, and growing opposition, it is still intended to serve as a model for other projects and impacts housing development across the country. The prominence of this project has created an opportunity to emphasize the ways in which all stakeholders can meaningfully engage in the development of beneficial housing programs.

As the nation is preparing for the 2010 World Cup, and the international stage, more attention has been focused on the outcome of this project. The activist base in South Africa continues to challenge government to ensure those who suffered under years of segregation, are able to access the opportunities of their new nation. Community-based organizations, non-governmental organizations and grassroots networks take on the legacy of activism as part of a growing non-profit sector. These groups prove to be one of the greatest assets for making the voices of the impoverished heard and redefining the spatial determinates of income. Through civil society and coordinated grassroots action, South Africans have the opportunity to influence their state, and become more involved in the development process.

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*Chapter 1***INTRODUCTION AND OVERVIEW****Introduction**

All around modern South Africa seas of makeshift dwellings stretch alongside the roadways. The lodgings, improvised constructions of used tin and wood scraps, often have limited access to water, electricity, garbage removal, and proper sanitation. These weak shelters do little to protect inhabitants from the weather. On hot days the metal structures trap sweltering heat. On wet days most are barely able to keep the water out. Millions of people reside here patiently braving the elements these structures have trouble protecting them from. For years, inhabitants of informal housing settlements have waited in substandard conditions for their government to make good on a decades-old promise to move them into formal housing. Several residents may eventually die from the harsh conditions or be forcibly removed when businesses or government develops the land where they reside. Many may eventually be uprooted miles from their source of income and a sense of community—preventing them from living a life of security and opportunity enjoyed by millions of South Africans.

It comes as no surprise that those who reside in informal settlements have few, if any other housing options. Living under such difficult conditions is not a choice many would make if there were an opportunity to do otherwise. Regardless of circumstance, many residents live in settlements for economic reasons. “Incomes of households in informal settlements are generally low, and there are significant proportions of very vulnerable households,” (Smit, 2006:103). Often, there is nowhere else to go, as residents of informal settlements have little, if any income. As such, affording rental prices of government-built housing or utility fees can be difficult, at best. The creation of informal settlements, allows many the option to create stability in their lives and improve opportunities for employment.

Under the laws of apartheid, the majority of South Africans were unable to live where they desired. The colour of their skin was the factor that determined where many individuals could work and reside. The previous government purposefully created, "...policies of separate development and apartheid which aimed at controlling the movements and lifestyles of the majority of South Africans," (Shaw & Louw, 1998:1). In the post-apartheid years, many who suffered the most under the restrictive policies looked to the new government for substantive change. Unfortunately, the spatial determinants which so starkly defined apartheid are largely still in place today, as income inequality widens and viable land in urban areas becomes increasingly sparse and unaffordable. Over fifteen years later, income disparities have continued to grow and informal housing settlements have continued to expand, as many still cling to hope that change will one day come.

The issue of housing has been at the forefront of political conversations and campaign platforms since the end of apartheid. Many South Africans expected to see an end to informal housing settlements and 'slums' with the election of a new representative government. Over fifteen years later, millions are still living in shelters that barely provide enough protection to shield them against the elements. Inhabitants of these communities wait patiently for years for the government to build brick and mortar homes they can move into. In 2005, there were 250 000 to 300 000 families on the City of Johannesburg's housing waiting list (COHRE, 2009a), a number that is only expected to grow as migration to urban areas is on the rise. Before enough formal housing can be constructed, many residents are forcibly removed from their shanty homes when the land is reclaimed by property owners, redeveloped, or needed for the construction of formal housing. This creates an environment of insecurity and fear, as the instability of the situation is so prominent.

The government recognizes that housing trends changed dramatically when apartheid ended. Suddenly, the majority of the population regained the ability to move and reside where they desired. With greater mobility came an increased demand for land, which affected property

prices and availability all over the country. This issue is highlighted in the government's most recent housing policy document, *Breaking New Ground*:

“The repeal of the Group Areas Act created an increased demand in historically well serviced and located neighbourhoods – fuelling demand and increasing prices and sale and property investment. By contrast, investment in large parts of the middle to lower end of the property market i.e. historically working class neighbourhoods, has declined,” (Department of Housing, 2004:4).

The deterioration of residential segregation combined with the increase in economic opportunities made urban environments extremely desirable, causing a steady migration to cities and outlying areas. Though many can sympathize with the unfathomable amount of resources needed to rectify the problems inherited from the previous government, those living without basic necessities have understandably run out of patience. As time continues to pass without improved conditions, many are working to make their concerns over slow delivery and their need for formal housing heard.

One fundamental right that all humans have is the right to shelter. The right to adequate housing is recognized by multiple international treaties and non-governmental human rights organizations. It was recognized as a basic human right in 1948 in the Universal Declaration of Human Rights of the General Assembly of the United Nations (1948). Article 25 of the Universal Declaration of Human Rights states that:

“Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood...”

In addition to food and water, shelter comprises the third essential requirement one needs for basic survival. But shelter, can provide additional psychological benefits that can improve one's quality of life. According to a one-pager on shelter and human rights by UNHCR Canada:

“Shelter is important because it protects us from the elements, provide us with a basic sense of security, and place for our families to interact. But it is also linked to so many other aspects of what we consider “normal life”: privacy, independence, dignity, safety. Shelter is fundamental to the enjoyment of many human rights” (n.d.).

This basic sense of security is vital for humans not just for their well-being, but also for their sense of self-worth and mental stability needed for fulfilling their potential. This correlation is cyclical,



as those living without shelter will find it more difficult to meet other basic needs, let alone break the cycle of poverty. This insecurity causes ripple effects for individuals who become increasingly desperate to provide security for themselves and family members.

### **South African Housing Policy**

Over the years, South Africa's strategies and policies towards the housing challenge have evolved, just as their government and their capacity to address the problem have. The current national housing policy entitled, *Breaking New Ground* (BNG), is a new approach to housing delivery, which seeks to build rental accommodation and affordable bonded accommodation for people who do not qualify for the full housing subsidy, in addition to the free houses for the poor covered under previous policies. The BNG strategy was approved by the national government in September 2004, and is a key component of the comprehensive housing plan, which derived from the Housing Indaba in Cape Town in September 2005 (Department of Housing, 2005c). It is a social contract for rapid housing delivery between government, and members of the private sector that includes banks and property developers.

Prior to BNG, the previous housing strategy was the Reconstruction and Development Programme (RDP). The RDP has delivered more than 2,4 million free homes to poor South Africans since 1994 (Department of Housing, 2008). The RDP strategy was an ambitious 'integrated, coherent socio-economic policy framework' (ANC, 1994) implemented in 1994 to alleviate the inequality and poverty created under the apartheid era. It was guided by the idea that "housing is a human right," (ibid) an important framework, which drove policy development in the post-apartheid era.

The government describes the shift in policy as one where BNG builds upon the White Paper on Housing (1994), and "...shift[s] the strategic focus from simply ensuring the delivery of affordable housing to making sure that housing is delivered in settlements that are both sustainable and habitable," (GCIS, 2009:333). The houses themselves have also received an upgrade. Previously,

the government constructed 0-34 square metre subsidy houses, but the BNG homes are “40 square metres, with two bedrooms, a lounge, an open plan kitchen and a fitted bathroom,” (ibid). Furthermore, the BNG policy proved to be a departure from RDP policy because of the focus on in-situ upgrading as well as aims to “embrace the People’s Contract<sup>1</sup> as the basis for delivery,” (Department of Housing, 2004:2). This effort was aimed at rectifying the growing inequality by focusing on stability and security in the development stage.

Additionally, the Department of Housing and thus national housing policy is committed to the implementation of various international accords and standards. Specifically, the BNG policy addresses the need to look at international best practices (Department of Housing, 2004:12; 17). International agreements and international law take the right to shelter one step further than most national government policies, declaring that all humans should have security in where they find shelter. The UN declares that all persons should have ‘legal security of tenure’, and not be subject to forced evictions (U.N. Office of the High Commissioner for Human Rights, 1994). Even with this international agreement, millions of people all over the globe live in substandard conditions.

The South African government modelled their efforts to provide a legal right to housing after Article 11 (1) of the UN’s International Covenant on Economic, Social and Cultural Rights (CESCR). According to CESCR, ‘adequate’ housing is defined by seven elements: security of tenure; access to services; access to affordable housing; habitable housing; accessible housing; location; and cultural adequacy (U.N. General Assembly, 1966). According to other international agreements, one of the basic rights all humans have is the right to shelter. Building upon this, the UN declares that all persons should have ‘legal security of tenure’, and not be subject to forced evictions (U.N. Office of the High Commissioner for Human Rights, 1994). Specifically, habitable housing is more applicable to informal housing settlements. The currently existing structures in many of these communities are inadequate at providing proper shelter. To be habitable, houses

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<sup>1</sup> The People’s Contact was part of the ANC’s election platform in 2004. It called for a contract that could bring together “all sections of society together in a collective effort to fight poverty,” (ANC, 2004).

should have enough space to prevent overcrowding, and should be built in a way that ensures physical safety and protection from the weather. Formal brick houses that meet the standards set by the State for quality housing can be considered ‘habitable housing’ whereas informal dwellings such as shacks in informal settlements and backyards would not be considered habitable or adequate. It is this housing type where people who make up the bulk of the housing backlog in South Africa reside (Children Count, n.d.).

Some of the additional guiding international policies used by the Department of Housing include: the Millennium Development Goals (2001), the Vancouver Declaration on Human Settlements (1976), Istanbul Declaration on Cities and other Human Settlements (1996), Agenda 21 (1995) of the Rio Earth Summit, and the Johannesburg Declaration on Sustainable Development (2002).<sup>2</sup>

At the provincial level, the Western Cape Sustainable Human Settlement Strategy (WCSHSS, 2007) seeks to build upon the BNG policy by focusing on sustainable communities. The provincial government realised that the national government subsidy would only provide for 14 360 RDP-type homes annually. This number is not enough to keep up with an estimated backlog of 410 000, which was expected to nearly double by 2040 if progress continued at the current rate (ibid:2).

This shift in policy and a focus towards a more cooperative effort amongst national, provincial and local government has been plagued with delays since its inception. Despite the overhaul of housing policy, and an effort to improve delivery and the scope of housing, infighting is rampant. Various levels of government blame each other for impediments to progress and for poor quality of work delivered to date. Private contractors and public officials pass blame back-and-forth, while the intended beneficiaries claim neither group ensured they understood rental agreements and property contracts they were made to sign.

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<sup>2</sup> Listed under ‘Documents: International Commitments’ on the Department of Housing webpage Accessed on 9 September 2009 via <http://www.housing.gov.za/>

Nevertheless, the government remains focused on reducing the backlog of people waiting for new homes to be delivered. As Catherine Cross from the Human Science Research Council remarks,

“...no other country in Africa promises its poor the levels of social provision that South Africa has committed to in order to redress the crippling effects of apartheid housing restrictions and its deliberate distorting spatial policy,” (2008:1).

The legacy of apartheid shaped housing policy and drove the need to ensure housing for every South African. This resolve is what prompts the government, despite setbacks, to continue to look for ways to work together. Unfortunately, the previous policy, regardless of problems, may have been more expedient in housing delivery than the current process under BNG guidelines.

In an effort to alter public perception of the ‘Breaking New Ground’ project, the Department of Housing has teamed with the South African Broadcasting Corporation (SABC) to present a television series to highlight housing delivery. Prominent South African urban housing scholar, Marie Huchzermeyer describes the departments ‘Breaking New Ground’ television series as “somewhat propagandistic” (2008b:2) in its promotion of service delivery and the department itself. The series touts the important role the government is playing, but does not examine the housing shortfall, and the impacts of those still waiting indefinitely for housing.

As South Africa races toward first world status, the number of shacks in informal settlements grows drastically. Tragically, any effort by the government to create more formal housing is dwarfed when compared to the rates at which the need for housing grows. As Abbott & Douglas remark, “The estimated number of shacks in informal settlements in Cape Town increased from 24 000 in 1993 to 68 000 in 1998, and to an estimated 100 000 in 2003, an increase of more than 300% over the 10-year period (1999),” (as cited by Smit, 2006:103). In 2004, the Department of Housing estimated that 2,4 million households lived in informal structures (Department of Housing, 2004), though the number of people living in informal squatter camps has risen by half that number in the same period (Department of Housing, 2007). Additionally, over the same period of time there has been 2,1 per cent population growth, per annum, since 1996; a 30 per

cent increase in the number of households between 1996 and 2004; and overall urban growth rates of 2,7 per cent per annum (Department of Housing, 2005a). Urban growth in Cape Town has caused an increase of people moving from rural areas in search of employment opportunities and overall changes in the quality of life for themselves and the families they may have left behind. As the city continues to grow, as well as prepare for the 2010 World Cup, housing needs must be addressed in a more effective manner.

### **Research Design**

Though the issue of informal settlements and land tenure in South Africa is one that is widely written about, there are few studies that highlight consistent methods for creating formal housing quickly enough and securing tenure for those who inhabit informal structures. Few studies look at the impact community-based organizations (CBOs) and non-governmental organizations (NGOs) have in this debate. While the impacts of these organizations are not inevitably quantifiable, their tactics can shed light on the ways in which individuals or groups may be influential. No one tactic can be prescribed, but rather all resources should be evaluated in order to best understand the resources civil society as a whole has at their disposal. One voice can certainly raise awareness, and thousands of voices have been known to get attention. Quantifying impact is not the objective of this research, nor is comparing one tactic over another. Organizations and communities need to look at all their available resources which can include membership, networks, access and influence over elected officials or the media.

South Africa is a nation that is predicated on the principle of equality, and strives to repair the injustices of the past. As a result of apartheid policies, a vibrant activist community grew out of decades of tremendous oppression. This community of organizers and advocates is still alive today, taking on the struggles of the impoverished and fighting the injustices of gross economic inequality. The base of activists in South Africa works to challenge government to keep promises

to those who suffered under years of segregation. In addition, the new government has allowed for the expansion of the not-for-profit sector.

Community-level activism has a rich and vibrant history in South Africa. In his own words, prominent activist and academic, Ashwin Desai, describes many of the post-apartheid efforts for better living conditions in South African communities. He describes his book, *We Are the Poors* as: “first and foremost an account from the frontlines of the establishment's undeclared war on the poor” (2002:14). Desai’s main points are largely centred on the idea that although apartheid has ended many of the people in impoverished communities still face the same hardships as they did pre-1994. In addition, his book highlights the role of activism and the power civil society has in South Africa today. The impoverished cannot continue to sit patiently by while the government struggles to fulfil its promise to provide all South Africans with adequate housing. Desai’s book illustrates the many ways in which ‘the poor’ have fought against the established government practices to make their voices heard, and the ways in which community organizing in South Africa has developed into an essential part of the new democratic government.

Civil society is the best advocate for informing and shaping government action. Kaplan characterises civil society as a society, “in which more people have access to resources and power over choices” (1994:4). This shows that change comes from individuals choosing to participate in society. There is no correct way to influence change. There is no guide for how to quantify what one group may define as change. In the South African context, there is access to political participation, versus other nations where the foundation for political freedom is not in place, creating an environment where dissent can inform policy. The space and access to participate in politics by free speech or by voting is an essential way to voice this dissent.

## **Overview of the Problem**

Explicitly stated, the problem is a lack of sufficient formal housing for all residents of South Africa. Failed government promises, lack of trust amongst relevant actors and the reality of access to and availability of land in urban areas to build new property exacerbate this problem. A cycle of mistrust has developed between government, developers, and the impacted communities. Most parties are acting defensively, instead of creating a proactive environment that is focused on equitable solutions.

Informal settlements are typically located on the periphery of urban environments where there are more opportunities for employment in and around cities. When urban centres grow, there is often a crowding out effect, as housing prices and the cost of living skyrocket, and affordable land becomes scarce. As a result, informal settlements provide a viable alternative for many. Simply put, “People without jobs cannot afford formal renting,” (Cross, 2006:270). Informal settlements develop as a need to create affordable accommodation when formal structures are not financially accessible or feasible.

The growth of an economy and the creation of jobs in urban environments create problems, especially in developing societies. Additional space is needed to house the expanding urban workforce, and in turn more space is often desired for new developments in an expanding marketplace. Rarely is affordable housing and affordable transportation a priority for many quickly developing communities. Without alternatives, informal housing settlements are the only option for many of the urban poor: “The need for illegal occupation of land and informal dwelling arrangements stems from a deep marginalization and exclusion from formal access to land and development” (Huchzermeyer & Karam, 2006:4). Literally and figuratively, those living in informal settlements are often pushed to the periphery of society, stripped of the dignity and rights enjoyed by millions of others with the security of stable and formal housing.

It is this urban sprawl and development that is vital for understanding the perpetuation of informal settlements, even in booming economic areas. The cycle of poverty is difficult to escape as housing, food, and energy costs are on the rise. As Smit remarks,

“The formation and continuing existence of informal settlements needs to be understood as part of poor households’ livelihood strategies aimed at accessing income, increasing well-being, reducing vulnerability and improving food security,” (Smit, 2006:104).

Informal settlements arise out of necessity, as space in the urban environment is often given to the highest bidder. With housing costs come utilities, transportation, and food fees. Most of which are difficult to afford without a job. The demand for housing continues to rise much faster than government housing programs can keep up. According to the Centre on Housing Rights and Evictions (COHRE), an international non-government organization that looks at the various circumstances and justifications used to determine forced removals worldwide, there are many reasons why people are evicted (2009c). Governments often resort to evictions to reclaim public land for: development and infrastructure development; prestigious international events; urban redevelopment and city beautification projects; conflict over land rights; forced population transfer in armed conflict; and separation of ethnic and racial groups (ibid).

One of the key factors impacting on the number of people seeking housing is the economy, specifically the high rate of unemployment. In the most recent national housing policy document, the government noted that:

“Unemployment, on the official definition, leapt from 16% in 1995 to 30% in 2002, placing pressure on household incomes. Growing unemployment is a feature of the increased size of the labour pool, and slow job creation,” (Department of Housing, 2004:3).

Though this policy document remarks on many of the hurdles to developing and meeting new housing needs, Marie Huchzermeyer notes that the forward-thinking document could have been more integrated with non-governmental input. She remarks, “Timeframes for the formulation of the new Housing Plan and its ‘Informal Settlement Upgrading Programme’ were too tight to allow for comments from the public, in particular civil society, and some aspects of the Upgrading Programme remain unresolved,” (2006:42). This lack of cooperation is problematic and inhibits



the government's ability to properly address the needs of the housing shortfall.

As South Africa prepares for the 2010 World Cup, many urban settings are experiencing more development and upgrades. This process has also resulted in the removal or relocation of some informal settlements and urban sprawl into more suburban areas. The growth has a crowding out effect not only because of the sheer space needed for development, but also due to the rise in land and housing prices because of expansive development. As South African cities grow and expand to meet the demands of the 2010 World Cup as well as overall economic goals of first world wealth, so does the price of land in and around these jurisdictions. A result of these economic endeavours has perpetuated the inequality of the apartheid era, allowing the rich to become richer, whilst the number of those living in poverty continues to grow. With great income disparities, comes a crisis in housing. Additionally, the most recent Quarterly Labour Force Survey (October, 2009) indicates a national unemployment rate of 24,5 per cent. Many struggle with the hardships of poverty, as "approximately 57% of individuals in South Africa were living below the poverty income line in 2001," (HSRC, 2004:1). Poverty levels this high make supporting oneself, let alone an entire family, tremendously difficult.

Jobs are scarce, as unemployment figures hover at high rates. These economic conditions make it difficult to escape the trap of poverty. With a GINI coefficient (an economic formula that expresses income inequality), of 0,63, South Africa has the most unequal distribution of wealth in the world. Compared to a country like Brazil, which is experiencing a similar economic boom to first world status, South Africa is still lagging behind. According to the Economic Policy Institute, "In the past 10 years, South Africa's economy has become steadily more unequal while Brazil's economy has become steadily more equal, although Brazil's inequality is still high" (Avirgan, 2006:1). This inequality increases social strife, perpetuates cycles of poverty, and decreases the quality of life for a large portion of the population.

A variety of research has been done on the causes of informal housing, and the importance of settlements in securing tenure for marginalized populations. Case studies highlight the struggles communities face, but few deal with advocacy strategies or effective planning of CBOs and NGOs engaged with stakeholders. Additionally, the testimony of various actors sheds light upon how residents of settlements have interacted with each other, government, and non-governmental sources to effect change. These interactions highlight the impediment to progress and the entry points to which community groups and individuals can effect change in both the policy process and implementation of housing projects. They provide the greatest insight into understanding what techniques work for preventing evictions, and/or for securing formal housing. These studies can also highlight the variables between each scenario that may have the greatest impact in other situations. No one country has been able to completely fill shortfalls in housing, but many countries live without widespread evictions or large slums. How can the quality of life for all citizens be improved? How can a community work together to secure their rights and reach mutually beneficial solutions?

The focus of my research will be to examine the role of grassroots and community-based activism with regards to the issue of land and housing rights in urban South Africa (using Cape Town and the N2 project as a primary example). The N2 project provides an interesting framework for viewing how the international community (via the visible location of the N2 project from the major highway between Cape Town city-centre and the airport) and the World Cup have influenced the housing projects in the region. This has also influenced the role of community groups and non-governmental organisations. Through the use of government documents, including national, provincial, and local housing plans, as well as budgetary and financial plans, it is easier to navigate the current political stance regarding informal housing, as well as future planning. Additionally, news articles help provide coverage of the on-the-ground impact various policies have. Reports by NGOs involved in the struggle can often offer additional information about housing strategies, anti-eviction efforts, and provide both macro (comparisons of other national policies) and micro-

level analysis (case studies of various housing settlements). Examining these NGO responses to specific incidents and the issues surrounding the struggle to prevent eviction and secure formal housing uncovers another perspective that may provide more options for sustainable solutions. Furthermore, the types of materials and publications developed by NGOs are also very reflective of their resources and tactics, which highlight the spectrum of organizations working to change housing policies.

Major events also help provide a timeline and context for reviewing government documents and statements by officials at various levels. Prominent case studies provide in-depth analysis of a variety of communities. These studies, coupled with my informal interviews of NGO officials and community leaders provide trends to use in analyzing tactics and interactions that achieve specific objectives or impact communities.

Barry, Dewar, Whittal, and Muzondo (2007) created a series of case studies for townships and settlements in the greater Cape Town region. As Barry, et al. note in their research methodology, “Newspaper articles tended to confirm some of the more sensitive facts which emerged during interviews which could not be explored in depth,” (2007:173). Newspaper articles provide a more reliable time frame from which to draw conclusions based upon often undated NGO publications, or other possibly misleading or undated materials. These articles can provide an alternate view of points of conflict or contention between residents of informal housing settlements, NGOs and associations working on their behalf, and government. In addition to researching news articles, they conducted interviews with government officials, community leaders, area planners, NGO employees and landowners in the area, after ruling out a seemingly cumbersome quantitative questionnaire-based technique.

These case studies highlight the interactions amongst residents, responses and actions from the government, as well as reactions from nearby residents living in formal housing. Both M.B. Barry

and Marie Huchzermeyer are two of the most prominent academics regarding informal housing in urban areas of South Africa. Barry's studies analyse not only the informal housing changes in particular settlements, but also the history of evictions and fluctuations. Marie Huchzermeyer looks at the role informal housing plays in society and the impacts of land tenure in an urban environment. "Informal housing, even if based on the illegal occupation of land is recognized by some as a more affordable and more immediately accessible solution to the housing deficit," (Huchzermeyer, Karam, Stemela, Siliga, Frazenburg, 2006:19). Tenure for the poor in informal settlements could be a more effective form of poverty alleviation than 'provision of formal land titles and redevelopment to meet the physical standards of the formal urban environment' (Huchzermeyer & Karam, 2006:5). Huchzermeyer has conducted research extensively in Brazil and South Africa to provide cross-national analysis of land reform policies.

The nature of the problem is subjective. The government at various levels continues to create homes, but the problem is not simply how quickly they are able to build homes to meet demand. It is about how responsive the government is to the needs of those waiting for homes, how reactive they are regarding concerns raised about problems with the constructed homes, and how they interact with their constituents. Simply quantifying the number of homes built per year in contrast to the various tactics employed by grassroots organizations unfairly represents the nature of the problem. The various stakeholders involved have different intentions and understand the problem differently. They also define progress differently. Yet most have the same objective: to create more homes and provide adequate shelter for all South Africans. The problem is much greater than that, as the government homes are now bigger, and take more time to be built; and the residents are raising concerns about relocation, the quality of the homes built, rental schemes, and access to employment opportunities. These problems are all impediments to success that must be addressed.

This paper will examine various tactics and strategies used by the grassroots organizers and other NGOs to fight for housing and the rights of those living in affected communities. It focuses briefly

on the history of South African housing policy and the larger issue of poverty as it relates to informal housing and economic development in urban areas. More specifically, the chapters following the overview will examine the relationships between the actors related to the N2 project and housing struggles in the Western Cape. For the second section I will focus more specifically on the N2 project and the interactions of these actors: various levels of government, the affected communities, developers, and non-governmental organizations. Additionally, this will provide specific examples of how urban land constraints can impact informal housing. The third section will examine various NGOs. It will also examine many of the strategies and tactics presently utilized by South African community organizers and NGOs to influence the debate with government, achieve change, and secure land rights. Additionally, this will show what is meant by change, and what change can look like in the eyes of those who are fighting for it. The fourth chapter looks at the breakdown of communication between the various actors mentioned above. Finally, the paper will weave all the previous sections back together to highlight grassroots interaction with government and effective advocacy strategies in chapter three. This would draw on some of the effective strategies for securing land rights or formal housing in the previous section and applying them to the other sections to develop a more cohesive prescription for civil society engagement in the issue of housing rights.

### **Conclusion of Chapter One**

South Africa has a rich and vibrant history of advocacy. There are various tactics employed by activists today, which have been used since the apartheid years. Real change occurs at the community level. Without community buy-in to government planning, the housing crisis is going to continue and criticisms over government's handling of the housing problem will continue to grow. Advocacy is working now, despite the fact that absolute change has not occurred, by mobilizing, educating, and empowering citizens. The incremental changes, and the way in which civil society has influenced the dialogue, are just as valuable.

A multi-faceted approach to advocacy not only creates the opportunity to work with government officials but also to publically admonish poor practices. Working with the various actors on multiple levels can create accountability, as demonstrations and public displays also raise awareness and publicity about a cause.

Non-governmental organizations work to empower the voiceless, and provide resources and tools to those who need it the most. This bottom-up focused advocacy can create new and unique opportunities for advocacy strategies and empower those who are often most marginalized by political infighting and inefficiency of services. All of these organizations and operations will be explored in more depth in later chapters.

The issue of informal housing is as much about the issue of poverty as it is about the issue of governance. In a 1994 white paper, the government declared that “...the time for policy debate is now past - the time for delivery has arrived,” (Republic of South Africa, 1994:1). Over fifteen years later, the government has worked to create millions of new homes all while experiencing a shortfall in adequate housing for citizens. While waiting for the government to fulfill its promise, economic conditions for the poor have worsened. It is imperative that citizens organize and make their voices heard. The government has failed to do enough to stem the rising problems associated with informal housing and poverty as a whole. Building all the housing necessary to ensure that an entire country of nearly 50 million people (and growing) have access to proper shelter is a lofty, but admirable goal. While building new homes should continue to be a priority of the government, the main focus should be on supporting the current informal settlements. These residents do not deserve to be evicted and uprooted from their lives. Nor should they have to move until formal housing is secured. No matter how dismal one may view their present living situation, many still have created a home that they would not wish to leave unless for a formal, secure house. These are their homes, their sense of security, and their rights must be protected and respected.

Fully representative democracy is still in the infant stages in South Africa. It will be many more years until the government is able to resolve many of the problems related to providing adequate services to the previously oppressed populations. Part of the slow transition has led to a rise in CBOs. These public interest groups and movements are essential to the growth and vitality of democracy. “Unless democratic grassroots structures are part and parcel of civil society and have the capacity to influence state action, then democratic process at a national level will be built on weak foundations,” (Roche, 1992:190). Engaging with civil society is important for democracies and understanding the needs of the constituency is vital for representative government.

*Chapter 2***THE N2 GATEWAY PROJECT:**  
*An operational overview***Introduction**

This chapter will analyze the various aspects of the N2 Gateway Project. This will include an overview of the project to date, including objectives and progress thus far. Additionally, the relevant actors associated with the project will be outlined and positioned. The following sections will describe some of the challenges the project has faced so far, including a look at some of the legal developments related to the project, and to housing policy in general.

Informal housing settlements continue to be one of the most visible indicators of an economy with growing inequality. In South Africa, it is also a constant reminder of the deliberate and systematic segregation of apartheid, as well as the unfulfilled promises of a new democracy. A modern society recognizes the impact that securing housing rights for all can have on a community and for an ambitious nation. Safe and secure housing provides the confidence necessary for human beings to have a sense of well-being, which is vital to becoming functional and productive members of society. For South Africa to realize its dream of economic vitality and improved quality of life for all South Africans, housing has to be at the forefront of social policy.

One of the most notable sites those visiting Cape Town for the first time are likely to remember, are the sprawling seas of makeshift housing along the highway which connects the airport to the city centre. This 10km area along the N2 highway, known as the Cape Flats, is an informal housing settlement that is the focus of one of the largest housing upgrade programs in the world, the N2 Gateway project. This project is aimed at creating 22 000 formal rental and ownership units (COHRE, 2009b:2), intending to alleviate the backlog of housing requests and serve as a preliminary model of housing delivery for the nation. The visibility of this location was a



significant factor in its selection as the flagship pilot program for the revised national housing strategy. In the government's push to eradicate informal housing, any improvements in this area will be the most noticeable. With the 2010 World Cup approaching, and an inevitable rise in tourism and attention from abroad, South Africa wants to present itself in a positive light. Appearances are important for improving the nation's reputation abroad and ensuring greater revenue from tourism and foreign investment. Sometimes this desire to achieve international notoriety seems to get in the way of what the true intention for housing policy should be: improving the quality of life for South Africans.

When it was announced in May 2004 that South Africa would be home to the 2010 World Cup (BBC Sport, 2004), the pressure was on for government to make a variety of improvements. As part of the effort to improve the nation's image, interest quickly shifted to the housing program. The government's effort to speed up the rate of housing delivery has not been worrisome for many, but the rapidity of this change has been cause for concern. Increases in service delivery are chided for focusing on numbers of houses built, instead of about the inconvenience to displaced residents, the quality of quickly built homes, in addition to concerns about proper planning. Many have raised concerns that the main driver behind current development is the World Cup, instead of a desire to improve the quality of life for many South Africans. Martin Legassick, a prominent activist, is highly critical of the motives behind the N2 project, noting: "The N2 Gateway project...was conceived less to build houses, or to contribute to solving the Western Cape housing crisis, than to prettify the margins of the N2 highway before the 2010 World Cup," (2008:2). This raises concerns about the sustainability of current housing projects beyond 2010.

In addition to preparing for the world stage, formal housing construction is a key tactic in improving a variety of social issues like reducing crime rates and creating jobs. With a homicide rate of 47,53 for every 100 000 people (U.N. Office of Drugs and Crime, 2002), South Africa has one of the highest homicide rates in the world. High unemployment rates and high crime rates are

not entirely uncorrelated statistics, and are often key components of the cycle of poverty, which entraps many South Africans.

Fulfilling the commitment of creating formal housing for all not only ensures the legitimacy of government, but also alleviates some of the negative aspects associated with poverty. Securing housing for all is important, because:

“Housing delivery is normally the vehicle that provides not only access for the poor to services, but also the vehicle that gives households moving into the urban economy a platform on which they can accumulate assets, allowing them to become functioning citizens of the developed economy,” (Cross, 2006:252).

This is especially important in South Africa, where a growing economy has created gross inequality and resentment, exacerbating the divisions of left behind by apartheid. This growing inequality has contributed to an increase in social problems, such as gangsterism, crime, drug abuse and sexual violence (Bhana, 2009:21). These problems are by-products that further marginalize an already disenfranchised impoverished majority.

### **The N2 Gateway Project: *What is it?***

The N2 Gateway project was designed to combine the power and resources of the national, provincial and local government to rapidly address the growing housing needs in Cape Town. It was believed that a joint effort would reduce impediments to progress and increase not only efficiency but also the resources available to take on a project of this magnitude. The project was the lead pilot project of the new Comprehensive Housing Plan for South Africa, adopted by National Cabinet on 1 September 2004 (Department of Housing, 2005b). The location and prominence of the pilot project have made it a flagship endeavour for housing initiatives nationwide.

As a pilot project, it was understood by many that the process would be subject to change when perceived mistakes were made (Western Cape Anti-Eviction Campaign, 2008). Many local advocacy organizations have raised concerns about the flexibility of the government officials and

builders to respond to the needs of area residents. The following chapter will outline the main concerns of the project, including the roles of various stakeholders. The strategic responses by residents and civil society will be highlighted in chapters three and four, which analyse various strategies used to engage project developers and the state to address the shortfall.

According to local officials, the location of the pilot was targeted not just because of its prominent setting, but also because of the low rate of on-site services at the time. For instance, in the targeted areas, less than three per cent of the population had access to proper sanitation (flush and chemical toilets) or safe drinking water (on-site or in dwellings); compared to 85 and 86 per cent, respectively, in the Western Cape as a whole.<sup>3</sup> Only 27 per cent of the area's population had access to electricity for lighting, compared to 88 per cent at the provincial level. Additionally, the overall unemployment rate (57 per cent) in these areas was three times the rate at the city level (19,8 per cent) (ibid).

One of the main implementing organizations for the project was Thubelisha Homes. This company was put in charge to not only manage and oversee the construction but also to administer the housing and rental agreements with tenants. Thubelisha Homes was a privately owned company set up by the national government. It was engaged to implement the housing project as a Section 21 Special Purpose Vehicle company in March 2006 (Isandla Institute, 2007:1). The company was created in 1996, but was given expanded powers to handle this project by the Housing Minister in 2006 (COHRE, 2009b:3). The company was hired to replace the City of Cape Town as the project developer (Department of Housing, 2008). Instead of the government controlling the allocation of homes, it is in fact Thubelisha (Legassick, 2008), which is in charge of distributing keys. Since taking over, the company has been plagued with problems. Infighting amongst members of the board, and financial trouble have both been cited as major obstacles impacting operations (PMG, 2009a). As a result of the criticism over the speed of construction, and complaints about the quality

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<sup>3</sup>Based on 2001 Census: as cited by National Department of Housing, the Western Cape Department of Housing and the City of Cape Town, in *Briefing Document for the N2 Gateway Project*, Cape Town, 2004

of the homes, the company has ceased operations as of 31 July 2009 (ibid). In April 2009, the Housing Development Agency (HDA), which was created by an act of Parliament, took over control of the project (Gauteng Provincial Government, 2009). Most employees of Thubelisha Homes were transferred to the new agency (Smook, 2009). This has raised concerns over how much will truly change as a result of this transition.

Kerry Chance, in a report for Abahlali baseMjondolo, notes that Thubelisha had originally estimated 25 000 units would be constructed. Of these homes, it was determined that 70 per cent should be allocated to 'shack-dwellers', and 30 per cent to 'backyard dwellers' (Chance, 2008). Shack-dwellers are loosely described as those who have resided in improvised structures, as opposed to backyard dwellers who reside in makeshift housing (sometimes wendy houses) in the backyards of formal residences.

Despite the goals of the N2 project, two years after the minister of housing declared (in January 2005) that 22 000 houses would be built in six months, only 821 units had been completed in that time (Underhill, 2009). The nationwide average of construction in 1994 was 180 000 homes per year. This number has steadily declined to 137 659 in 2005/6. But, as Legassick notes, even Finance Minister Trevor Manuel raised concerns over whether developers have inflated the most recent numbers (2008), which raises questions about the actual rate of development.

When the provincial numbers are analysed, they show a steadier construction rate (despite a slight reduction in the number of homes built last fiscal year). In the Western Cape, for the 2008-09 financial year, 31 011 homes were completed or in progress, as compared to 2007-08 where 34 157 homes were completed or in progress (Department of Human Settlements, 2009). As of May 2009, DAG reported that in the Cape metropolitan area alone there are 115 000 households living in informal settlements and several thousand more throughout the province waiting for housing

(Bhana, 2009:21). Despite a steady rate of housing delivery, there is still a growing population of people desperate for improved living conditions.

The N2 Gateway project was to be split into three phases, with an original goal of producing 22 000 new homes by July 2006 (Thamm, 2006). The Joe Slovo project is the first component of the N2 Gateway project that was recently completed in the Cape Town suburb of Langa. Originally, 12 000 homes were planned to be built on the land damaged by a fire<sup>4</sup>. Instead, the first phase of this project saw the construction of only 705 units within the Joe Slovo informal settlement (Social Housing Foundation & SHIFT, 2006). Despite the delivery shortfall, the project moved forward.

Problems arose when the first group of residents received the keys to move in. The Housing Minister came to Delft for the hand over, and gave keys to former Joe Slovo residents, neglecting the Delft backyard dwellers who had been promised 30 per cent of the newly constructed housing (AEC-WC, 2008) prior to the handover. According to interviews conducted by COHRE, other government officials have made promises to residents displaced by construction of phase one, which they were unable to keep. Councillor Gophe and Executive Mayor Councillor Mfeketo allegedly promised them that they would receive permanent homes when construction was complete. Both officials have denied this claim (2009b:12).

When the Western Cape Premier, Helen Zille, was the Mayor of Cape Town she publically criticised the project. She noted that the first phase of the project exceeded cost estimates, and the allocation of the flats was poorly managed. She also criticised the project's slow rate of construction, since the plans would only provide homes for one in every 300 families (COHRE, 2009b:3).

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<sup>4</sup> On 15 January 2005, 996 families from Joe Slovo and 3 704 families from the Langa hostels area were displaced by fires (COHRE, 2009:12).

Another major concern, which has emerged, was that many of the proposed residents could not afford the rental prices (Thamm, 2006) as some rates had increased over the course of construction. In 2008, the Auditor General reported that “[t]he total cost overrun incurred on Joe Slovo phase 1 was R28,2 million (705 units x R40 000 per unit)” (2008:19). Additionally, there were some residents who were confused about various stipulations in the agreements they had signed.

The second component of the project, known as phase two, was launched in June 2007, when First National Bank unveiled a plan to invest in 3 000 bonded houses on the Joe Slovo and Delft Settlements (Sisulu, 2007). The plan was scaled back and eventually only 35 credit-linked bond houses were planned (COHRE, 2009b:3). The second and third phases of the project have been mired in even more controversy. After the problems encountered with phase one, many have fought vehemently against the temporary evictions project planners have required for much of the construction. Currently, the courts are still deciding how the project will proceed. Some of the court rulings will be discussed later in this chapter.

### **About the Actors**

This project is comprised of a variety of actors, with varying degrees of involvement and engagement. There are various levels of government, residents of the affected communities, business developers, NGOs, CBOs and members of the press which all play important roles in framing the debate around the effectiveness of the N2 Gateway Project.

The national government sets the tone with housing policy. As explained in the previous chapter, the present BNG strategy has utilised the N2 Gateway as a pilot project for the reformed national housing policy. It also uses the successes of this project to highlight effective service delivery and good governance.

In the Western Cape, the government remarked that the largest impediment to building homes is the availability of land. Swilling, remarks,

“...housing policy adopted after 1994... suffered from a fundamental problem: it underestimated the land crisis. This effectively meant that housing for the poor was peripheralised, because that is where land was cheap – on the urban peripheries,” (Isandla Institute, 2007:07).

For the most part, the government only has access to the land where the informal settlements are already situated, as land prices in desirable areas are notoriously expensive.

“The fault is not with housing policy so much as is with the extent to which the government is at the mercy of forces in the land and property markets. The unavailability and unaffordability of well-located serviced land in urban areas makes land an obstacle to providing adequate housing – located close to economic opportunities, amenities and infrastructure – to the poor,” (Bhana, 2009:21).

The shortage of available land forces people to settle wherever possible because of market forces. In these instances, residents are relocated to other settlements whilst the homes are constructed. One of the largest areas of contention between government and civil society is over resettlement and the disruption to local communities—an issue that many expected to be resolved as per the language of the BNG policy<sup>5</sup> and the rhetoric surrounding the implementation of the N2 pilot.

Much of this project centres on the vitality of the City of Cape Town as an economic hub, and region of employment. The perceived increase in opportunities makes it a desirable place to settle. Cape Town “contributes significantly to the economic prosperity of the province but has among the highest levels of inequality in South Africa,” (Bhana, 2009:21). Despite the wealth in the region, there are still not enough jobs to reduce the growing inequality.

The City itself was in charge of administering the project before Thubelisha Homes was tapped to take over in 2006. As Cross remarks, “Institutional shortcomings in local governance have historically been given little attention in housing policy statements in South Africa, although they have consistently been at the root of many of the problems experienced” (Cross, 2006:252). Typically, local governments do not hold any direct powers or functions in relation to housing, as

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<sup>5</sup> The BNG policy specifically outlines the preference for in-situ upgrading, when possible (Department of Housing, 2004:12).

constitutionally this is a function of the national government (Khan, 2004). Cape Town has since created its own housing strategy. Though in line with the national policy, there appears to be a lack of clarity in the way the City's new integrated human settlement strategy is to be applied in relation to the BNG pilot (Delivery, 2005a:50 as cited by Cross, 2006:266).

### **Impediments to Progress**

Even though this project has had tremendous financial support, years after it was launched, it is still behind projected progress. Accusations of mismanagement, poor planning and disputes between residents and the developers have caused tremendous delays.

The project has been riddled with scandal and allegations about misuse of funds. Despite these allegations, auditors have found no sign of corruption. A sound business plan had only materialized after the project had already begun (PMG, 2009b). Most of the inflated costs are due to lack of foresight and proper planning by developers. For example, original plans for the project ignored the fact that the land secured for development was formerly a landfill, and thus would need large-scale excavation, which was not included in the original budget (Thamm, 2006). Additionally, no provision was made for local roadways, sidewalks, or general landscaping (ibid). The Auditor-General's Special Audit of the N2 Gateway project concluded that the project "was not managed economically, efficiently and effectively" (Auditor General, 2008:1). Despite this poor planning, the project still continues to move forward.

This project has been the source of public disputes amongst various government officials. According to one news source, the former Housing Minister Lindiwe Sisulu (currently the Defence and Military Veterans' Minister) asserted that the City of Cape Town was solely responsible for holding back the progress of the N2 gateway project (Thaw, 2009). Recently, the former Cape Town city manager Wallace Mgoqi and chief financial officer Ike Nxedlana were being



investigated and three years after leaving the city council may be prosecuted for alleged 'negligence' and possible 'wasteful expenditure' (Lewis, 2009a). Blame is repeatedly passed amongst various project managers and officials.

Five years into the project, and countless missed deadlines later, all three tiers of government are planning to sit down and evaluate the future of the project (Lewis, 2009b). In his editorial published by *Business Day*, Whitey Jacobs (a former housing MEC in the Western Cape, and currently the ANC spokesman on human settlements in the Western Cape legislature) comments on the importance of cooperation:

"No single entity, no single sphere of government, will be able to eradicate the 400 000 housing backlog in Cape Town on its own. This will have to be a collective effort of the government in partnership with communities and financial institutions," (Jacobs, 2009:1).

He goes on to remark that if the various spheres of government cannot cooperate and work together now, it could be another 30 years before the objective to eradicate informal housing is achieved. These sentiments raise the concern that the biggest impediment to the success of this project has been the lack of cooperation and coordination amongst all of the associated parties.

Despite the divergence amongst the various levels of government, the greatest divide exists between those spearheading the project (government and the developers) and those residing in the affected communities. Swilling offers great insight into the disagreement between the government and civil society. He remarks that officials often have a preconceived notion about what is permissible to discuss in certain forums, whereas the people living the problem (in this case, the residents) are eager to discuss the operational or policy matters they are concerned about (Isandla Institute, 2007:12). It is this posturing which draws lines in the sand, and breaks down trust amongst the actors. He recommends that the state officials have to be more empathetic. If they look at the "dynamics of the development process from the point of view of the community," which can be done through a "culture of listening rather than defensiveness," more might be achievable (ibid:12).

One of the biggest complaints shared by many activists and affected parties, who are critical of the government's role, is that the government focuses too much on the numerical aspects of housing delivery. All too often, the criticism is that government focuses on spreadsheets and numbers of homes built, instead of recognizing that this project is about the quality of life for the people who reside there (Legassick, 2008). The BNG policy shift promised to be more responsive to people's needs. There is great concern that the human element of this project is what government truly does not understand. Swilling explains,

“There has to be a social process to build the capacity of households to respond and take advantage of the interventions taken by the state. But that cannot happen if we continue to treat people as things – as things to be relocated, or evicted, or instructed to inhabit fixed structures,” (Isandla Institute, 2007:8).

This fundamental difference in ideology, even if it only exists as a perception of the activists, is damaging to the government's position and must be addressed. African National Congress (ANC) Provincial Housing Minister Richard Dyantyi, has argued that the project is driven by needs, and not costs (Thamm, 2006). The needs of the people have still not been met, as costs continue to rise, raising concerns about sustainability of the project. In addition, many worry that the focus on beautification and statistics draws the government's focus away from the human element, desperately needed in ensuring the housing delivery process is equitable, humane and successful.

### **Legal Developments**

Historically, the courts have played a vital role in defining the scope of human rights in South Africa. It has mainly been through judicial enforcement “...that the realisation and enjoyment of human rights generally (and the right of access to adequate housing specifically) takes place,” (Mubangizi, 2008:141). Often, civil society groups, including human rights organizations, bring vital issues to the courts to effect change. This process “plays an important role in shaping the South African interpretation of rights,” (Huchzermeyer et al., 2006:33) which influences the way policies are developed and defined.

The press has widely covered the legal battles over relocations associated with the upgrading process, and the problems with service delivery. The largest debate between the policy implementers and the residents of the affected communities is over the issue in situ upgrading. The BNG policy, and the role of the N2 gateway as the pilot, was supposed to execute a housing delivery system that did not require residents to relocate. Formal housing structures were to be built on the periphery of existing settlements, providing the least amount of disruption to residents. It is the issue of relocation that is at the heart of legal cases against the development. Most residents are deeply concerned that if they are relocated, they will not be able to return to Langa (Joubert, 2008). Many organizations, including a national human-rights law organization, the Legal Resources Centre (LRC), have taken this concern to the courts, to protect against eviction and relocation for the sake for housing development.

In October 2000, the Constitutional Court handed down a ruling in the case, *Government of the Republic of South Africa and Others vs. Grootboom*<sup>6</sup> that further shaped housing policy. The case stemmed from residents living at Wallacedene, who were evicted from their informal settlements because they were situated on land that was earmarked for housing development. In order to ensure their survival, the residents “applied for an order directing the local government to provide them with temporary shelter, adequate basic nutrition, health care and other social services,” (Mubangizi, 2008:142). In the ruling, the Constitutional Court held that the state failed to meet its constitutional obligation under sections 26<sup>7</sup> and 28(1)(c)<sup>8</sup>. This case is hailed internationally, as a landmark decision for securing socio-economic rights. It has had a great impact on the “policy and practice relating to shack dwellers, the consequences of land invasion, and the constitutional obligations of the State to address the plight of those in desperate need of shelter, even when a

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<sup>6</sup>2001 (1) SA 46 (CC).

<sup>7</sup>SA CONST. § 26; This article of the constitution states that: 1) Everyone has the right to have access to adequate housing. (2) The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realization of this right. (3) No one may be evicted from their home, or have their home demolished, without an order from the court made after considering all the relevant circumstances. No legislation may permit arbitrary evictions.

<sup>8</sup>SA CONST. § 28 (1)(c); This article of the constitution states that: (1) Every Child has the right— (c) to basic nutrition, shelter, basic health care services and social services

systematic housing program is in place,” (Barry et al., 2007:178). The impact of this case is felt with every other legal case surrounding evictions for the purpose of housing upgrades.

Despite the Grootboom ruling, residents of informal settlements were not protected against eviction. In February 2008, the Cape High Court “ruled that the Joe Slovo squatters should be evicted to make way for Sisulu's N2 Gateway Housing Project's phase two and three” (Joubert, 2008:1). The ruling declared the resident’s unlawful occupants of the land and upheld the government’s national BNG policy (ibid). Officials were frustrated that the project had been delayed for two years because the ‘squatters’ had refused to move to Delft. Community leaders and their legal support moved to appeal the decision.

On 10 June 2009, the Constitutional Court ruled<sup>9</sup> that the 20 000 Joe Slovo residents would have to relocate to Delft (in phases) in order for there to be room to construct the N2 Gateway project (COHRE, 2009). The Court also ordered:

“...that the residents must be offered alternative accommodation of a standard set out in the court order; that the applicants must engage meaningfully with the residents about the details of the relocation and provide them with assistance to move their possessions; and that 70% of the low cost housing to be built at the site of Joe Slovo must be allocated to the current and former residents of the settlement who apply and qualify for the housing” (LRC, 2009:para 1).

This was describes as the “largest judicially sanctioned eviction in post-apartheid South Africa,” (Liebenberg, 2009). Despite this ruling, the court quietly suspended the order on August 24, after the Western Cape MEC for housing, Bonginkosi Madikizela, “submitted a report to the court saying he had ‘grave concerns’ that the ‘massive relocation’ might end up costing more than it would to upgrade Joe Slovo” (Majavu, 2009:1).

## **Conclusion of Chapter Two**

Just as South Africa works to overcome decades of oppression and segregation, it is also a new democracy, which is still navigating how to work between various levels of government. In many

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<sup>9</sup>*Residents of Joe Slovo Community, Western Cape vs. Thubelisha Homes, Minister for Housing and Minister for Local Government and Housing, Western Cape, Case CCT 22/08*

ways it is still working to balance competing priorities. These challenges take time to overcome, as relationships have to be built and compromises must be made. As it prepares for the World Cup, and thus global attention, the nation is striving to promote a positive image. With a new president, a hotly contested Constitutional Court ruling, and the restructuring of the administration of the N2 Gateway project, real change is possible to meet desired delivery targets in time for the world stage in June 2010.

There are great flaws in the present policy, and poor coordination only serves to exacerbate those problems. Shortly after residents were evicted from their homes in Delft in February 2008, Martin Legassick pointed out the stark dichotomy that defines the nature of the problem:

“...on the one hand a desperate and worsening housing crisis in the Western Cape; and, on the other hand, the inflexible bureaucratic attitude of the tops of the national and provincial Housing Departments and the management of Thubelisha Homes in the N2 Gateway project.”  
(2008:1)

In the spirit of rapid housing delivery, the tunnel vision of service delivery tends to overshadow the absolute disruption resettlements and evictions have upon the residents. In general, the uncertainty of land tenure is disruptive to their sense of well-being. So it should not be surprising that there is a visceral response, especially when the government brings armed police to encourage resettlement. It is never a smooth process and the rigidity of the system does not always take into account the trauma a move like this can cause. When residents refuse to leave their homes, they are often evicted, as the greater goals of the project take precedence over the lives of those most affected. Some evictions occur with armed police presence, which increases tensions between government and residents.

The residents and the government often fall on opposite ends of a spectrum, which represents positions diametrically opposed from one another. Huchzermeyer points out that public perception and the importance of performance management have caused government officials to create nuanced approaches to the issue of housing. Looking at the language of the issue can change the debate entirely. Huchzermeyer notes that,

“Municipal and provincial government officials, in their drive to demonstrate success (for performance management purposes) in eradicating informal settlements by 2014, as mandated by the Gauteng Provincial as well as national government (Huchzermeyer, 2008a), had pragmatically narrowed the definition of ‘informal’ to those settlements that have no ‘layout plan submitted to the Surveyor General’ (*ibid*)” (Huchzermeyer, 2008b:2).

Subtly changing the language and definitions surrounding the issue can change the deliverables, even change the scope of a project, and change how government can be held accountable. In the end, without results, rhetoric is just rhetoric, and the idea lingers, that “...poor service delivery remains a huge challenge to the realization of the right of access to housing.” (Mubangizi, 2008:138). It is the greatest obstacle to the process, one that is exacerbated by resettlements, which for many are far too reminiscent of the policies of the apartheid era. Results are what matter to people who have been driven to the periphery of their society. Shelter, security, and respect are what many are desperately hoping for.

*Chapter 3***CIVIL SOCIETY ENGAGEMENT AND THE N2 GATEWAY PROJECT:**  
*Strategies and Tactics of Non-Governmental and Community Organizations***Introduction**

Chapter three provides an overview of some of the many organisations in South Africa that have worked to improve the living condition in communities like those along the N2 Gateway. This chapter looks at the role of activism in South Africa more generally, but then looks at the various roles that NGOs and community groups can play in the struggle for formal housing. Then, various NGOs and community groups are highlighted to provide examples of the various tactics utilised, as well as the spectrum of resources available to some of the relevant non-governmental actors and the communities themselves. This section does not include an exhaustive list of organizations and resources, but rather a sample that provides insight into some of the issues encountered by the privates struggles.

To date, the fundamental problem with the N2 Gateway program lies in the lack of communication between relevant stakeholders. This has occurred amongst the various actors tasked with construction, including not only the project managers and developers, but also the various tiers of government in charge of the planning process and political responses. Problems are compounded by charges that these actors did not consult enough with residents, civil society groups and other relevant impacted parties. Redesigned housing strategies, specifically Breaking New Ground, touted the importance of overcoming policies, which include evictions or removals, but then utilised these tactics to get around problems of land availability. As a result, ill will has grown rampant between residents and project implementers, and without appropriate intervention, opposition continues to grow.

Inconsistencies send mixed signals, which can dissolve the trust residents have in their government to follow through with their promises. A lack of understanding for the trauma evictions cause, and ignorance of the hardship of life in informal settlements creates a divide amongst the actors. As Swilling notes, “Without trust, there is absolutely no way that you can maximize the interventions the state makes to facilitate social mobilization and the mobilization of social resources to take advantage of what the developmental state is doing,” (Isandla Institute, 2007:9). If those who are supposed to be the recipients of resources are alienated in the process, they become further marginalized and the intervention is jeopardized.

While the project planners and developers see illegal occupations as an obstruction to their goals, residents are just trying to survive. Their aim is to provide a sense of security for themselves and their family, not break the law or antagonize officials. Informal settlements provide a space for the urban poor, who would otherwise have trouble accessing any of the benefits urban regions have to offer, such as employment.

“Central to this ethic is the understanding that the residential illegality of the urban poor is not by choice, that, despite their illegality, the populations of informal settlements make a substantial contribution to building the city (see Rakodi, 1986), and that this should be recognized,” (Huchzermeyer et al., 2006:31).

Given the important contribution these citizens can make to the community, despite continually being pushed to its periphery, it is essential that they have access to the planning and implementation process of development.

In response to the perception that the government’s actions have not been inclusive, a variety of civil society groups have banded together to call attention to the problem of housing. From small CBOs to large domestic and international NGOs there is a coalition of thought and action to support the movement to eradicate informal housing and promote the rights of the impoverished. Various advocacy strategies have been utilised by these groups to ensure that the voices of the residents are heard. Grassroots activism is taking on an increasingly important role in pressuring



the government to be more responsive to the concerns of the residents, instead of literally and figuratively bulldozing them.

One of the most notable variances in modern South Africa, is that despite having a well-thought out constitution, and supporting laws and policies, there remains a gap between policy and practice that is being filled by citizens taking to the streets in mass protest to demand housing, facilities, and services (Centre for Civil Society, 2005 as cited by Du Plessis, 2006:197). This civic action fills an important role in democracies, as it provides a much-needed check upon government action and accountability towards politicians. In order for South Africa to become a truly developed nation it must do more to effectively deal with problems related to its two divergent economies and the role of democracy. It has to face the reality of the effect current policies have on the majority of citizens:

“The struggles that began in Chatsworth and spread from there reveal much about the transition to democracy in South Africa. So often they are aimed at no more than remaining in dilapidated accommodation devoid of basic social amenities, without lights and water. And yet they are seen as a threat to the state. The poor are having to fight to remain ensconced in the ghettos to which apartheid consigned them,” (Desai: 2002:142).

This designation that the poor are somehow removed from the state, like those who were excluded from the apartheid-era government, is a dangerous, but poignant association that should raise concerns. Civil society is often quick to utilise this argument to influence government and the public to question the efficacy of the new democracy.

In the conceptualization of the new South Africa, local government was democratized, with the perceived intention that it would allow all citizens the ability to become directly involved in the decision-making process. Instead, it is argued, meaningful political participation is stifled, as local government’s planning practices are critiqued as a ‘technocratic exercise’ in which participation barely takes on more of a consultative role, as officials largely work to disseminate information from the government to the general public (Greenberg, 2004:13). As such, citizens who are not part of the ruling party are not included in planning processes and decision-making (ibid) and

therefore must derive other ways to influence the policymaking process. Citizens who feel excluded from this process often find other ways to influence decision-making. Their involvement is essential because "...some decisions may need the involvement of all beneficiaries, and the participation of vulnerable and marginalized groups needs to be encouraged" (Smit, 2006:120). The government's approach to the N2 project has not, despite declared intentions to the contrary, worked to involve the residents in a thoughtful manner.

The top-down approach to this project has raised concerns from a number of local NGOs, including the Development Action Group (DAG). Martin Legassick remarks, in a 2007 *Weekend Argus* article, that a 2004 report by DAG noted that this approach "undermines its overall sustainability" because "The casual, continued and increasing practice of excluding people from decision-making about development processes that directly impact their lives is an obstacle that communities are unlikely to tolerate for much longer" (2007:para 1). Despite the inclusion of provisions to make the process more people-centred and bottom-up, in the new BNG policy, little has changed to make residents more involved in the decision-making process. As a result, protest actions have continued, and organizations have evolved to nurture large grassroots networks and sophisticated advocacy tactics in order to ensure the voices of all are recognized by policymakers.

### **The Role of Activism in South Africa**

South Africa has a long and vibrant history of activism. Under the oppression of the apartheid government, activism was one tactic used to fight for equal rights. One tool for activists was *toyitoyi*, a Southern African dance, which was used as a protest action during the apartheid era. This method has continued to be utilised, especially in opposition to government action. Another important advocacy tool has been to use the court system to clarify and solidify rights.

The liberation efforts of the ANC, were the leading voice of the poor in the apartheid era. After the 1994 election, many civic leaders moved to prominent government and private sector positions.

Consequently, this left a void as communities lost both important leaders and direction (DAG, 2007). After the election, many pro-poor groups united around the “common antagonism to evictions and forced removals, water and electricity cut-offs and failure to deliver on promises made in the ANC’s 1994 manifesto for transformation,” (Greenberg, 2004:2). A grassroots effort has been underway since the end of apartheid to mobilise the impoverished and protest the government to improve living conditions. These varied groups formed alliances and networks through which grassroots supporters could be coordinated and greater pressure for results and accountability could be exerted on government officials.

The most widely known activist tactic is the large protest actions that usually take place on the streets. The louder your voice, the more likely it is for people to hear you; and the easier it is to have your issue taken up and broadcasted by the media. But there are other mechanisms through which organized groups and passionate people can effect change, empower people and influence decision-making. Martin, Hanson, and Fontaine draw upon several observations of activism to reach a definition: “...everyday actions by individuals that foster new social networks or power dynamics” (2007:79). They see activism as a “precursor to political action” which has the power to develop into a formal organization, transform communities, or expand to other activist networks (ibid). Whether it is a meeting in a communal space to discuss grievances, or an international action alert sent out to millions of supporters, advocacy operates on multiple levels. These attributes help shape the social networks and relations, which are important for social change, and these connections can foster the change that “may evolve into more formalized, institutional social movements,” (ibid) which may have the power to change the dynamics of social and political culture.

In addition to large-scale protest action, South Africa has a long history of judicial activism. The Constitutional Court is considered to be one of the most activist courts in the world. As such, utilizing the courts is a premier tactic of NGOs and legal aid groups wishing to truly effect change.

The courts allow activists and civil society to dissolve any ambiguity with regards to securing rights, and ensuring the system upholds the beliefs and principles on which the new government is based.

### **The Role of Non-Governmental Organizations**

Many South Africa citizens waiting for formal housing have done so for years. In the post-apartheid era, seeking non-governmental solutions has become more prevalent as government promises have fallen short. NGOs at the community, national, and international level have provided support to a variety of communities. There are various strategies and tactics that have been utilised by South African community organizers, CBOs and NGOs to pursue changes to housing policy and secure land rights.

When it comes to determining which organizations are better poised to advocate for groups there is no consensus. Generally, larger organizations have greater resources, including funding, but may also have more restrictions placed on them by donors or their board. Alternatively, community groups are often formed by individuals who are embedded in the affected communities and may have more self-determination, but may lack the resources or experience necessary to create or build relevant relationships or programs the way they would like to. The international community helps link organizations around the globe that are working to end evictions, secure land tenure and ensure property and housing rights. International treaties provide a framework for norms and standards to be utilised by even the most remote communities to effect change.

In the Western Cape, organizations like the Development Action Group, Anti-Eviction Campaign, and Abahlali baseMjondolo (the South African shackdwellers' movement) work to try and organize communities, raise awareness, and pressure government. These organizations employ a variety of strategies, from research to public demonstrations, to mounting legal cases, and raising public awareness. They all enjoy various level of support and membership.

Community groups and NGOs across South Africa strategise to come up with new and creative ways to work with government, pressure government, and educate citizens about their rights, advocacy strategies, and ways to make their voices heard. Reaching out to residents and building support is essential for any group to have a base from which to work: “The capacity building of community organizations is a prerequisite for effective community participation and involvement,” (Smit, 2007:25). One of the greatest arguments against civil society groups working towards land reform and housing issues, is their lack of cohesion, and ability to work together effectively. Tensions amongst and within groups have diminished their effectiveness, and disrupted what could have been effective coalitions and cooperative arrangements.

There are a variety of actors who represent the aims of civil society in the process of securing formal housing. Below, some of the major organizations are listed, along with a description of their involvement. These groups by no means exhaust the list of those operating to effect change with regards to land, housing and property rights in South Africa, they merely represent different tactics and strategies or members.

### ***Centre on Housing Rights and Evictions***

The Centre on Housing Rights and Evictions (COHRE) is an NGO based in Switzerland, which started in the Netherlands in 1994 (COHRE, 2009c). This organization works in multiple countries, on a variety of issues. They perform in-depth policy analysis and case studies. As an organization, COHRE works on a number of levels, providing:

“..grassroots assistance to communities fighting forced eviction or slum conditions, to standard-setting at international institutions such as the United Nations – to resist and prevent forced evictions, strengthen the protection and promotion of housing rights and increase awareness of these fundamental rights as key components of international human rights law (ibid: para 2).

In South Africa, COHRE has done extensive research on housing projects like the N2 project, and partnered with other organizations to support housing rights. Recently, COHRE partnered with the

Community Law Centre (at the University of the Western Cape) to intervene as amici curie in a legal challenge to the implementation of the N2 Gateway Project (ibid).

***Shack/Slum Dwellers International [including domestic affiliate, FEDUP]***

The Shack/Slum Dwellers International (SDI) is a global network of slum dweller organizations that work together at both city and national levels to form an international federation of urban poor (SDI, 2009a). SDI believes in dialogue and negotiation. Their goal is to: "...broker deals in ways that secure tenure and provide decent housing for vulnerable and marginalized households and to do so in such a way that precedents are set, institutionalized, and scaled up" (SDI, 2009b: para 3). In South Africa, the SDI's main affiliate is the Federation/Coalition of the Urban Poor [FEDUP/OUP]. FEDUP is a social movement, which consists of an estimated 700 housing savings schemes linked with a loan fund called the uTshani Fund," (Smit, 2007:5). Recently, this group has been working in Gauteng to circumvent the government's building scheme, by building their own houses and seeking subsidies and reimbursements from the government in return.

In 1995, FEDUP received R10 000 000 (approximately \$1,5 million USD) for their revolving fund, the uTshani Fund from an agreement reached with the Minister of Housing, Joe Slovo. The agreement meant that federation members could begin constructing homes with 'subsidy preference loans', which would be administered through uTshani (SDI, 2009b). By 2003, the group still had not received the subsidies, and had used all of the grant money. As a result, the uTshani fund used the grant money to build 1 025 homes, but could have possibly built an estimated (by FEDUP) 13 168 homes had they received the government subsidies they were promised (ibid). Typically, the subsidy program was designed to work best for large-scale projects, and not on the community-driven home-to-home basis that FEDUP was implementing (ibid).

### ***Poor Peoples Alliance***

Formed in September 2008 the Poor People's Alliance is an association of NGOs in South Africa. The alliance includes: the Western Cape Anti-Eviction Campaign, Abahlali baseMjondolo, the Landless People's Movement and the Rural Network (Abahlali basePlasini). The effort focuses on disengaging with electoral politics. It utilises the networks of its associated organizations to coordinate massive protest actions throughout the country. For instance, the alliance recreates the June 1976 Soweto uprising march to raise awareness about the people who are still struggling under the new government. Largely, this alliance, and their members tend to take a largely adversarial approach to government by protesting elections and calling for specific officials to step down to further their cause.

### ***Abahlali baseMjondolo***

The Abahlali baseMjondolo (or Shack Dwellers) Movement (AbM) began in Durban, South Africa, in early 2005. In the Western Cape, the group operates heavily in Khayelitsha, but plays an important role in the region. As possibly the largest movement in South Africa related to housing rights, it has a great impact across the nation. The organization is more militant and aggressive than most, labelling itself as “the largest organization of the militant poor in post-apartheid South Africa” (AbM, 2006:para 2). As such, they focus on large protest actions and sit-ins. AbM's key strongpoint is their ability to mobilise communities into protest actions. For instance, in 2006 they successfully organized groups to boycott local government elections under the slogan ‘No Land, No House, No Vote’ (AbM, 2006).

This movement's main strategy is to organize road blockades to protest service delivery, land, and human rights abuses, which they feel are occurring in informal settlements. They also organize marches on offices of local councillors, police stations, municipal offices, newspaper offices, and the City Hall (AbM, n.d.). Additionally, this group also organizes informational “walkabouts”

which allow officials to walk through housing settlements, and gives residents the opportunity to show officials their living conditions and raise concerns.

Abahlali baseMjondolo utilises their web presence to highlight the various struggles in South Africa through video, pictures, and reporting of events. Not only do they write their own editorials, but they also include links to media, providing a greater context to the struggle, and coordinating efforts with partners. Mzonke Poni, AbM Western Cape Chairperson, recently travelled to the World Social Forum in Belem, Brazil, and wrote about his reflections of the trip on AbM-WC's blog: [khayelitshastruggles.com](http://khayelitshastruggles.com). This trip highlighted the enthusiasm shared by many domestic groups about linking with other grassroots organizations on other continents to share tactics and best practices.

### ***Landless People's Movement***

The Landless People's Movement (LPM) is an umbrella organization formulated in 2001. The movement tries to tackle both rural and urban issues surrounding the issues of land and poverty. It derived from a need many community groups and NGOs across the country had for a coordinated grassroots strategy that could support the multiple needs various organizations have in the fight to secure land tenure.

LPM emerged out of the frustration many had over the slow pace of land delivery and the National Land Committee (NLC) assisted its development (Ntsebeza, 2007:128). The NLC also acted in an umbrella fashion, starting as a committee that coordinated many of the NGOs that emerged in the 1980s.

LPM developed because of a need for a rural social movement, but expanded to encompass support for urban land tenure, and associated groups (Greenberg, 2004). This movement has been considered by some to be one of the most effective for addressing the needs of the impoverished,



who are seen to bear the greatest burden under the post-apartheid economic restructuring (ibid). Others have noted that internal divisions and decrease in support had decreased their effectiveness. However, by the end of 2003 the relationship between NLC and LPM became strained, due in part to LPM's tactics. These tactics included threats to coordinate the occupation of farms, which due to waning membership involvement have failed to become a useful tactic (Hall and Ntsebeza, 2007:14). The NLC formally disbanded as a network in 2004 after long-standing disputes within the network over support for LPM (Ntsebeza, 2007:129).

Like Abahlali baseMjondolo, LPM utilises advocacy strategies like large protest actions and boycotts. They have also supported the 'No Land, No House, No Vote' campaign, as well as the 'Take back the land!' campaign (Land Research Action Network, 2003).

### ***The Western Cape Anti-Eviction Campaign***

The Western Cape Anti-Eviction Campaign (AEC) works with various community organizations, crisis committees, and concerned citizens to help people fight for the basic rights they deserve. AEC, along with the Landless People's Movement, the Rural Network and the Abahlali baseMjondolo are part of the Poor People's Alliance – a network of radical poor people's movements. Like AbM, AEC has a strong web presence that allows them to provide real time information to supporters and interested parties.

The AEC sees their role as providing tools for communities to utilise in their struggles with South African society. Presently, they utilise five main strategies: direct action, legal challenges, mass mobilisation and popular education, organization capacity building, and democratising communities (AEC, 2009). In order to prevent against evictions, the AEC organizes sit-ins and demonstrations aimed at the security forces and government officials who come to evict residents. If a family has already been evicted, AEC works with them to ensure that they (and their belongings) get back into their home (AEC, 2009).

In addition to staging protests, the AEC helped over 500 families build makeshift homes along Symphony Way in Delft, after they were evicted from homes they allegedly were told to move into by their local Councillor. The shelters were built on pavement directly across from the homes they had been evicted from (Chance, 2008). When the AEC brought 500 families to the city Housing Office in April 2008 to apply for subsidies, talks with provincial government officials were renewed (ibid).

### ***Development Action Group***

Development Action Group (DAG) is a South African non-profit that promotes “pro-poor and participatory urban development,” (DAG, n.d.:para 1). They believe that in South Africa “...one’s ability to access resources is closely linked to one’s capacity to assert rights,” (DAG, 2007:para 2). DAG’s work is focused on five key areas, which include: Citizenship & Participation, Value Capture, Informal Settlement Upgrading, Medium Density Housing, and Municipal-wide Planning. DAG sees their role as influencing “urban development policy and practice whilst helping poor people triumph over the effects that poverty and Apartheid planning continue to have on their living conditions,” (DAG, n.d.:para 2). This organization tries to work with communities instead of for them. They work to remind policymakers that whilst upgrading informal settlements is about creating housing, it also about alleviating poverty and addressing social needs. A presentation by Warren Smit of DAG on “10 Things to Remember About Informal Settlement Upgrading,” (5 May 2005) highlighted the importance of community involvement and participatory approaches to upgrading and creating more housing.

DAG also works to help people secure housing independently: “Thousands of households (5 500 with DAG support) have successfully built their own homes and matching government’s financial commitments,” (Bhana, 2009:21). Additionally, this group conducts their own independent research in affected communities and uses their data to influence policymakers. Their aim is to

“foster...vibrant engagement between the state and citizenry” (ibid) and strengthen the voice of the poor.

### ***Local Community Groups***

Specific community groups are relegated to the N2 Gateway Residents Association and the Joe Slovo Task Team. Both of which are local organization that operate less rigidly than formal not-for-profit groups like the DAG. The N2 Gateway Residents Association is a group of residents from the housing settlements affected by the N2 Gateway project. Their group is less structured than more formal organizations. The Joe Slovo Task Team is a community association that often represents the interests of the Joe Slovo community with officials regarding the N2 Gateway Project. After project management shifted from Thubelisha Homes to the Housing Development Agency, the Task Team requested to dialogue with the new group to prevent some of the conflicts which had arisen with the previous management group (PMG, 2009a).

As indicated above, these organizations utilise a variety of advocacy styles to raise awareness about their issue and effect change. Empowerment of citizens is an important part of creating viable programs. Moving the thoughts and concerns of the people on the ground to the top of the chain is not an easy task, but is critical for creating viable, sustainable work that is agreeable to all parties. In a recent workshop attended by a variety of grassroots organizations across the country, it was recognized that, “Capacitation and education were seen as preconditions for the networking and mobilization of communities. Greater support from NGOs and churches for CBOs was seen as important” (Smit, 2007:20). If groups work together, shared resources can help strengthen and legitimize all of the participants.

Some of the more formalized organizations, like DAG and AEC, are able to not only mobilise the communities affected by evictions and new construction, but also other informal settlement communities, which will be directly affected by the outcomes of the N2 Gateway Project.

Recognizing and mobilizing these stakeholders is a momentous task, and as a result, many networks and umbrella organizations have been created to network various grassroots supporters into action.

Unlike organizations like AbM, DAG has moved away from what was considered an adversarial relationship with the state. Instead, it has focused less on protest action, and more on cooperative approaches, including aiding in the development of public policy and providing public goods and delivering services (DAG, 2008). The organization focuses heavily on providing in-depth and thorough research. As a result, they spend time building relationships with thought leaders and officials.

At various stages, these organizations have utilised multiple tactics to influence the N2 project. After some of the houses were ready for people to move in, the biggest protest action became boycotting rent. Residents were frustrated with the rental schemes and poor construction of the new homes. They "...demanded that Thubelisha...take urgent steps to repair the various problems with the rental units including seepage through walls and leaking roofs, that the rents be scaled down to affordable levels and that residents are given an option of renting the flats with the aim of ultimately owning them" (COHRE, 2009b:14). Mr A Steyn a Member of Parliament noted "...the people who had been screened and deemed qualified to pay rentals boycotted doing so due to the structural defects of the houses" (PMG, 2009a:para 65). Additionally, some tenants were confused about the rental agreements they had signed. Livingstone Hlawula, of the N2 Gateway Residents Association remarked "...people signed contracts—which most of them are saying they were not even given an opportunity to go through or read—" (Isandla Institute, 2007:4). Utilising another tactic exemplifies Desai's point that "...resistance does not always take the highly form of marches. Nonpayment and the refusal to perform ultra-exploitative wage labor is preeminently a form of resistance," (2002:144). The residents, concerned about not properly understanding the agreements

they signed, and the damaged condition of the units used the most logical means of protest they had at their disposal.

Generally, many community groups remarked that they were sceptical of organizations that focus on research and policy because they are concerned about their motives. One participant in the DAG workshops commented that there seemed to be a great focus on research and workshops, but little action on the ground (Smit, 2007:26). In this respect, action on the ground was viewed as being visible and measurable for many grassroots activists. Smit then highlighted that protest action should be seen as a last resort (ibid), but many South African organizations believe that having a large presence in the streets, or mass boycott is an effective action.

In 2005, there was a large-scale protest in which demonstrators barricaded the N2 freeway for a couple of hours. The demonstrators burned tyres and threw stones. The incident resulted in massive media attention, but did little to curb the project. Despite brazen protests like this, officials do not seem to be receiving the appropriate message. Xhanti Sigcawu, Managing Director, Thubelisha Homes reported that:

“When our residents decided to take their concerns onto the street and submit a memorandum to the minister, Thubelisha Homes as the implementing agent was really shocked and surprised because we do have the residents committee and we strive to find out what it is that we are not doing to satisfy their needs and interests.” (Isandla Institute, 2007:2).

This disconnect suggests that either Thubelisha Homes, despite knowledge of the residents committee, was unaware of these concerns, or simply ignored them.

As such, other tactics have been proposed to move the project forward. For example, when residents learned they were going to be relocated to Delft, in order to make way for the N2 Gateway project, they were, not surprisingly, concerned. The Congress of South African Trade Unions (COSATU) offered to step in and mediate solutions in both Joe Slovo and Delft. This offer was ignored by both the government and Thubelisha Homes (Legassick, 2008), but this tactic

provides an opportunity to intercede and bring the developers and the residents back together and should be explored further.

Despite continued efforts to hold summits and create coalitions and networks, the challenge many organizations face is gaining enough members to mobilize and truly be effective. Networks of land and housing organizations often become susceptible to infighting, disagreements and other impediments that prevent effective and focused coordination. As Hall and Ntsebeza note, “A central challenge confronting land movements in South Africa...is organization from below, the relationship between different organisations and movements, and the forms of pressure on the state at different levels.” (Hall and Ntsebeza, 2007:17).

### **Conclusion of Chapter Three**

A grassroots effort has been underway since the end of apartheid to mobilise the impoverished against the government to advocate for improved living conditions and to call attention to the injustices many still experience in today’s South Africa. This “movement is growing in South Africa, quietly encroaching upon the State prerogatives to charge for the ‘privilege’ of living,” (Desai, 2002:149). Success has been small, but incremental, and as with most movements, gradually gained momentum. It is this momentum that has to be used strategically, to achieve success: secure and adequate housing and tenure for those who seek it.

Remembering that this struggle is about livelihoods and human rights goes a long way to understanding the debate. Martin Legassick remarks that what Thubelisha’s CEO John Duarte failed “to understand is that building houses is not about bricks, mortar, and spreadsheets. It is about fulfilling the needs of living, breathing people” (2008:para 12). This is a statement that describes the actions of many parties in this process. It is easy to be concerned about the quantity of housing needed to fill the void, but it is the quality of the process and the understanding of what the resident feel and how they will be impacted that should be valued more. The housing backlog

has meant that the desperation of people waiting for housing grows. As a result of that desperation the tactics for securing housing change. This can mean that protests become more violent, as tempers flare, or that groups work to lobby for government officials they see as allies. There is no precise formula for what tactics will work in any given environment, but understanding different strategies and taking the time to figure out what success looks like goes a long way to strategizing and creating the most successful use of resources. What is an adequate or appropriate intervention may remain elusive, but that does not mean that groups should not continue to think outside of the box, or that officials should not include civil society in planning and implementation processes.

One of the biggest criticisms people within the South African organizing community have is with the weak state of civil society. There are a number of organizations, and a number of alliances, but few work together effectively, and few are able to strategize and garner the type of unified and targeted force necessary to effect change and make a difference. Through a recent series of workshop with various civil society organizations, DAG, which hosted the series, concluded that the strengthening of community groups and more sophisticated action by these groups was necessary. Overall, many community groups are seen as too disorganized or too weak to effectively engage with the state (Smit, 2007). Despite the growth of grassroots networks, activists see room for the greater strengthening of CBOs, NGOs and networking to increase capacity to mobilise. Martin et al. note that “activism always involves creating change” but change can also mean “simply intervening when and where one happens to be,” (2007:90). This raises the important point that though attention is often focused on unifying the goals of civil society, and garnering great support, change can occur because of one individual, or millions.

Larger non-profit organizations (NPOs) that have the manpower and a larger financial base are able to function with multiple roles partly because many have a huge base of public support. Whether through a large donor base, or a large activist base, these agencies with more support are able to straddle multiple roles, as they have the resources to do so. Smaller organizations have the

ability to interact more with their beneficiaries, and get less wrapped up in their own bureaucracies, but have less resources to always accomplish the work they desire. Because of this, larger organizations tend to operate in more business-like modalities, churning out results for donors, instead of working with beneficiaries to achieve their optimal goals. The smaller organizations, with less funding, are better poised to have more direct interaction with their beneficiaries, but not always the government contact, or resources to operate in the same manner as larger organizations.

As Kaplan remarks:

“Ordinary people need to gain mastery over these institutions, need to wrest control from the hands of elites, particular groupings or hierarchies, need to integrate the institutions in their daily lives, need to ensure that they are served by these institutions, rather than only serve them (Kaplan, 1994:6).”

Though he elaborates that this is process best done by the people themselves, and not through NGOs. In addition, the public needs to also provide a check upon the NGOs, which claim to represent their needs. As Swilling and Russell remark in their report, ‘The Size and Scope of the Non-Profit Sector in South Africa’, the non-profit sector is unbalanced. They remark that the system at present allows for winners and losers. Those with funding have the capacity to engage and access resources, whereas smaller organizations in poorer communities lack the knowledge and capacity to access funding (2002:81). These under-funded organizations rely on government to allow for policies to improve their ability to raise funds and lower costs, and for government funding to provide services to their members. But Swilling and Russell conclude their report by acknowledging the dangers of the cooperative nature of the relationship larger NPOs and the state have developed (ibid:80). They warn this relationship may be alienating NPOs in poorer communities, and/or those with limited capacities and funding (ibid:81), and thus creating a hierarchy amongst NPOs where the larger organizations with funding have access, and smaller organizations do not. This is concerning as it may be a reflection of larger feelings about alienating the impoverished, and perpetuating economic divides as well as a growing disconnect between government and the people.



Another problem is that despite having strong advocacy and research operations, many organizations have yet to develop strong, cooperative relationships with prominent officials who might be able to champion their cause. Many organizations in the struggle for housing, have taken an adversarial stance with government. But the development of relationships between CBOs/NGOs and government must work on both sides of the table. When discussing the City of Cape Town's efforts to work with NGO's and community leaders, Nick Graham remarks that "[t]he City has very little experience working with CBOs and NGOs on a project level, and officials acknowledge that community participation is an area in which the City is particularly weak," (City official 3, interview cited by Graham, 2006:243). In this respect, many South African organizations may be missing the opportunity to cultivate relationships and use the democratic system to achieve their goals. But those who have tried often feel like officials are ill prepared to engage in open dialogue: "We tried to speak to government, then they opened their doors. But when you go there, they have all the answers prepared," said Sello Koithing of Eikenh informal settlement (Greenberg, 2004: Interview, 3 Sept 2003). Fostering a better relationship between civil society and government is important for the entire nation, and not just those involved with the struggle for housing.

Civic engagement is an essential piece of a democracy, which helps ensure for a responsive and accountable government. Community activists and organizations can be "key element for limiting the negative impact of market pressure on poor communities, as it usually gives them better negotiating or bargaining powers at settlement and city levels," (Durand-Lasserre, 2006:224). Additionally, "Linking poverty to the informal settlements, Friedman, Hlela, and Thulare (2003:5) note that 'the lack of an effective voice for the poor is a primary constraint on the formulation and implementation of effective social pro-poor policy in Southern Africa in general, South Africa in particular'," (as cited by Huchzermeyer et al, 2006:31), Supporting the development and growth of community organizations and engaging these groups in the policy planning process should be a priority for all levels of South African government.

*Chapter 4***IMPROVING DIALOGUE BETWEEN CIVIL SOCIETY AND GOVERNMENT:  
*Breaking the Cycle*****Introduction**

One of the biggest impediments to progress in the struggle to secure formal housing has been a breakdown of adequate communication between the government and effected communities. This chapter takes a look at overcoming some of the exclusive practices that have created mistrust in the past. Additionally, the roles of the three prominent groups featured throughout this paper: all three tiers of government, project managers, and the non-governmental organizations (of various shapes and sizes) will be looked at more closely. This section will conclude by highlighting the important role that dissent plays in democratic systems.

The lack of sufficient availability of adequate housing in South Africa is one of the country's greatest problems. It leads to and compounds other socio-economic problems, which have caused impediments to the safety and security of citizens, and overall social progress. The research problem of this paper focused on the lack of sufficient formal housing for all residents of South Africa. This problem has been exacerbated by failed government promises and the reality that access to land in urban areas to build new property is limited. The growing NGO sector provides an opportunity to bridge the gap in government's failure to fulfil this need and facilitate a more meaningful dialogue between citizens and the state, which could ensure greater support for projects similar to the N2 Gateway pilot.

The overall problem with the project has been a lack of appropriate consultation amongst all parties, and the growing tension that has developed due to the widening gap ideology entrenching each party. Mediated discussion may be the best route to resolution moving forward, as honest

dialogue and integrated planning amongst all groups could give the project greater momentum and create a desirable outcome: improved and increased housing.

In the newly democratic, post-apartheid era, the role and scope of NGOs in South Africa is still being determined. South Africa has a large NGO community poised to effect change. There are nearly 100 000 NPOs of varying sizes promoting a variety of causes (Swilling & Russell, 2002). In recent years, the South African government has increasingly been focusing on policies promoting neoliberal macroeconomic principles. As a result of this priority, there has been an impediment to service delivery as well as an increased gap in wealth. The reality in South Africa is that despite the growing economy, the government still lacks the funding to be able to provide essential services and support to all South Africans. Many CBOs and NGOs were created to expand and fill this shortfall. NPOs have been useful in filling the needs government may not have the resources to provide. Many organizations also fulfil another important role. The young South African democracy also needs advocates to provide checks and balances for accountability to ensure that all citizens are being properly represented and that government does not become too powerful.

The post-apartheid South African state is focused on becoming a fully developed nation while simultaneously working to repair the damages the years “human rights and essential livelihood resources” (DAG, 2007:para 1) were denied to the majority of the people. The government has made many strides to drastically improve South Africa’s economy and make it globally competitive. In the wake of reform, there are many problems still to be tackled. Many of which are exacerbated by the initiatives aimed at increasing development. Housing is just one of these problems. Unfortunately, as a result of the focus on macroeconomic development, there has been a growing disparity between the rich and the poor. This growing disconnect between the government and the people is not conducive for either side, but the ANC’s tight grip over political control makes democratic reform nearly impossible. This is why so many NGOs, like AbM, have voiced their opposition to participating in elections until every citizen can obtain certain rights and

services.

When apartheid ended many had hope that the harsh social, political, and economic conditions they were forced to live under would soon change for the better. Instead, even with the election of Nelson Mandela and the ANC, inequality still prevailed. Orleen Naidoo, leader of the Westcliff Flat Residence association remarked that the spatial segregation under apartheid still exists, despite efforts to eradicate inequality: “In the past we were moved because of race, now we are being forced out because we are poor. Is this not discrimination?” (Desai, 2002:48). One class system has been exchanged for another. Those who suffered the most under apartheid are still suffering, as income disparities grow further and unemployment skyrockets. Efforts to change South Africa and push towards first world economic status have left too many shut out from their own nation.

“The ideological cement based on the central notion of racial superiority/inferiority that held the apartheid hegemonic bloc together, disintegrated in the decades-long process of political challenge and economic reorganization, and was replaced with developmentalism in the post-apartheid era,” (Greenberg, 2004:3).

Unlike apartheid, spatial determinants are now being made by class, instead of by race. The current government is striving to create an environment of equality and improved opportunity, but it must close the gap between rich and poor.

### **Overcoming Exclusion**

One of the prominent complaints by residents and community groups is the reluctance of government and project planners to engage them in meaningful dialogue related to the project. Despite efforts to seemingly be inclusive, government and project implementers are often opposed to the concerns of residents. Reported working groups and follow up discussions highlight more of he-said/she-said blame game than meaningful dialogue aimed at understanding.

“Discourses are not static but can be changed, both by those working within them (who can help to challenge and unpick central assumptions and practices) and by those working outside (by revealing alternative understandings of the world and alternative processes of change),” (Gardner & Lewis, 1996: 24).

These efforts are indicative of an overall gap between policy and practice; donor and recipient; and

practitioner and beneficiary that plague development work around the globe.

Regardless of dialogue, there will not be much headway with resolving this problem until housing delivery can be improved. Progress in building more homes, of greater quality and improved rental schemes will be a visible solution, but not the entire picture. What progress actually looks like has to be defined by all stakeholders, so that there are clearer deliverables, and explicit commitment. For many, unless brick and mortar homes can be created for everyone on the housing backlog at the same time, there will be people unsatisfied with the process. This is not where the discrepancy lies. The problem simply falls on government's inconsistent and uncoordinated actions that have fostered an environment where the residents of the affected informal settlements, the backyard dwellers and others waiting on the housing backlog do not trust the process. As a result, any intervention to make the process more inclusive is treated with mistrust or opposition that only serves to delay the project further. This continues in a downward spiral, as government then becomes reluctant to engage citizens, and would rather just move forward to complete the project despite concerns. The only resolution to this impasse may be an intervention by an outside actor, or third party that is able to remain objective and facilitate a meaningful conversation.

### **Government**

One of the greatest downfalls of this project has been the grave disparity between government policies and their implementation. The BNG policy includes provisions to provide increased protection against the evictions and relocations that plagued the apartheid years. Though the policy highlights the preference for in-situ upgrading (Department of Housing, 2004:12), the reality of land availability has made this difficult. By returning to the methods of the apartheid era, officials lost the trust of many residents, which is crucial for the project's success.

In addition, national policy remains flawed despite the problems in execution. Greenberg notes that the "post-apartheid developmental model fails to secure tenure, despite the Constitutional

imperative to do so,” (2004:13). The government has claimed that there is no available land, or no affordable options to create housing in the city for the urban poor, but as Bhana points out,

“In 1999, the government provided a subsidy of R4 000 annually for every bus commuter and R1 000 for every train commuter travelling 30km to work while a commuter living 5km from work required no subsidy at all,” (2009:21).

Bhana goes on to conclude, that despite the cost of these subsidies to the state, low income housing developments are still placed on the edge of cities instead of incorporating the poor into urban planning. Land in urban areas is extremely valuable, and reappportioning it for lower income housing can come at a great financial cost, despite the social benefits. In South Africa, the national government only spends about 1,5 per cent of its budget on housing, which is miniscule compared to the 5 per cent typically spent by other developing countries (Legassick, 2008). Despite the flaws in the implementation of housing policy in South Africa, the country is not alone as, “The housing problem can be considered to be universal, since, to date, no country has yet managed to completely meet this basic human need,” (Basurto, 1996:1). Though no country has been able to absolutely satisfy all housing needs, many designate more funding towards resolving the problem.

Cutting through the rhetoric of housing policy and focusing on the actual impact of projects is essential for determining their viability. The focus should be less about the physical developments and number of houses created and more about the necessity of creating a society where all feel included and represented. So far, “[t]he approach [to the project has been] top-down and focused on meeting ambitious targets, resulting in inadequate community participation,” (Smit, 2005:1). Partnerships and community participation are essential for the future of this project, and other endeavours around the country. Shifting to a bottom-up approach allows greater community buy-in and accountability for all actors.

The unfulfilled promises of government have left people struggling to survive feel further marginalised and alienated from their government. The impoverished struggle to gain access their rights. In this situation, exclusion becomes more entrenched, and those who feel like they do not

have a stake in the process begin to feel as though they no longer have the incentive to cooperate with or support government action. With regards to eviction and relocation, the

“...affected persons often belong to economically, socially and politically marginalised communities and hence the relocation if carried out with disregard to human rights standards and without a participatory needs assessment will almost always result in the further entrenching of patterns of marginality and exclusion,” (COHRE, 2009b:32).

As Bhana remarks: “Citizenship is important, but claiming rights and fulfilling responsibilities are severely constrained for those who live in poverty,” (2009:21). The democracy in South Africa is still so young, that any alienation of groups can be detrimental. As a result of displeasure with the rate of change, the poor who seek housing are also coordinating with the poor who seek land, and the poor who seek access to services to form a larger network of citizens. This coordination quickly becomes a sophisticated network of people joined by a common cause.

At present, engaging the growing civil society base is necessary for continuing the project, and improving the model for implementation throughout the country. Two of the biggest components of fostering an environment of good will and success are political will and trust. Political will is an important attribute of guaranteeing housing rights for all. For this reason civil society plays a key role in ensuring that the government hears the voices of those affected most by housing policies. It is “[c]ivil society’s role... to build solidarity between citizens, and to mediate and negotiate their common interests and aspirations with the state,” (Hirst, 1994 as cited by Huchzermeyer et al. 2006:30). Another key factor is trust. As Mark Swilling remarks,

“Without trust, you simply reinforce preconceived assumption about the mala fides and the supposed conspiracies out there. Whether it is politicians telling people not to relocate, or whether it is people who simply do not understand, or housing officials who do not answer their telephones,” (Isandla Institute, 2007:9).

Failure was initiated on multiple levels, and progress was impeded by the breakdown of trust and the erosion of what little framework was in place for coordinated and inclusive planning. The way forward implies the opposite: the engagement of all stakeholders, especially when plans deviate.

Voices at the community level must drive the process; otherwise a one-size-fits-all approach could threaten any progress. As Graham remarks below, city officials must work with community leaders to ensure that information is timely and correct.

“The constraint labelled by officials as ‘community politics’ refers to disagreements between the City and the community leaders over levels of service and location of services, claimed by residents to be the result of a lack of consultation,” (Graham, 2006:237).

This statement highlights the need for proactive community leaders that can provide a check upon government officials.

Despite the problems with this pilot project, and the pushback from residents against some of the strategies, many residents are still grateful for the project and hope the government can work out the problems to continue building homes. As Livingstone Hlawula of the N2 Gateway Residents Association remarks, “...we are very appreciative of the fact that the government has come up with something like the N2 Gateway,” (Isandla Institute, 2007:4). Thus the reasoning behind the project often overshadows the failings in implementation.

### **Project Management**

The intentions behind this pilot project were to improve the quality of housing developments, and create community structure instead of just houses. This was a major shift in policy, compared to the RDP efforts of the decade prior. Coinciding with the announcement of South Africa hosting the World Cup, the N2 project became focus on eradicating the visible reminders of inequality, whilst trying to make good on the promise to create secure housing.

The government should not be the only party that should be highly criticised or scrutinised, because there are other actors involved (Smit, 2005). One of the biggest impediments to progress has been the way in which the project was managed. In many ways, the size and the scope of this project have made it unlike anything else that has been undertaken. The execution of the project



moved away from the careful planning outlined in the BNG policy. As COHRE's recent analysis points out:

“Experience with the planning and execution of the N2 Gateway project, particularly in the Joe Slovo area however shows that contrary to BNG, rolling upgrades were prioritised over in-situ upgrading, community participation in the development solution was non-existent and little care has been taken to ensure that housing for the urban poor is on well located land,” (2009b:10).

This deviation from the plan in the implementation stage negated much of the carefully planning undertaken by policymakers. The COHRE report then concludes that the project “...has been mired in controversy and complications,” (ibid:5). Further noting that the concerns about the project raised by the Joe Slovo and Delft communities “...epitomise South Africa's housing crisis which is marked by a huge housing backlog and lack of transparency with regard to the housing waiting lists, compounded by a continuing top down approach to housing delivery,” (ibid:5).

In Wallacedene, the successful coordination with residents and officials was only achieved after the development of a local committee and when local authorities began negotiating with local leadership in ‘good faith’ (Barry et al., 2007). The analysis of this community highlighted essential factors needed to combat instability: identifiable and widely accepted leadership (which in this case was insured by the development of a committee); and the recognition of the legitimate concerns of both parties, by both parties (ibid).

Understanding the needs and concerns of the people who are supposed to be the beneficiaries of a project should be the number one objective in the development of any project and it is a step that should not be rushed. “Development projects often fail because of the ignorance of planners rather than the ignorance of the beneficiaries” (Gardner & Lewis, 1996: 67). It must be done thoroughly, with thought, patience and care. Much of the planning process has neglected the human impact this project has. While relocating people to access land is logical on paper, it is devastating for the uprooted individual. As Daniel Botha of Thembihle remarks, “It's okay to move from shack to

house, but not shack to shack. But the councillor says there is no budget for houses, so why should we move?” (Greenberg: Interview, 18 Aug 2003).

Ivan Illich argues that the developed nations give little care to the needs of the underdeveloped. They offer up pre-packaged solutions without carefully thinking of more applicable answers, often ignoring important opportunities to consult with affected parties. He notes that, “This counterresearch on fundamental alternatives to current prepackaged solutions is the element most critically needed if the poor nations are to have a liveable future” (Illich, 1997:96). Working with the people to understand what their needs are, as well as what they think the solutions are, may help to resolve a lot of the pressure that development projects face. Community-based involvement and local accountability are more sustainable, and adaptable to various community needs.

### **Civil Society**

The final role in the medley of stakeholders for the N2 Gateway pilot project is filled by civil society. Most directly connected to the residents of the affected communities, civil society is poised to communicate the voice of the people directly impacted by the project. Organizations working within communities will have more success by engaging with those communities, and sharing those experiences upward within the organization. In the years since the end of apartheid, the not-for-profit sector has grown steadily, and improvements in technology have only served to increase capacity, and improve mobilisation.

In order to be successful advocates, organizations have to build capacity. This can be done through large-scale public support, highly skilled staff able to engage public officials and lobby on behalf of the cause, and internal structural and messaging improvements. Capacity building is “the most taxing, daunting and long-term approach” that NGOs can utilise for their cause, because it requires “engagement with prolonged processes of change and resistance to change” (Kaplan, 1994:11). But this tactic can also be the most rewarding and valuable, especially with regards to a large social

movement. For example, in Wallacedene, the community was highly organized due to SANCO's efforts. The unity allowed residents to avoid 'divide and rule' tactics with a united front (Barry et al., 2007:186). In the context of housing rights, the struggle transcends those seeking rights for the poor, those asking for land reform, as well as many other groups looking to change the landscape of democracy in South Africa.

While many civil society organizations engage in a variety of tactics, protest activism often remains the most popular. Marches, demonstrations, boycotts and other forms of civil disobedience remain popular strategies because of their prominence. What are the best practices or the best use of resources for an NGO remain subjective. What can be understood by looking at the non-profit sector in South Africa is that alliances allow for groups with limited or restricted resources to reach out to more people, to organize greater support for a cause and to mobilise larger numbers of people. Coalitions ensure for multi-faceted approaches to advocacy that are needed to effect change.

The reality of the tactics chosen by many organizations is that the conflict between government officials, project developers, and residents is not going to be solved by solely maintaining an adversarial advocacy strategy. It may pressure government to improve service delivery, but it also may have the opposite effect. Despite only a showing of 1 500 protesters for LPM's 'No Land, No Vote' campaign in November 2003, smaller protests planned for election day were met with high levels of police aggression. Greenberg remarks that this violent response,

“...suggests a vulnerability to the criticisms highlighted by the campaign, in particular the abysmal record of land redistribution ten years after democratization, the rise in forced removals and evictions, and the failure of parliamentary democracy to design an acceptable process for resolving (rather than managing) long-standing social problems,” (2004:33).

These angered responses to protest actions, change the nature of the advocacy from a desire for reform to an antagonistic stance against government. In the Western Cape, the AEC reports that residents of Delft were evicted at gunpoint in 2008, despite their non-violence (Legassick, 2008).

The presence of police adds to already heightened tensions, and only serves to further entrench visceral opposition.

Though some organizations do not wish, or do not have the capacity to undertake an advocacy role, it does not mean that there should not be the space for them to do so. It is easier for larger organizations, which have more funding, to be able to play multiple roles. Just because some organizations receive funding from directly from the government, or through a governmental body, it does not mean that they should be restricted or fearful of being critical of the government. Criticism and opposition should not make an organization an enemy of the government, as some social movements have been labelled.

Publically admonishing officials one week, and then trying to lobby them the next may not create an environment of healthy dialogue. However, that does not mean that those seated at the table should feel restricted from having an opposing opinion. Instead, all stakeholders should be amenable to some sort of change. Non-profits should work with government to a certain degree, but also continue to maintain independence so as to provide a check on government. As De Wet remarks, this duality is difficult for organizations to maintain. Many have to make the choice between becoming apolitical deliverers of social service or being social watchdogs critical of political actions (2008:2) with little room to tackle both roles. The best way to mount multiple advocacy strategies without spreading resources too thin is to work with coalitions. Organizations do not have to swing the pendulum from radical protests to relationship building with officials. Instead, they can engage with coalitions, where different organizations can utilise and specialise in different tactics under the umbrella of one unifying cause.

There is a dichotomy amongst many NGOs in South Africa. Either one can conduct independent research and create solid policy recommendations, or one can vocally advocate for the people on the streets. Adam Habib remarks that cooperation is important, but so is maintaining autonomy and

the freedom to publicly oppose government when necessary. Larger organizations in South Africa are able to establish this position, specifically:

“...a majority of activists, mainly located in the Congress of South African Trade Unions (COSATU), Treatment Action Campaign (TAC), and even the South African National Civic Organization (SANCO), hold the view that the strategic priority of the contemporary era is to struggle for the soul of the ANC by remaining in partnership with it. At the same time, they believe they should retain the independence and organizational capacity to take to the streets when the need is required (Habib, 2005: 687).”

No matter the tactic utilises, good intentions can often be marred by overzealous and insensitive operations. The new millennium offered up a renewed spirit of development that has yet to achieve its goals. It is this energy that needs to be harnessed and redirected toward policy and practices that work.

If an NGO is fulfilling a service delivery role, Kaplan (1994) argues, they need to be lobbying the government to improve services, or coordinating with other organizations to increase pressure, as it is the citizens themselves who demand change. This is also true of NGOs conducting research, or engaging with stakeholders on the ground. All organizations should have the freedom to work with government to make improvements on various issues or tasks, but at the same time have the neutrality to keep pressure on them to continue the process of working together by rallying public support behind the idea of change.

### **Dissent and Democracy**

One of the most contentious stances some NGOs have undertaken to champion their cause, is to publically oppose government action. It is important for the vitality of democracy in South Africa that greater discourse is encouraged. The structured outlet of political freedom that allows for demonstration, conversation, and overall the promotion of new ideas is healthy for the state. Freedom of expression is essential for furthering democracy, and the ability to dissent is a key aspect of exercising ones freedom. In a country where wealth gaps are widening, and promises from the 1994 transitional era remain undelivered, it is essential that government be made accountable for its actions by a vocal civil society. The people, as citizens, are best poised to

remark on how representative and responsive their government is. As Habib warns, "...a single homogenous set of state-civil society relations is not conducive to the consolidation of democracy (2005:688)". Multiple actors, with infinite causes and approaches are needed to influence the decision-making process and be able to raise those opinions in a free and open manor. The aspect of political freedom, promoted by Amartya Sen (1999) is part of a package of freedoms that allows individuals the capability to change their lives, is one of the constituent components of Sen's view of development. Free political participation is one of the freedoms that comprise the principle means and ends of development (1999:10).

There must be coordination amongst organizations, in order to strengthen the non-profit sector and ensure that there is space for cooperation, dissent and everything in between. Coalitions should be built that enable like-minded causes with different resources to strengthen their work, learn from each other, and to achieve their objectives. "Reworking social networks can reconfigure existing power relations and thereby transform everyday life, even where such actions do not challenge the overall political-economic structure." (Martin et al., 2007:81). Not all organization should utilise the same tactics, as each should grow to specialize in the methods for advocacy they see fit. For instance, "[s]ome relationships between civil society actors and state institutions will be adversarial and conflictual, while others will be more collaborative and collegiate." (Habib, 2005:672). But this polarisation is also determined by the state's willingness to listen to opposition opinion, and their interest in consulting with civil society regarding certain policies.

It is vital that citizens organize and make their voices heard. The government has failed to do enough to stem the rising problems associated with informal housing and poverty as a whole. Building all the housing necessary to ensure that an entire country of nearly 50 million people (and growing) have access to proper shelter is a lofty, but admirable, goal. While building new homes should continue to be a priority of the government, the main focus should be on supporting the current informal settlements. These residents do not deserve to be evicted and uprooted from their

lives. No matter how dismal one may view their living situation. These are their homes, their sense of security, and their right.

*Chapter 5***CONCLUSION**

This paper has examined the N2 gateway pilot program as the antithesis of housing policy implementation. The critical analysis of this project serves as a caution for implementation nationwide. Many of the impediments to the project, and the negative fallout which detrimentally affected local residents, could have been avoided through improved consultation, greater dialogue from all stakeholders, shared objectives and a willingness to adapt in the face of impediments to progress. The very nature of the issue of land will inevitably bring about conflict (Barry et al., 2007). Understanding the inherent tension of this conflict must be incorporated into the planning process for any housing strategy.

The key findings of my research find that the divergence amongst the various levels of government involved in the project have negatively impacted the project's progress. This is compounded by the fact that the key implementing partner, Thubelisha Homes, has shown to be inadequate and inconsistent. This issue is also exacerbated by poor communication between the implementing partner, the various tiers of government, and the communities. This has created an environment of mistrust, where no matter what the government may do to change the course of the project, there will still be scepticism and concern over the proper delivery of housing, as this is still a developing policy and pilot program with no proven effective solutions.

Overall, many of the negativity surrounding the project could possibly have been mitigated by improved efforts to include members of the local community, as well as work with relevant civil society groups. Improved communication and cooperation may have helped to move the project along, whilst insuring that the needs of the beneficiaries were being adequately addressed. Dissent is a vital element needed to strengthen democratic systems. The concerns of the communities



should be incorporated into a process that learns as it moves forward, instead of one that continues bad practices.

The key divergence in much of the debate is about what it means to have a home instead of a house. Houses are just shelter. Homes provide security. Much of the rhetoric surrounding the N2 Gateway Project has been about creating thousands of houses to eradicate informal settlements, leaving out many of the qualitative factors that are essential for creating homes. If the developers had made their objective building people's homes instead of houses, maybe they would see the process is less about numbers and more about providing much needed security. With pressure from government officials to rid the city of shacks ahead of the World Cup, time horizons should have been altered only if it was feasible to maintain the principles outlined in BNG policy.

There will never be a one-size-fits all approach to how the nation should handle the housing problem, nor will there be a single model that NGOs should follow. This is a complex problem, with no simple solution. Cooperation and communication are the greatest tools every actor can utilise. As Barry, et al. note in their case study of Wallacedene: "Establishing rules and procedures to decide who should be a beneficiary of the system, who is entitled to a house and perhaps a government subsidy, and who should not, when a settlement is upgraded, is potentially a major source of conflict," (2007:172). Listening remains the greatest common theme, as stakeholders need each other to obtain success. Porter and De Wet have advocated that NGOs utilise what they describe as an 'Action Learning' process, which is informed by Sen's 'Capability Approach'. This process is explained as "...the constant conscious process of moving from doing, to reflection, to thinking, to improving, and then back to doing" (2008: 2). The Action Learning approach requires mass organization in the planning stage pointing to the connection between values and evaluation (ibid: 5). This process continually informs an agency and allows them to quickly respond to concerns, before become too entrenched in processes that deviate from objectives. This engaged learning process could have been valuable for keeping the N2 project on track, despite the various

impediments encountered along the way. Problems should not be seen as obstacles, but rather as opportunities to shape the process and even work to redefine it.

It is discouraging that in a post-apartheid South Africa people are still being treated as second-class citizens. When apartheid ended South Africa became a model nation for the rest of the continent and the developing world as a whole. Instead, the current ruling party is creating policies that are having a detrimental effect on its citizens and are perpetuating apartheid-era injustices. In order to prevent further oppression and unfairness civil society has to make its voice heard. Constitutional rights are being infringed upon, an act which should be garnering much more attention. It is encouraging to learn that slowly but surely the mobilisation of the impoverished citizens and community groups is having an effect on the government. As the oppressed mobilise with more intensity, it will be imperative that the government work with the people to create more opportunity and equality in order for South Africa to overcome the legacy of apartheid.

Elections provide the opportunity to change the system. Though some groups have called for the boycott of elections, sometimes working within the confines of the system can also achieve success. Director General of the national Department of Human Settlements<sup>10</sup>, Itumeleng Kotsoane, admitted that political influence was to blame for much of the project's failings (Lewis, 2009c) indicating in July 2009 (ibid) that this impediment called for a revised agreement between the three tiers of government.

The issue of housing is vital for the development of South Africa, especially its democracy. This project provides a vehicle for which many groups have been able to raise awareness about poverty, as well as about the reality that though apartheid has ended many citizens still have trouble accessing their equal rights. It is important that the government, the project managers and the NGO community be accountable for their roles in the project. It is equally important the any project,

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<sup>10</sup>After the national election in 2009, the Department of Housing was renamed the Department of Human Settlements.

especially one in its pilot state continually informs the process. No matter how much due-diligence is done in the planning stage, problems will always arise. If the process is designed to truly learn along the way, it will adapt and inform itself. The plurality of society should be seen in the groups that represent it, and the tactics needed to carry out change should not be limited to two or three modes of engagement, but rather a continual stream of ideas that allows access for groups of all sizes to determine how to serve their constituencies.

APPENDIX A  
ACRONYMS

ABM.....Abahlali baseMjondolo  
AbM-WC.....Abahlali baseMjondolo Western Cape  
AEC.....Western Cape Anti-Eviction Campaign  
ANC....African National Congress  
BNG.....Breaking New Ground  
CBO.....Community-Based Organization  
CESCR.....UN's International Covenant on Economic, Social and Cultural Rights  
COHRE.....Centre on Housing Rights and Evictions  
COSATU.....Congress of South African Trade Unions  
DAG.....Development Action Group  
FEDUP/OUP.....Federation/Coalition of the Urban Poor  
HAD.....Housing Development Agency  
HSRC.....Human Science Research Council  
LPM.....Landless People's Movement  
LRC.....Legal Resources Centre  
MEC.....Member of the Executive Council  
NGO.....Non-Governmental organization  
NLC.....National Land Committee  
NPO.....Non-Profit Organization  
PMG.....Parliamentary Monitoring Group  
RDP.....Reconstruction and Development Programme  
SABC.....South African Broadcasting Corporation  
SANCO.....South African National Civic Organization  
SDI.....The Shack/Slum Dwellers International  
TAC.....Treatment Action Campaign  
UN.....United Nations  
UNHCR.....United Nations High Commissioner for Refugees  
WCSHSS.....Western Cape Sustainable Human Settlement Strategy

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