Social movements and the struggle for shelter: a case study of Durban

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Section I Introduction

There is a long tradition of social movement activism related to collective consumption goods in the towns and cities of the North and South. Such collective consumption goods include essential goods and services for the well being of citizens: secure tenure, access to water, sanitation and other basic services, and housing. Such goods and services are generally supplied to groups of low-income citizens (rather than individuals) and are of particular importance in urban areas when land and other natural resources are generally commodified, and where low-incomes make the individual provision of these goods and service difficult and often unaffordable.[1]

Whether or not they are part of social movements, residents of towns and cities in the Global South have to find land in the absence of available sites. Various strategies have been used including squatting on vacant public and private sites, and the purchase of informal sub-divisions of agricultural zoned land from private land owners. Once a claim over a plot has been established, families work together to secure basic needs such as water and roads. They may lobby the state or simply improve supplies of surface water. Standards of accommodation are often poor and an estimated 900 million urban dwellers are living without access to adequate shelter (UN-Habitat 2003).
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This case study examines the social movement organizations working to improve access to shelter within the city of Durban.   The study seeks to provide answers to the following research questions:
- what are the strategies being used by social movements
- what is the success of these strategies in terms of both inclusion and recognition, and the acquisition of improved housing (including tenure, access to infrastructure and the quality of dwellings)
- what has been the stance of the government (at local, provincial, national level) and how significant has this been on influencing the success (or otherwise) of movement strategies
- and how have strategies and successes been inclusive of the lowest-income and most vulnerable members of the community ?

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[1] Moreover, many of these goods and services are public goods and individual supply is inappropriate. In the case of land and housing, these are goods whose provision is managed (at least in theory) by the state within a regulatory framework. While land is not a public good (in the sense of being non-excludable and with very low marginal costs of supply), the scale of provision (and hence the costs) is heavily influenced by state involvement in land zoning, land development and infrastructure investments.

Section II reports on the scale and nature of shelter need and identifies the numbers without adequate housing. The discussion explores the policy response and experiences with associated housing programmes, most notably the capital subsidy programme developed by the newly democratic government in the years immediately following 1994. It also reviews the main concerns expressed by civil society organizations both through a critical discourse on housing policy, and through the response of organized social movement organizations and less organized families in need. The discussion describes the modifications that have been made to this policy to address such concerns and increase programme effectiveness.

Section III provides information on the agencies interviewed in the course of the study.

Section IV reports on the interview findings. The first sub-section discusses the views of interviewees on housing need and housing policy in Durban. The second sub-section describes the strategies used by the two major social movement organizations. The third sub-section discusses the success of these strategies drawing on the views of both civil society and state interviewees. A final concluding sub-section analyses the nature of the state as it engages with social movement organizations, and considers the effectiveness of social movement strategies for particular groups within the urban poor.

Section V concludes with consideration of the core research questions.

Section II: Contextual introduction: shelter issues in Durban, South Africa

The shelter problems faced by low-income households in Durban and the ways in which solutions are understood and realised are all influenced by the national context.   This section introduces that context, explaining state policies and programmes, and summarising perspectives on the effectiveness of these policies and programmes.

One of the most powerful way in which the apartheid regime in South Africa confirmed its dominance and secured the benefits of such dominance was through the spatial segregation that it enforced over the territory. In their daily experience, African, Indian and coloured South Africans were forced to comply with laws that restricted where they might be, and to accept the consequences of such restrictions for their livelihood opportunities. Many remained in rural areas. Some were legally entitled to be in urban areas because of their employment status, while others broke the law and migrated to towns because of differential livelihood opportunities between urban and rural areas. These families located in the emerging informal settlements around the black township areas or rented backyard shacks as illegal tenants. Their presence was often challenged with particularly bitter evictions during the 1960s and 1970s. Despite considerable repression, the pressure for change continued. By the mid-1980s there was a critical mass of political protest related in part to housing and residency policies with the rise of the Civic associations and associated activism in the major cities across the country. Seekings (2000, 833) explains how, by 1986, the state's authority in black township areas had become limited and "anti-apartheid activists assumed many of the administration, everyday policing and judicial roles".   The laws that sought to prevent residential mobility between separate racially defined "group areas" were only amended in 1991 (Huchzermeyer 2003, 214). At the advent of democracy in 1994, the recent lifting of such movement restrictions combined with significant levels of poverty and resulted in a massive and complex housing challenge in urban areas. At this time, the overall housing backlog was estimated at 1.5 - 2 million households (Statistics South Africa 2001).

As a result of this history, housing has both a material and symbolic dimension in South Africa. In terms of its physical dimensions, housing provides safety and security for its occupants as well as helping to ensure access to basic services and, ideally, offering access to job opportunities. However, housing also has other powerful meanings to people due to the apartheid legacy. Spatial controls helped an authoritarian and exploitative regime to realise particular benefits; now spatial security through the legal right to occupy a brick house appears to be important because it offers the confirmation of citizenship with all the further rights and entitlements that this entails. The importance of history resonates through discussions about housing and access to housing; see, for example Cherry et al (2000), Miraftab (2003), Skuze and Cousins (2007), Pithouse (2008a). Interviewees (both social movement activists and state officials) frequently made references to the struggle for housing prior to 1994, giving further substance to the significance of historical experience and practice.

The capital subsidy for housing

Following the ANC government taking up office in 1994, the right to housing was introduced into the constitution and provision of housing was declared to be a priority. The government promised to build one million houses within five years. To achieve this aim, the government introduced a capital subsidy programme for land purchase, infrastructure and housing development. While the focus on housing reflected political priorities and social needs, the specific strategy of a capital subsidy for addressing housing need emerged from the business representatives and consultants who dominated the multi-stakeholder National Housing Forum between 1992 and 1994 (Baumann, 2003: 6; Huchzermeyer, 2003: 604; Gilbert 2002). Gilbert (2002, 1923) notes that nine of the 16 founding members of the Forum were business or pro-business. Irrespective of the interests favoured, the idea of a capacity subsidy appears to have appealed to an ANC government anxious to put in place a programme offering housing at scale. When the Forum defined the solution in terms of a new capital subsidy to be used by private developers in large-scale construction projects, it appeared to offer the government a win-win-win option, simultaneously addressing the needs of low-income households without adequate housing, providing reassurance to a struggling construction sector, and catalysing a lead sector for economic regeneration.

The South African housing subsidy programme[2] has been amended over the years since 1995 but remains broadly the same in structure. It offers financial support through a range of sub-programmes aimed at particular groups in need[3]:

- *Project linked* and *individual* subsidies provide finance for ownership tenure for houses built either by developers or by the beneficiaries themselves through a particular sub-programme known as the "people's housing process". This programme is for those without any present access to formal housing;
- *Consolidation* (or "top-up") subsidies provide a grant to improve shelter developed under subsidy dispensations prior to 1994. This programme is for those who benefited from previous programmes and accessed serviced sites but who need additional finance to improve their dwelling to the present standard;
- *Institutional* subsidies, providing a grant to a housing association or landlord who provides housing for rent to eligible beneficiaries. This programme aims to increase the stock of affordable rental housing; and
- *Relocation assistance* offered to borrowers who, on 31 August 1997 were at least three months in arrears in their bond payments, to assist them in relocating to more affordable housing.

When the programme was first introduced, project-linked and individual subsidies began at R15000 per household for those with monthly incomes below R1500 (Porteous 2005).[4]

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[2] The key principles which guide housing policy and strategy include: restoring and furthering human dignity and citizenship, maximum private sector involvement and a product which is demand led (DoH 2003, 3). However, note the comment by Huchzermeyer (2003, 212) which discusses the essentially "supply driven approach" of this programme.

[3] www.housing.gov.za

To be eligible, households must include adults with legal South African residency, meet specified income criteria (under R3 500 or $542 a month for major beneficiaries of the programme), have not previously received state housing assistance and have dependents.

The initial design of project-linked subsidies assumed that communities would actively participate and the housing White Paper of 1994 stressed the importance of community participation (Miraftab 2003). However, as explored below, in practice this has been difficult to achieve. Initially all beneficiaries were required to sign a document (the social compact) which enforced participation; however, developers sought exemption (as it proved to be time consuming to go down this route), requesting the ability to fast track construction (Miraftab 2003).

While the subsidy is, in theory, available to individual households, provision has been dominated by project-linked subsidies through contractors and/or municipalities (with the private contractors being particularly important between 1994 and 2000). Whatever the initial intention, it has proved to be very difficult for individuals to be able to purchase a dwelling with their subsidy monies. In practice this has meant that households in housing need access subsidy finance as part of a project-linked subsidy programme with the funds released to a developer who deliver the construction project. Baumann (2003, 9) notes that over 90 per cent of subsidies have been allocated via the project-linked route with perhaps another 3 per cent allocated to the People's Housing Process (PHP). The PHP is a community led sub-programme further described below.

A further assumption was that banks would offer top up loans to enable an improved dwelling. South Africa possesses a sophisticated mortgage finance market; however, over 74 per cent of South Africa's households in need of housing improvements do not qualify for mortgage finance (Metzer 2006, 4). Despite numerous attempts by the state to encourage loan finance, the banks failed to deliver top-up finance and the loans they offered went to households with formal high-income employment (Porteous 2005; Rust 2006). The failure to develop a credit-linked subsidy option has meant that most subsidized housing delivery has been targeted towards dwellings that are only financed through the subsidy. This may account for the complaints about the size and quality of housing (see Zack and Charlton 2003 and further discussion below). As a result of such complaints, almost all of South Africa's subsidized housing delivery has conformed to the national minimum norms and standards. A 30 square metre minimum size unit was introduced in the late 1990s following well publicized concerns about some very rudimentary structures, and more recently this has been expanded to 40 square metres (Rust 2006). Recently a savings requirement (initially set and remaining at R2479) has been introduced for those entitled to the subsidy but with slightly higher incomes (Baumann 2003; Huchzermeyer 2003; and see Figure 1 below).

Progress in subsidy delivery
By 2003, one senior academic commentator, Marie Huchzermeyer (2003, 212) was arguing that South Africa's housing policy was recognized as being successful with

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[4] A "top up" amount was introduced for areas in which building costs were particularly expensive notably the Western Cape and KwaZulu Natal.

"Eighty two per cent of the South African housing budget (currently 2.6% of the national budget) being spent on once-off supply-side capital subsidies." Four years later, in 2007, just under two million subsidized housing units had been provided or were being constructed; a figure estimated to rise to 2.8 million houses by March 2009.[5] Public sector delivery of subsidized housing had decreased substantially during the later years of the programme (Rust 2006, 24). However, 2007/08 saw some recovery with 248,850 houses being completed or in the process of completion during this financial year.[6]

Subsidy amounts have been adjusted upwards for inflation in construction materials and quality concerns and the subsidy programme has been subject to various revisions to make it more effective. Present subsidy entitlements are shown below in Figure 1. As noted above, by 2002 a requirement that the beneficiaries contribute an amount equal to 10 per cent of the subsidy value had been introduced (Huchzermeyer 2003, 212). A further amendment, introduced in response to the concerns that some houses were being abandoned (see below), was that houses cannot be sold for eight years (Porteous 2005, 35).

However, neither the scale nor subsequent modifications to the programme resulted in unambiguous success. In 1996, 80 per cent of South Africans were eligible for the housing subsidy as they earned R3500 or less a month. By 2000, this had grown to 85.4 per cent of the population (DOH 2003, 9); this increase reflects the rising problems of poverty and unemployment. Irrespective of state programmes for shelter improvement, it should be remembered that perhaps the most significant obstacle to addressing inadequate housing remains South Africa's extreme inequalities of income and wealth. Ninety per cent of the population can only afford housing costing less than R190,000 (approximately $25,000) (Rust 2006, 14). A 2006 study suggested that 74 per cent of the population is unlikely to be able to afford mortgage and/or do not qualify for mortgage finance under current rules and regulations (Metzer 2006, 4). In this context, the majority of South African citizens are dependent on access to the subsidy programme to improve their housing.

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[5] http://www.housing.gov.za/default.htm (media release, 15 December 2008. Accessed Sunday, 15 February 2009

[6] http://www.housing.gov.za/ Delivery statistics accessed: 15/02/2009

Figure 1[7]: Housing Subsidy allocations and entitlements (2009)

The South African Housing Subsidy Scheme subsidy quantum amounts for the period 2008/2009 in respect of a 40m^2 house only

Individual and Project Linked Subsidies	Top Structure Funding only	Own Contribution	Product Price
R0 - R1 500	R43 506.00	None	R43 506.00
R1 501 - R3 500	R41 027.00	R2 479,00	R43 506.00
Indigent: Aged, Disabled and Health Stricken R0 - R3 500	R43 506.00	None	R43 506.00
Institutional Subsidies			
R0 - R3 500	R41 027.00	Institution must add Capital	At least R43 506.00
Consolidation Subsidies			
R0 - R1 500	R43 506.00	None	R43 506.00
R1 501 - R3 500	R41 027.00	R2 479,00	R43 506.00
Indigent: Aged, Disabled and Health Stricken R0 - R3 500	R43 506.00	None	R43 506.00
Rural Subsidies			
R0 - R3 500	R43 506.00	None	R43 506.00
People's Housing Process			
R0 - R3 500	R43 506.00	None	R43 506.00

In 2004, the Minister announced a revised National Housing Strategy "Breaking New Ground" which sought to address the housing backlog through a number of measures including the upgrading of informal settlements (DOH 2004). The Strategy recognized what has been achieved but suggested that Provincial government faced growing difficulties in spending subsidy finance. Moreover, the withdrawal of large construction groups due to low profit margins (ibid, 5) had resulted in a need for new initiatives including both increased private lending and measures to address local government capacity constraints. From about 2003, state policy had shifted away from private developers to municipalities as the main producers of housing, and hence insufficient capacity at municipal level was becoming a more significant issue.

The 2004 Strategy recognized the need for greater coherence between different sections of the housing market with greater ease of movement between types of housing (ie. thereby enabling households to trade up or down). In a reflection of some of the original intentions and acknowledgement of the failure to successfully link subsidy recipients to the formal financial sector, a higher income subsidy was introduced for those earning between R3500 to R7000 ($500 and $1000) to enable access to mortgage finance and the purchase of a unit through the formal market (Porteous 2005, 35). Other measures included a reduction in the prevention of sale of subsidy dwellings from eight to five

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[7] http://www.housing.gov.za/ (Accessed 14/02/2009). The contribution requirements clarify that: "Housing Subsidy beneficiaries with a household income of between R1 501,00 and R3 500,00 per month will be required to pay a financial contribution of R2 479,00 upfront to achieve access to the Housing Subsidy Programme. Alternatively beneficiaries will be required to participate in the building of their houses through an approved People's Housing Process Project."

years, attempts to increase the role of the municipality in improving the provision of services, and the introduction of "a new informal upgrading instrument to support the focused eradication of informal settlements" (DOH 2004, 12). In part the interest in informal settlement upgrading emerges because of the need to increase residential densities and improve existing locations. The Strategy argues that "restrictions will increasingly be placed upon the number and scale of future peripheral subsidized housing projects, whilst acknowledging that a lack of funding provides very little manoeuvring, especially when considering the price of well located land" (ibid, 13). Concerns about peripheral spatial location were further addressed through special measures to acquire land and make "a fundamental and decisive intervention in the Apartheid space economy" (ibid, 14). The Strategy also makes reference to the need for settlement planning that includes services and facilities such as transport, children's playgrounds and sports centres, police stations, health clinics and trading areas (ibid, 15). The Strategy plans to strengthen the people's housing process (PHP) with more emphasis on an area-wide approach (ibid, 17-18), medium-density social housing to support rental options (ibid, 18-20), reconsideration of beneficiary contributions (ibid, 24), a community-wide approach (but with citizenship remaining an essential criteria for the acquisition of subsidy finance), and the identification of job-creation opportunities (ibid, 25).

Although the new policy and programme was announced in 2004, little progress in the upgrading of informal settlements appears to have been made. Huchzermeyer (2006, 51) argues that "At time of writing, June 2005, neither Chapter 13 or the Housing Code nor 'Breaking New Ground' was available on the website of the Department of Housing." It is not clear from either Department of Housing statements or from other commentaries that significant progress has been made to date. Huchzermeyer (2009) argues that there appear to be a reluctance to use the measures in Breaking New Ground to support the development of informal upgrading. In the case of the N2 corridor, multiple reasons were put forward related to the time taken for upgrading (ibid, 98). In a recent review, she concludes that "upgrading of informal settlements under Chapter 13 of the Housing Code has not been implemented by any of South Africa's large cities" (ibid, 99) and, she suggests, this policy does not fit with more control orientated approaches to addressing low-income housing needs.

The People's Housing Process
To support community driven, self-build activities, a People's Housing Process policy was developed by the government and launched in 1998. The policy is designed to offer greater scope for communities to make decisions for themselves, it also allows them to provide voluntary labour and to undertaken project management activities thereby avoiding payments to contractors. As explained by the then-Minister of Housing, "This policy and programme encourages and supports individuals and communities in their efforts to fulfil their own housing needs and who wish to enhance the subsidies they receive from government by assisting them in accessing land, services and technical assistance in a way that leads to the empowerment of communities and the transfer of skills" (Mthembi-Mahanyele 2001, 4).

The government recognises that NGOs play an important role within the PHP, providing technical, financial and administrative assistance to self-build communities, and allocates some additional funding for this purpose. In its intention, the Process "..favours incremental housing by scaling up the participatory process and relying on self-help processes, communities' resources and empowerment" (Miraftab 2003 234). One of the groups using the PHP is the Homeless People's Federation (Miraftab 2003). Indeed, the People's Housing Process option emerged in part because the local communities linked to the South African Homeless People's Federation demanded a more community driven collectivized process (Bauman 2003). The contribution of the Federation to the instigation and realization of the People's Housing Process is also noted by Khan and Pieterse (2006). The Federation's case benefited both from having access to external development assistance to allow for exemplar projects and receiving a special grant from Joe Slovo, the first Minister of Housing in the ANC's government (Mitlin 2007). The commitment of this Minister helped to increase the acceptability of the community process within the Department.

However, there are concerns that the People's Housing Process has been marginalized with relatively few subsidies being allocated to this option (Miraftab 2003). Baumann (2003, 9) estimates that "probably less than 3 per cent of subsidized houses built since 1994 can be regarded as PHP products".[8] Baumann (2003, 10) also analyses some of the shortcomings of the PHP as it was used prior to 2003. In particular, he notes that the policy of the Department is to institutionalise the process through a formal intermediary organization which deals with the beneficiaries. A further problem is the high levels of bureaucracy. While PHP developments are exempt from National Homebuilders Registration Council inspections, no other exemptions are specified and "Most PHP projects have been plagued by conflicts over this issue" (ibid, 12)

Rental Housing
Many of the urban poor find accommodation through renting backyard shacks and rooms in both formal and informal settlements. Rental housing formed 31 per cent of the total housing stock in 1999 and in this year 69 per cent of this rental housing was located in urban areas (DOH 2003, 8). There is a widespread recognition of the need to improve options in rental housing although state rental programmes have not achieved the scale of home ownership programmes, and the capital housing subsidy remains the major policy instrument to address the needs of tenant families. The government was interested in developing a social housing option (rental housing) for those not requiring individual ownership. However, between 1996, with the introduction of the institutional housing subsidy targeted at the delivery of rental housing, and December 2005, the National Department of Housing only recorded the delivery of 34,208 "social housing" units across the country.   Very little new development has happened in subsequent years. Hence despite the intention of the state, there has not been the development of an extensive low-income formal rental sector and the capital subsidy remains the main avenue through which the low-income households secure shelter improvements.

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[8] He adds that the Homeless People's Federation have built about 75 per cent of PHP dwellings.

A critical perspective on state housing programmes
This sub-section considers the ways in which policy and programmatic responses to shelter need have been assessed by a range of commentators. Drawing on professional debates, the discussion highlights some of the key concerns including those related to location, construction quality, and participation and user involvement. By 1999, despite the evident success in delivery at scale, some of the limitations of the housing subsidy programme were becoming apparent. After summarising these professional critiques, the discussion explores the responses of users to the constraints of these programmes and, through describing their actions and options, draws conclusions about their assessment.

Subsidy Location
A major emphasis in the academic discourse has been on the fragmentation of urban space with many subsidy financed projects taking place in peri-urban areas, resulting in low-density and racially divided cities. As argued by Pauw and Mncube (2007), poverty remains closely correlated with race; therefore, a city with residential areas that are spatially divided by income groups is one divided by race. To reduce the need for high expenditure on land, local authorities and developers tend to locate new housing subsidy developments on peripheral land which is generally far from economic opportunities, reinforcing the spatial and racial distortions of apartheid and entrenching poverty (Oldfield 2004; Pieterse 2006; Zack and Charlton 2003). Some of the consequential problems of social exclusion identified by Zack and Charlton (2003) include lack of access to jobs (ibid, 5), distance from shops, schools, clinics, and recreational amenities (ibid, 30), and the transport costs associated with distant locations (ibid, 30 and 32).

Smith (2003, 29-31) argues that a "post-apartheid" city with divisions based on class rather than race began to emerge in South Africa before 1994. However, while racial integration was taking place in areas located on the edge of the central business districts of major cities, this trend was reversed in the informal housing that took place in the peri-urban areas and these areas were characterized by "racial homogeneity" due to the inability of Africans to afford anything else (ibid, 31).   The choice of these areas for subsidy financed housing maintains a pattern of spatial (and hence social) exclusion for the lowest-income African households. Tomlinson (2003, 84) suggests that the National Housing Forum not only failed to address the need for integration but wrongly presumed that the provision of a starter unit would be sufficient to result in further investment and therefore would over time lead to the consolidation of higher quality neighbourhoods. Rust (2006, 33) adds that even if households have the capacity to invest, the poor quality of the dwelling and neighbourhood mean that there is no incentive as "housing is worth little more than the shelter it provides." While higher income households of historically disadvantaged racial groups have been able to move into high-income areas (and therefore some racial integration is taking place), such racial integration has not happened for other social classes.

The more immediate consequences of urban fragmentation include significant difficulties for urban poor households as they struggle with the consequences of spatial exclusion. As a result, some have sought to move away from these areas.   "[H]ouseholds receiving the subsidy effectively abandon their dwelling, selling it for prices as low as R500 or, more productively, renting the units…. I was informed that in the case of one small

project where the Department [of Housing in Gauteng] had undertaken a survey, 84 per cent of the beneficiaries no longer occupied their units" (Tomlinson 2003, 84). This percentage appears to be very high but there is widespread agreement that some residents are now selling their newly acquired dwellings (often at low prices) and creating a "new homeless" class who have no remaining subsidy entitlement. Zack and Charlton (2003), in their review of subsidy financed housing programmes, report that members of nearly half (13) of the focus groups say they are aware of some people in their area having sold their homes (ibid, 22).

Due to such concerns, the national government now requires that the delivery of subsidized housing should be linked to the statutory municipal Integrated Development Plans (IDP). Integrated Development Plans were first introduced in the Development Facilitation Act (1995) and the Local Government Transition Act (1995) to assist local authorities to carry out their development role. IDPs aim to facilitate longer-term planning with integration across sectors such as housing, health, transport, education and commercial development.. Plans are developed through a process which allows local level stakeholders to comment on and influence the final plan. All housing developments in South Africa, whether subsidized or commercial, must align with the local IDP (Harrison 2008). Harrison (2008, 327) reports on concerns that the approach has been too technocratic. However, he suggests that the critiques have been over-stated and that there are also more positive appraisals. Charlton (specifically with reference to eThekwini) suggests that the IDP is "fairly generic and unspecific….[and the] contribution to coordinated planning, delivery and institutional integration is still to be tested" (Charlton 2003, 276).

What is clear is an acknowledgement of, and broad consensus around, the problem of spatial location resulting in unequal access to employment opportunities and lack of access to a range of urban services. This issue was taken up in Breaking New Ground, the new Strategy announced in 2004 (see above).

Subsidy size and quality
An ongoing issue since the commencement of subsidy financed houses has been the size of the unit (Miraftab 2003). In the late 1990s, minimum house sizes were introduced to address the problems associated with very small dwellings. At present, the minimum house size is 40 square metres. Despite efforts to increase the size of units, it is common to see shacks attached to subsidy houses as households build additional rooms to accommodate their families (Lemanski 2008). Especially in peri-urban areas where land pressures are less acute, families may have previously been living in a five or six room shack and there are difficulties in adjusting to a housing unit of 40 square meters with three rooms and a kitchen.

There have also been concerns about the quality of housing with inadequate foundations and problems of flooding, cracking walls and other concerns. As a result of these issues, the government introduced a building warranty. Over the period of the subsidy programme there has been an increase in standards with rising specifications.

Participation and beneficiary involvement
There has been a continuing debate about the quality of participation in housing development projects for those able to acquire access to housing subsidies. Miraftab (2003, 226) argues that, despite the intentions of national government, research studies have suggested that participation in housing development is limited. She argues that there are "certain misconceptions about the notion of power sharing in participatory processes that lie at the heart of this contradiction" (ibid 227). This argument is broadly supported by others including Lizarralde and Massyn (2008) and Lemanski (2008). In part this failure to achieve a participatory housing development process reflects tensions inherent in the design as private developers were expected to drive participation but instead have primarily concentrated on profit making. Oldfield (2008) also agrees with the conclusions of these authors suggesting that, while many participatory processes have been introduced in housing development, they are limited and remain highly contested. "In this all-consuming attention to "deliverable" physical development, less tangible and measurable democratic processes to build inclusion have become side elements, narrow channels through which society is directed to participate with government" (ibid, 488). Pieterse (2006) broadly reaches the same conclusions suggesting that participation is being squeezed out by "the imperatives of stability, technical predictability and continuity" (ibid, 288).

Swilling (2008) discusses social movement organizations that have sought to negotiate for inclusion in decision making despite this direction being taken by the state, and analyses those groups that have sought to resist being co-opted through participatory processes. He focuses on the Federation of the Urban Poor (FedUP) but recognizes that there have been similar strategies followed by the trade union movement and the urban sector service organizations. Swilling argues that as the organized poor start to engage, power relations start to change. He suggests that FedUP maintains autonomous organizing capacity for grassroots associations while engaging with the politics of the city to their own advantage (Swilling 2008, 508). Miraftab (2003) is broadly in agreement with Swilling that there are some positive experiences and that social movements are challenging the status quo in respect of housing developments. She elaborates "in recent years, civic movements are gradually reviving... They seek to influence the regulation of the private sector including developers... Unquestionably, the government cannot afford to ignore these movements. It must be remembered that the housing quality is key to the political and social stability of the country. More than anywhere else, in South Africa, an ugly history and the struggle against injustice are intimately linked with the issues of urban development and homelessness" (Miraftab 2003 236-7).

Programme delays
Rust (2006, 33) suggests that there is a significant change in housing strategy has taken place when she notes that the "Ministry of Housing which, in 2002 first began speaking about 'housing asset' that the government had provided - instead of the number of 'housing units'." However, she is also cautious about the success of the new Strategy in a context in which there are new reasons for delays in delivery. "Research undertaken on behalf of the Banking Association in 2005 found that where it took between 12-18

months to convert raw land into registrable residential stands, the process now takes between 30 and 59 months. Where it previously took five months to develop houses on such stands, it now takes about 19 months" (ibid, 9). An additional factor adding to these delays, Rust (2006) suggests, is the limitations in bulk services capacity. The recent situation has been exacerbated by the infrastructure investment demands promoted both by government (in the context of the 2010 Soccer World Cup) as well as the private sector due to the general level of economic growth.

Lack of emergency housing
While Huchzermeyer (2004) has suggested that the rights based framework is appropriate for analysing the lack of recognition given to informal settlements and related development problems, in general the issue of rights has not figured that prominently in academic and professional discussions related to housing need. In part this appears to be because of the scale of the capital subsidy programme for housing. One exception has been the discussion related to a court case in 1999 in which Mrs Grootboom and almost one thousand other adults decided to move from a water-logged area in which they were living and take care of their children onto a vacant hill side set aside for low-income housing (Sachs 2005). The squatters were then evicted from this site by the local authority and moved onto a local sports field.

After contacting a local attorney, the group pursued the Council in court arguing that it should meet its constitutional obligations and provide temporary accommodation. "The High Court ordered the municipality to provide temporary shelter pending the outcome of the application." (ibid 132) Sachs, an NGO activist and Justice of the Constitutional Court, explains that the Council achieved some success as "The High Court accepted that the state in fact was meeting its obligations progressively to realise the right of access to adequate housing"; however, the Court held that the "state had failed to meet further and special obligations which it owed to the children involved" (ibid, 133). The case then moved to the Constitutional Court. The community was supported at the Constitutional Court by the Human Rights Commission "a state institution supporting constitutional democracy… rights and values of the Constitution are observed, respected and promoted at all levels." Civil society, through the Community Law Centre of the University of the Western Cape and the Legal Resources Centre (an NGO) also participated in providing support. The Constitutional Council argued that the housing programme was broadly appropriate to the rights as established in the constitution but there was a need to augment the existing subsidy programme with an emergency housing programme. In 2004, the government introduced measures for those requiring emergency housing. Grants were introduced for municipalities seeking to provide emergency shelter to residents. Chenwi (2008, 25-6) explains the way that this policy is working: when people are evicted from unsafe areas and qualify for assistance under the Emergency Housing Programme, they are moved to a temporary resettlement area until permanent relocation becomes available.

The growth of informality for those still waiting.
In addition to concerns about the nature and impact of the capital subsidy programme, there is also a discussion related to the lack of scale of the programme and continuing

struggles to find housing. Millions of those in housing need are unable to access the housing programme and continue to provide themselves with accommodation.

Despite the subsidy related housing investment taking place in South Africa, the 2001 census identified that 16.4 percent of all households are living in inadequate dwellings and concluded that the absolute scale of need increased between 1996 and 2001 (Statistics South Africa 2001, 78). The housing backlog grew to an estimated 3 to 4 million houses due to population increase, migration to urban areas, and new household formation (Baumann 2007). The Department of Housing estimated the housing backlog in 2001 to be at 2,784,193 (Dept of Housing quoted in Miraftab 2003, 231).   In the absence of subsidy related opportunities, informal housing continues to be a widely used solution. A recent report from the South African Institute of Race Relations suggests that informal dwellings are becoming relatively more important in housing provision and are increasingly being built as backyard shacks in formal areas rather than in informal settlements (SAIRR 2008).

> Between 1996-2007, the total number of households residing in informal dwellings grew by 24.4% from 1.45 million to 1.80 million. During that period, the number of households living in backyard informal dwellings rose by 46 % from 403,000 to 590,000. The number of households staying in free-standing informal settlements grew 16% in comparison, from just over one million to 1.2 million.

As a result of this trend, backyard informal structures in formal settlements as a proportion of total informal dwellings grew by 18 per cent while those built in informal settlements declined 7 by per cent.[9] Huchzermeyer et al (2006, 27) argue that this is a critical distinction. What this data shows is that there has been a shift away from households living in informal settlements towards the renting of shacks within formal areas, including settlements constructed with subsidy-finance.

In 2005, the Community Organization Urban Resource Centre (CORC 2005) profiled informal settlements in Johannesburg and identified 131 informal settlements with a population of 692,858 citizens. This profiling drew on an earlier study of 102 settlements by the Centre for Applied Legal Studies. The 2007 study is believed to include 97 per cent of all informal settlements in the Johannesburg Metropole (ibid, 14). The exercise was repeated in Cape Town where the profiling team began with official maps which identified 176 informal settlements within the Metropolitan Area. The team itself identified over 200 informal settlements and profiled 183. Twenty one of the settlements identified by the city no longer existed as their residents had been relocated and/or evicted; at the same time, 45 of the identified informal settlements did not have any recorded identity within the City administration (CORC 2006, 8).

Significant concerns have been raised about the state's attitude to the informal settlements in which many urban poor find accommodation. Huchzermeyer (2004) notes

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[9] From Press Release From bare fields to the backyards of properties: the shifting pattern of informal dwelling erection, dated 24 November 2008, South African Institute of Race Relations, www.sairu.org, downloaded Thursday, 12 February 2009

that, in 2001, the government made a commitment to eradicate informal settlements within 15 years and she is concerned that, at least in part, this policy will be secured through the eviction of residents from informal settlements. Huchzermeyer (2004) suggests this preference for relocation comes about because informal settlements are viewed as damaging to the local environment and associated with public health risks. A further reason may be the complexity of upgrading compared to Greenfield development both in terms of managing social relations between residents and in terms of physical adjustments required as informally constructed housing is regularized.

Collective resistance - evictions and land invasions
In a context such as South Africa, where a liberation struggle has won control of the state, there are high expectations about what should be delivered to those who have been oppressed and disadvantaged. With this history, it is perhaps inevitable that citizens look forward to enjoying their entitlements rather than taking a more sceptical view about what they are likely to receive from government and how they can secure their collective interests. While recent protests suggest that such views may be changing among those living in informal settlements in South Africa, research to date has pointed to high expectations in relation to housing delivery.

On the part of citizens, there has been a confidence and trust in government delivery mechanisms with little understanding of the difficulties of appropriate delivery to those whose shelter and livelihood options are primarily informal (Smit 2007). On the part of the state, there has been a confidence in the capacity to deliver and address basic needs with little considered analysis of the systemic weakness of government programmes. Cherry et al. (2000) engage with such realities in their research on the attitudes of members of civic organizations and councillors in the townships of Port Elizabeth and Cape Town. They find that civic activists are not interested in developing alternative models of service delivery and housing. Rather, they suggest, most of these activists believe that

> … real power lies in the local state … and they therefore aspire to be elected as a councillor. It is not just that a 'political identity' is more powerful than a 'social movement identity' (Lanegran, 1996: 131), but that few activists are able to make a clear distinction between the two (ibid, 902).

Other authors have associated a confidence in state delivery with a strong emphasis on the individual as the "agent" who engages with the state, rather than on the collective organization lobbying to reform the state. Huchzermeyer (2003, 597-8) argues that the "…capital subsidy promotes individualized demand making rather than a rational and holistic engagement with community development."[10] As Huchzermeyer (2003) explains, community leaders that challenge this process may face a very difficult context with the state being ambivalent about their contribution. Whatever the individualising tendencies that result from the subsidy mechanisms, as discussed in the mapping paper from Phase One of this research the broad areas of shelter and settlement remain an area

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[10] Robins (2008, 83) suggests that in present-day South Africa this model of state and citizen relations extends beyond housing.

of movement activism, due both to the historic importance of urban townships in social protest and the ongoing scale of need.

Despite this context, there have been a number of examples of collective resistance.[11] In terms of conventional protest, the struggles against service disconnection and evictions related to bond repayments appear to be of greater interest within academic writing. See, for example the 2004 collection in the *Journal of Asian and African Studies*. Those faced with an acute housing need and limited access to subsidy finance have either a less focused sense of grievance or their struggles have not received the same level of attention.

However, reflecting directly on housing related movement activism, Pithouse suggests that in recent years there has been a significant change in attitude and a growing sense that elected representatives need to be held to account for their policies and programmes. He notes that many of the larger poor people's movements that have developed more recently (notably Abahlali baseMjondolo, the Western Cape Anti-Eviction Campaign, and the Landless People's Movement) may refuse to participate in elections suggesting that they "see things very differently" from the activists interviewed by Cherry et al (2000).

In terms of documentation and academic writing, there have been a few exceptions to a general lack of documentation. One is the work of the South African Homeless People's Federation and the subsequent Federation of the Urban Poor who have attempted to engage with and hence transform state housing programmes (Baumann, Bolnick and Mitlin 2004; Bolnick 1993; Bolnick 1996; Khan and Pieterse 2006; Millstein et al. 2003; Mitlin 2006; Robins 2008; Swilling 2008). In this case, the social movement organization works closely with a support NGO that helps to facilitate the dissemination of its approach and its work. More recently there have also been articles on *Abahlali baseMjondolo* with a particular focus on their work in Kennedy Road, Durban (Bryant 2008; Patel 2008; Pithouse 2006; Pithouse 2008b). A collection of South African movement experiences published in 2006 includes three case studies broadly located in the area of land and housing (Ballard, Habib and Valodia 2006). Once more the significance of service related struggles is recognized (see Oldfield and Stokke 2006); however, land and shelter struggles are also examined (Greenberg 2006; Khan and Pieterse 2006).

A central theme in this literature is the success of these struggles in respect of securing resources from the state. Khan and Pieterse (2006, 158-9) neatly highlight the challenge when they describe how the leadership of the South African Homeless People's Federation was sceptical about the likelihood that the state would deliver development to the urban poor but, at the same time, they recognized the need for effective engagement. "[T]he key ideologues of the HPA [Homeless People's Alliance]… realized the futility of directly confronting a state that commands unprecedented levels of support and

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[11] Seekings (2000, 835-6) in an editorial to a collection of papers in the *International Journal of Urban and Regional Research* argues that there have been relatively few studies of urban poverty and little engagement of social scientists in urban poverty issues.

legitimacy…" In this context, they recognized that "pragmatic rather than confrontation engagement would yield more fruitful outcomes for the urban poor" (ibid, 158-9).

In addition to the more formally organized groups of the urban poor, it is possible to identify other examples of collective resistance to inadequate shelter. Access to land is a key objective. However, it is difficult to gauge the scale of land invasions that have taken place in South Africa since 1994. There is some evidence of strategic invasions around election time (see, for example, Skuse and Cousins 2007 and the experience of Kanana settlement in Gauteng). There are several reports of groups affiliated to the South African Homeless People's Federation invading land (despite the preference of this group to negotiate rather than confront). These groups includes Agrinette Hills (Baumman Bolnick and Mitlin 2004, 205), Joe Slovo (SDI 2007) and Ruo Emoh (People's Dialogue on Land and Shelter 1999); these cases related to situations in which the local authority showed little interest in responding to requests for dialogue. Smit (2007) draws together the conclusions of four regional workshops on land for the urban poor[12] and broadly supports the view that land invasion is a significant tactic used by community organizations to secure land. The preference of some land owners to sell land in and adjacent to low-income settlements for fear of invasion (Mitlin 2006) also points to the practice of land invasion, as does reported evictions of families on state land (Mayekiso 2003).

There is very limited information on evictions that are taking place in response to land invasions and informal settlement. Mayekiso (2003), for example, reports that Gauteng Ministry of Housing took measures to evict residents including "2,262 residents who had occupied shacks along the banks of the Jukskei River" (ibid, 73). COHRE (2006, 31-34), in a global report of evictions, makes reference to South Africa and gives details of evictions from inner city tenements in Johannesburg and of several thousand families evicted from a small number of informal settlements; but the scale of the problem remains unknown (du Plessis 2005, 126). Pithouse (2008a) discusses the practices of eviction in Durban and suggests that they contravene the legislation and are illegal; while precise figures are not available, his discussion suggests that the numbers are significant in this city.

This sub-section has reported on the national context for low-income households living in inadequate shelter. While there is a national housing programme which has provided houses for millions of South Africans, a number of criticisms have been made in respect of this programme which are summarized above. Due to the scale of housing need, there are many families that have not been reached by the state, or who have been reached but who have left their subsidy-financed housing. These families have had to find alternative strategies to secure accommodation and some have participated in social movement organizations. The research study specifically examined the activities and perspectives related to social movement organizations in Durban. Before turning to our findings in respect of social movements, the following sub-section summarises the housing situation in the city of Durban.

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[12] This included 105 representatives of civil society organizations, the majority of which were from CBOs.

Durban and the local context – history, situation, governance

Durban is a port city established in the mid 1800s. Pithouse (2008a, 20) argues that by 1884 early versions of influx control had been established in Durban as the planners began to create particular zones for different racial groups including municipal barracks for male migrant workers. The municipality adopted the strategy of brewing and selling beer to generate the revenue that it needed to cover the costs of African housing in the city (Pithouse 2008a, 22; Marx and Charlton 2003); evidence which suggests that wages were too low for workers to afford adequate accommodation. In 1913, the Land Act forced African families from the land and enabled white commercial agriculture to take up further opportunities (Pithouse 2008a; Marx and Charlton 2003). This, together with the growth of the manufacturing industry, resulted in migration into the city and Durban became the second largest city in the country both in terms of population and economy. In 1920s and 1930s some mixed race residential areas remained but, during the 1930s and 1940s, as darker skin colours increasingly became associated with adverse elite perspectives on the quality of local environmental conditions and on citizen attitudes to modernity there was pressure to break up these areas and force black South Africans away from the more advantageously located areas. "Informal settlements have tended to be popularly regarded as incubators of vice and disease, harbouring those too lazy to find work and other groups of people regarded as the undeserving poor" (Marx and Charlton 2003, 7). Africans were forced towards urban periphery and rural areas, and this was represented as being in the interests of public health (Pithouse 2008a, 27-28).

As elaborated by Scott (2003, 245), regulatory changes in planning legislation were used to include and exclude particular residents of the city, favouring industrial interests. However, labour was also required by commercial agencies and, despite the pressure on African families, informal settlements continued to be permitted; by the late 1940s there were 70,000 people living in shacks within the city (Pithouse 2008a, 32). By the 1950s, the Group Areas Act provided the basis for forced mass removals of Indians and Africans to the periphery of the city. Throughout the late 1950s and 1960s, the clearances continued and families in informal settlements lived with the persistent threat of eviction (ibid, 34). Marx and Charlton (2003, 11-12) argue that the urban planning and development decisions agreed by the city influenced the spatial development of Durban, and "provided settlement opportunities for those denied formal access to the city ...[and] had the effect of reinforcing urban sprawl..." The authors also note that despite the pressures to move low-income households away from the central areas, Durban settlements are (in some cases) closer to the city centre than those found in other South African cities. Wherever their location, "by the end of the 1980s over half of the African population were living in informal settlements and this situation has persisted to the present" (ibid, 11).

By 1984, there were an estimated one million shack dwellers around Durban. In 1986, Influx Control was officially abandoned and the figure increased to 1.7 million by 1988 (Pithouse 2008a, 38-9). While housing improvements were of critical importance for

these families, these priorities were not universal. As the country moved towards democratization, priority areas for development began to be identified. In 1990, Operation JumpStart was established by local business interests in Durban and this stakeholder body sought a new urban vision to catalyze economic development. (Maharaj and Ramballi 1998). COSATU were reluctant to participate in part, Maharaj and Ramballi suggest, because they believe that the wrong interventions had been identified and "there were more important priority projects such as housing and services" (ibid, 139). To address such concerns Operation JumpStart introduced protocols for their projects which included the principle that "the land should be developed to benefit the people of the Durban region" (ibid,140); however, this exchange is illustrative of the tension between social need, addressing injustice and economic development which continues to this day.

Current needs
In the late 1990s, there were approximately 2.5 million people in Durban without access to basic services which was one third of the city's population at that time. In 2002, eight years after the ANC government took up office, Marx and Charlton argue that "urban areas by and large continue to reflect the pattern of racially homogeneous and separate residential areas that are the product of the Apartheid years" (2003, 1). The housing backlog was then estimated at 305,000 units with 108 informal settlements (Marx and Charlton 2003, 28). One third of shacks were considered to be on relatively well located land) with some others being on unsafe land and requiring relocation. Broadly similar estimates are given by Charlton (2003, 266) who reports that, in 1997, there was an estimated housing backlog of about 280,000 units including 143,000 families living in informal settlements; 44,000 families in informal settlements were considered to be in well-located areas (ibid, 266).

Informal settlement formation has continued in recent decades although settlements established in the "late 1980s and early 1990s have tended to be smaller, more clandestine land invasions closer to the city centre... or on marginal land at risk from natural disasters such as floods or landslides... recent estimates have suggested that approximately 35 per cent of informal structures are located within pockets of formal settlements, 55 per cent are located on the periphery of formal settlements and 10 per cent are peri-urban in location" (Smit 1997 quoted in Marx and Charlton 2003, 6). As discussed below, controls on informal settlements have increased and it is less likely that these areas are still being formed.

The Metro Housing Service Unit was established in 1997 to both deliver improvements and coordinate others involved in housing provision, particularly the local authorities around Durban which were being integrated within six sub-structure authorities and, in 2001, merged into the new uni-city (eThekwini Municipality). Charlton argues (ibid, 267) that during the late 1990s, housing delivery was "characterized by an emphasis from both provincial and national spheres on target-driven delivery in terms of the number of housing units built…". Charlton (ibid, 268) describes a number of tensions prevailing during this period most notably the allocation of provincial subsidies on a project basis, the lack of local influence over national policy, policy differences between the national

and provincial level, and conflicts between housing and other policies (such as environmental planning requirements). While Metro Housing sought to coordinate different agencies to ensure an integrated programme and put funding in place to top up the subsidies[13], there were a number of serious constraints to their efforts. Charlton (ibid, 269-71) identifies the most significant constraints as being the lack of accessible well-located land, resistance to low-income housing from other residents, the limits on land expenditure within the subsidy regulations, the different interests of private sector developers, and the lack of additional finance to build higher density units. Charlton notes that during this period there were attempts to upgrading informal settlements in situ (ie. with minimum disruption to residents). During this period, it was possible for communities to plan their development with some flexibility, respecting the existing layouts.

In the central city area about 7,000 structures or 28 per cent of shacks required to be relocated due to de-densification measures (Charlton 2003, 266). Marx and Charlton (2003) explain that the major areas of informal settlement are on strips of land that lie between established areas or on the boundaries of the apartheid city. Drawing on a municipal study from 2002, Marx and Charlton (2003, 10) present the following information:
- an estimated 23 per cent of the population lives in poverty
- an additional 17 per cent suffer from poor living conditions with 20.4 per cent not having access to adequate supplies of water and nearly 30 per cent without adequate sanitation
- 13 per cent cannot afford or do not have access to public transport.
- 8 per cent of adult population has tertiary educational qualifications and 37 per cent of Africans have no secondary schooling

In respect of city governance, the eThekwini Municipality was created at the end of 2000 with the urban boundaries being redrawn to recognise the "functional interdependencies of the metropolitan economy and the need to redistribute resources from a relatively wealthy centre to a much poorer periphery" (Marx and Charlton 2003, 3). Both before and after this there were tensions between national, provincial and metropolitan authorities in the delivery of housing improvements. Charlton (2003, 268) argues that

> During the mid 1990s Durban was the only large city in the country where the provincial government was not a major developer. Housing delivery had been occurring in the city … on an individual, project-by-project basis, in line with the mechanisms of the housing policy of the time. This piecemeal approach to delivery had left a legacy of dysfunctional projects, which were not integrated with the city's bulk service delivery project. For the city, therefore, the major challenge was to secure subsidy funding from the Province for projects identified as city priorities and to link them to the delivery programme of the Metro.

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[13] Charlton (2003, 264) adds that the housing unit within the local authority was particularly concerned to pioneer local approaches, with a budget to supplement the approach of the national government.

A number of particular problems for the development of housing improvements in Durban can be identified. These include the high costs of construction due to the topography. Well located land is also a problem. Charlton (2003, 270) suggests that access to land has continued to be highly contested with residents only wanting to agree to developments that they saw as being in their own interests and middle-income residents blocking the development of low-income settlements. The proportion of the subsidy funds that can be spent on land was limited and therefore additional finance is required if well located land is to be accessed. High density units (medium rise) also required extra funds and hence most subsidy financed developments have tended to be single-storey detached units on peripheral land. The lack of integrated thinking and the dominance of self-interested constituency politics meant that there was limited ability to address the needs of the low-income residents in the city. By 2000, Durban Metro was trying to improve housing delivery through three strategies: a rational plan to prioritize and programme development; inter-departmental forums of officials to coordinate city investment; and secure control over state housing funding through an application for accreditation to the province (which has not yet been approved) (Charlton 2003, 272-3). Charlton (2006, 52) suggests that the local authority in Durban recognized that informal settlements exist on a significant scale and that informal settlement upgrading would be a major part of the housing effort. She discusses some of the strengths and weaknesses of these upgrading projects in four informal settlements. Her analysis highlights a number of aspects including: the recognition that changing economic development patterns mean that a settlement that was once peripheral to activities may benefit over time (ibid, 55), the tension between maintain density on irregular and often small plots in inner city areas versus relocation (ibid, 57), the lack of provision in the redeveloped areas for backyard tenants (ibid 58), and the importance of the provision of all services and facilities (ibid, 60). In respect of this second aspect, she (ibid, 58) notes that relocation may be acceptable to residents because of larger plots on offer in more distance locations, and because of improved vehicle access. Charlton (2006, 52) makes reference to the "small community of development practitioners" which has facilitated learning between the relevant agencies.

COHRE (2006) reports that in 2001 the KwaZulu-Natal provincial housing MEC Dumisani Makhaye began to talk of "slum clearance" and introduced a policy to achieve this goal. As COHRE (2006, 100) elaborates the programme focused on central city locations rather than the peripheral areas where the conditions were as bad if not worse. This suggests that the intent of the policy was more related to city beautification than to poverty reduction. Richard Pithouse suggests that the provincial policy and the associated discourse has had a significant impact on practice in Durban, regardless of any alternative positions that are included with national official policy.

Conclusion

As evident from the discussion above, enabling access to improved housing for the millions in housing need has been a priority programme area for the democratic government of South Africa. Since 1995, housing policy has focussed on a capital subsidy for housing with units being allocated to entitled households in new-build

developments. Programme amendments have including an increasing unit value of the subsidy to enable improvements in the quality of provision. Since 2004, housing policy has recognized the need to augment this programme with specific measures to upgrade existing informal settlements with greater emphasis on the improvement of living conditions for residents currently located in these areas; but to date there have been few upgrading programmes.

Despite the construction of over two million units, the housing backlog has been increasing. Concerns have also been raised about a number of other aspects of the housing programme. The peripheral spatial location of many subsidy financed developments has been a particular area of criticism. Other concerns include the poor quality of construction (partially addressed through programme improvements), little beneficiary participation and the limited scale of delivery. Low-income households continue to live in shacks, either in the backyards of formal areas or in informal settlements. Evidence suggests that land invasions are still taking place although the proportion of shack dwellings within formal areas has increased, perhaps reflecting increased state action against such land occupations. Charlton (2003, 273) highlights that the staff in the Department of Housing in eThekwini were aware, from at least 2000, that some beneficiaries of the housing subsidy financed units were leaving peripherally located Greenfield projects to return to informal settlements.

Durban, as with other cities in South Africa, has a significant proportion of the population in housing need and living in shacks and shack settlements. Relative to other urban centres in South Africa, at least some of these areas are relatively well-located and in close proximity to the city. The topography adds to the costs of housing construction and the provision of services.

Section III. Introduction to the Agencies

The interviewees for the case study are identified in Annex 1 below. This Section provides a brief introduction to the groups researched in the course of this study.

Civil society organizations

Particularly important groupings of civil society organizations are an alliance of Federation of the Urban Poor (FedUP), Utshani Fund and Community Organization Urban Resource Centre on one hand and Abahlali baseMjondolo on the other hand.

Other organizations are also recognized to contribute to addressing shelter need but they operate more autonomously developing relationships with a range of other agencies. These organizations include three NGOs which were included in this study: the Built Environment Support Group (BESG), the Church Land Programme (CLP) and the Project Preparation Trust (PPT).

Finally there are community-based organizations that are fairly unknown and relatively ineffective due to powerlessness and lack of support: this group is exemplified by Siyanda KwaMashu Newlands Interface Housing Forum.

The tripartite alliance of FedUP, COURC and Utshani Fund is a well-resourced and institutionalized phenomenon. FedUP mobilizes the community through saving schemes in the areas of land and food security. These saving schemes have their own leadership elected democratically with women as their treasurers. The land savings scheme is the biggest since most FedUP members do not have land on which to build houses. Members from the following FedUP saving schemes were interviewed during this study: Sivukile Saving Scheme, Vukazakhele Saving Scheme and Landless Saving Scheme. The first two saving schemes are based in Piesang River, a place where FedUP had achieved much so far. Landless Saving Scheme is based in Training – Ntuzuma. It is constituted by people who are renting RDP houses because they are landless, and has been in existence for two years but it is still in the process of negotiating for access to land. According to one informant, FedUP is not only concerned about access to land and housing, but is using these objectives as an entry point to tackle poverty.[14]

Working with FedUP are uTshani Fund and COURC. The former's role is to provide technical support to FedUP, for example, expertise in engineering and surveying. They manage funds for FedUP including both funds from donors and government; the monies of the saving schemes are managed by local residents. They support community inputs in projects such as income generation and skills development. They have maintained support for FedUP since it emerged from a spilt within the South African Homeless People's Federation. Lastly, COURC's role in the process is to support the local groups of FedUP and its contribution also extends beyond housing. COURC supports specific

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[14] Informants for other organizations, including Abahlali baseMjondolo, BESG and the Church Land Programme, also emphasized that their programmes are not narrowly focusing on access to land and housing.

activities of FedUP (particularly exchanges and enumerations) alongside its work with other community organizations. All these agencies work throughout South Africa.

FedUP is member of Slum Dwellers International (SDI) and is committed to the principles of this collective network. One of its critical principles is to maximize women's participation. SDI has affiliates in 33 countries. One of the FedUP leaders is a board member of SDI. Locally, FedUP does not have allies outside COURC and uTshani Fund although at times they have sought to work with other NGOs. Members of FedUP describes their relationship with the staff of uTshani and COURC as being one in which the NGO supports rather than dictates to them. The alliance may be categorized as a liberal social movement organization which avoids confrontation and militancy. However this designation is somewhat simplistic as FedUP members were occupying land prior to the state committing itself to a partnership. Leaders say that the organization is following a 24 point plan[15]; in this strategy they first exhaust all avenues before they embark on occupation. However much of the work is executed through proactive activities like saving schemes and partnering with the state for housing construction. The organization has sought to cooperate with Abahlali baseMjondolo but little progress has been made.[16]

Another influential social movement organization in Durban is Abahlali baseMjondolo[17]. This network is regarded as a considerable force among shack dwellers and represents 34 settlements.[18] The organization began in Kennedy Road, and its inception was influenced by the Kennedy Road Development Committee. Interviewees traced the formation of the organization back to 1985. The network was formally launched as Abahlali baseMjondolo (AbM) in 2005 in order to include other settlements in addition to Kennedy Road. Initially AbM was concerned with access to land and housing as well as stopping impending evictions, it is now framing these issues within the concepts of dignity and recognition while continuing with a major orientation towards shelter.

AbM has alliances in Gauteng and Cape Town, specifically it works with the Western Cape Anti-Eviction Campaign (Cape Town), the Landless People's Movement (Johannesburg) and the Rural Network (KZN)) all of which are networked together as the Poor People's Alliance. In respect of collaboration with NGOs, members work with the Church Land Programme, and with the Centre for Applied Legal Studies and the Legal

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[15] This "24 point plan" was agreed early in 1997 by the Federation leadership. The plan outlines a number of activities to strengthen the savings schemes and prepare for rapid site development. Federation groups that wish to invade land are required to show that they have followed the steps outlined in the plan before receiving Federation support; invasion is seen considered to be acceptable if activities related to negotiation and compromise in securing land have been attempted and failed.

[16] Since the interviews took place a city network including FedUP and AbM has been established.

[17] Abahlali baseMjondolo means shack dwellers in Zulu language. Abahlali was interviewed in both Phase 1 and 2 of the research project.

[18] The number of 34 settlements was that mentioned in the interview with S'bu Zikode. Richard Pithouse elaborated that in November 2008 (the last date at which it was recorded) membership includes paid up individual membership (i.e. individuals holding a 2008 membership card): 10 000; settlements collectively affiliated to the movement: 15 (all in Durban); settlements with branches but not affiliated to the movement: 19 in Durban and 20 nationally (including Pietermaritzburg, Howick, eShowe and Cape Town).

Resources Centre (although without a formal agreement in the case of the last two organizations). Leaders describe its relationship with Church Land Programme (which provides particular support) as empowering and un-repressive; it enables them to speak for themselves as opposed to speaking for them.

Unlike FedUP, AbM did not begin its work with a partnership with a funded NGO and for considerable periods it has had little regular access to external finance to support its activities. In particular, AbM has not had access to professional support in respect of housing construction and other aspects of settlement development. The relationship that has developed with CLP, especially from 2007, offers some political support (especially with church organizations) and funds some mobilization activities but CLP do not have housing expertise. While AbM has made alliances with middle class people (at times including them as members), agency engagements have been less consistent. (Moreover these individuals have also not had expertise in housing or development.)   At times AbM has worked with professional organizations in specific projects or programmes of work; for example, leaders participated in meetings at the Centre for Civil Society (University of KwaZulu-Natal) and worked to produce a film with an NGO, Open Democracy. However, when AbM began it had no ability to access state officials through alliances with individuals and agencies with existing links and/or with professional (peer) legitimacy.

In practice, AbM shifted has from being an organization of militancy towards the state to negotiation. Activities in their early days are exemplified by road blocks and marches but now they are cooperating with the state in planning the upgrading of their settlement. Their marches and demonstrations were bolstered by documentation which exposed the failure of the state to improve the lives of shack dwellers. The leaders used the media and associated with significant personalities to draw attention to themselves, both nationally and internationally. For example, they submitted a video to the South African Human Rights Commission (SAHRC) to expose their living conditions. The leadership suggests that PPT was appointed by the state to facilitate development of their settlements as a result of their march of 28 September 2007. Although they cooperate with PPT, they still perceive it to be "an agent of the state".

The staff of other NGOs active in housing issues were interviewed for this study. CLP and BESG support community activities while PPT is a consultancy NGO. CLP is currently working closely with AbM. The organization evolved from a pilot project by PEPSA and AFRA (Association for Rural Development) to identify land owned by churches and to secure land for the landless. It is an independent organization which was constituted by churches including Methodist, Anglican, Catholic and ecumenical groups. The Programme currently has an alliance with the Landless People's Movement (Gauteng branch because it is dormant in KwaZulu-Natal), the Anti-Eviction Campaign (Western Cape) and the Rural Network. It also works with the Poor People's Alliance, a network of these four grassroots organizations. In its work, the organization has evolved from lobbying churches to provide land for the landless to engaging with the Department of Land Affairs and churches. Currently it is focusing on strengthening struggles of the marginalized groups. It is providing significant support to AbM and facilitates activities

providing finance for events. The Programme contributes half of the costs of AbM members who are studying at the Centre for Adult Education (University of KwaZulu-Natal). Staff work with these students to enable them to connect what they are learning to the activities of AbM. The Programme describes its relationship with AbM as the one of trust and respect.

BESG was established in 1983 as part of Architecture Department at the University of KwaZulu-Natal and only left university accommodation in 1998. The NGO provides technical support to low-income groups in need of housing. From 1994 to 2004 it was involved in project implementation. Like other organizations, staff are now focusing on livelihood sustainability issues that follow the acquisition of houses. Other activities include health and agriculture. It is also involved in capacity building. The organization provides services to communities depending on need and the the availability of donors. Its initial mission, housing, now constitutes 3 per cent of its work. Like other NGOs, it makes a disclaimer that it does not represent the poor but rather supports organizations of the poor. It is in alliance with organizations like Children and Distressed Network (looking at children's rights), PHP Reference Groups, and Urban Access Land Network. Staff are concerned that movement organizations such as FedUP do not have the capacity to construct houses within the current regulatory regime (although the staff member explained that FedUP had approached BESG as one of a number of agencies that it was seeking to contract to provide technical expertise). The staff member suggested that the Homeless People's Federation had achieved greater success in housing construction.

The PPT is an NGO formed in 1993 with a view to prepare low-income communities for housing provision after the 1994 elections. Its mission has since enlarged by including other programmes like local economic development, special needs housing (orphanage) and food security. It also makes income through the projects that it is assigned to do by clients. It operates largely in KwaZulu-Natal and does not have alliances since it is focused on providing services for its clients. It has worked with AbM to develop an assessment and plan on problems faced by shack dwellers in 14 AbM settlements. The plan is called AbM Plan and it was negotiated during ten workshops held with representatives of AbM and the municipality. There was consensus on most issues except on policy issues which go beyond the municipality. Despite tensions that characterized the process, the plan is accepted by both AbM and municipality – and PPT staff see the process as a potential model for the development of informal settlements.

State agencies

Staff from both the municipality and the province's housing department were interviewed for the study. The municipality (eThekwini municipality) has a well resourced housing department that handles issues relating to housing. Its mission is "To facilitate and actively participate in housing delivery and the creation of sustainable human settlements in the eThekwini Municipality area with a view to ensuring that all citizens of Durban have access to a housing opportunity which includes secure tenure, basic services and support in achieving incremental housing improvement in living environments with requisite social, economic and physical infrastructure" (www.durban.gov.za). Different

units attend to different aspects of housing provision and these include: research and policy, planning, projects, housing engineering, support and administration, rental housing, council units, community rental units and social housing. The municipality is an agent of the province (KwaZulu-Natal) for housing delivery and has had level 1 accreditation[19] since 1997. They also do some tasks for level 2 but nothing for level 3.

The municipality's contribution to housing is in the form of facilitating land access and building houses through appointing service providers. It sometimes accesses land by buying in the open market (although much development is completed on municipal land). If the owner is unwilling to sell they institute expropriation. Most land is privately owned therefore impeding housing provision; however, sometimes it is easier to acquire private land rather than state land controlled by other government agencies. The Department of Land Affairs has limited subsidy finance for land purchase. To address housing need, the municipality either upgrades existing ones or invests in Greenfield developments. In upgrading they clear settlements[20], build houses (40 square meters) and provide electricity and water. Houses are built by contractors. In some cases contractors are selected to empower groups of disadvantaged citizens. Through the People's Housing Process, funds are allocated FedUP through Utshani Fund and they build houses for themselves. In PHP the standard required is simply for the foundation level while in others conventions standards are required throughout.

Community Liaison Officers and shack monitors are appointed to facilitate and communicate the contribution of the municipality to the community; however, their work also includes monitoring any new shelters including the extension of informal settlements. The Council has a policy to prevent such expansion through the removal (demolition) of shacks

There is also a close relationship between the ANC and the municipality. It is common knowledge among local communities that the municipality is difficult to access without the support and involvement of the councillors. NGOs also play a role, supporting groups such as FedUP or Abahlali baseMjondolo, and in some cases working directly with local community organizations.

Mrs. Milne (Head of Product Development at KZN Department of Housing) explained that the section of Product Development has three tasks: policy development for mainly low-income housing; research on policy for low-income housing; and innovation and technology. Housing planning and research considers issues related to planning, information management including Geographic Information System (GIS), capacity building and institutional development for the department. The planning component assist municipalities with housing sector plans for their IDP (Integrated Development Plan) process. A capacity building component builds the skills of all stakeholders (like

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[19] Level 1 accreditation makes it a "service unit" in the delivery of housing. Level 2 is for development activities, and level 3 for making decisions without the prior approval of the province.

[20] In the event of clearing settlements for upgrading, they provide temporary shelter. Charlton notes that historically (between 1994 and 2000), the City has completed high density in-situ upgrading however this appears to have fallen out of favour in part because of the emphasis on a high quality unit.

NGOs and Amakhosi) so as to enhance their knowledge and skills in housing and related issues.

Section IV: Context, strategy and success

Introduction

Having described the broad context in which housing policy has been developed, critiqued and reformulated, and having introduced housing issues in the city and the groups interviewed for this research (section two and three) this fourth section reports on the findings of the research. To address the core research questions the discussion explores the strategies that have been used, and consider the views of interviewees in respect of their effectiveness.

The discussion is divided as follows. The first sub-section below describes the key housing issues through the eyes of those interviewed. It highlights a number of factors that will be shown to be pertinent to our emerging understanding of the role played by the state in housing developments, and the formulation and success of movement strategies and activities. The discussion in this sub-section considers three themes. The first of these is the regulated and professionalized nature of subsidy-financed residential developments and potential consequences for citizen and state relations. Second, the sub-section considers the need for both relocation and densification of some (more centrally located) informal settlements, and the related use of transit housing. Related to this is the availability of alternative land for new settlement, and perceived (good and bad) characteristics of such land. The third theme in this sub-section is the scale of housing programmes in Durban, and what this means for addressing housing need in the city. What is notable about this discussion is the broad consensus on the part of both state and social movement associated interviewees about the nature of the challenges faced by and within the city. At some risk of over-simplification, we might say that there is broad agreement about the problems and less agreement on the solutions. Within this broad statement, the discussion in this sub-section seeks to inform on the degree of consensus and identify differences of opinion.

The second sub-section elaborates on the strategies being used by the social movements, identifying those used by the Federation of the Urban Poor (FedUP), by Abahlali baseMjondolo (AbM) and by other civil society organizations. After describing these strategies, in sub-section three we report on the views and perspectives of both civil society and state interviewees in respect of the success achieved by the strategies of engagement and confrontation. A major theme is the extent to which these strategies encourage the desired response from the state. This discussion considers a number of issues related to policy change, investment decisions, resource acquisition and resource control.

Not surprisingly, success in these policy and resource domains reflects the ability of the movement to understand and influence political relations. In terms of collaboration with the state, the two major challenges are state bureaucracy and the ways in which local councillors are perceived to block civil society initiatives particularly those related to the People's Housing Process. The discussion considers how power is distributed and

managed within the local authority, and how relations between the two movements are perceived and managed.

In a brief concluding fourth sub-section, we seek to analyse the findings through using the typologies of state identity to explain successes and failures of movement strategies and movement and state alignments (Mitlin 2007). We link our framework of state types to our understanding of ideologies and grounded experiences to consider the ways in which movement organizations have advanced their positions and the problems that they have encountered. Ideologies are explored both in terms of explicit political positions, and also in terms of underlying perspectives on the desired relations between state and civil society, and within civil society. We also consider how successful the strategies are in addressing the shelter needs of the lowest-income and most vulnerable groups within the city.

Characteristics of the low-income housing sector in Durban

As noted above, this sub-section reports on the perceived characteristics of the low-income housing sector in Durban. In one respect, it is something of a replication and elaboration of the discussion in section two above. However, the consistency of themes that emerged from the interviewees seems to be of interest to our understanding and analysis of the findings. This section offers a localized and time-specific perspective on the broader context of housing need for low-income households living in Durban. Readers should note that interviewees were not asked during the interview to elaborate on their understanding of the sector. Rather these views and perceptions were gathered as they talked about their understanding of shelter need, social movement activities, community activism in relation to housing and residents' satisfaction with their housing. This sub-section reports on those aspects of the housing conditions and housing provision that are considered by our interviewees to be important to an informed understanding of context related to our core research themes.

The housing sector in Durban is considered to be highly regulated and professionalized. Mrs Milne (speaking of the housing policy at the provincial and city level) noted that there were numerous policies and "lots of rules" which control the nature and outcome of subsidy-financed housing projects. She added that in her view some people did not understand all the steps that are required and the reasoning behind these steps. Cogi Pather (head of housing within eThekwini Municipality) exemplified this issue when he discussed the problems faced by one local FedUP group that wishes to construct double storey houses (a construction shift encouraged by the municipality because of the need for densification) but faced problems with construction regulations that prevented the use of cost-effective suspended wooden floors which Mr Pather explained are "used everywhere but not allowed here". Mrs Milne noted that the level of professionalization may be counter productive with an example from a very different context; she suggested that legal representations of the Elimination and Prevention of the Re-emergence of Slums Act (2007) were accurate statements of the legal position but that the professional and legal language used had not been helpful in communicating the intention and substance of the Act. In terms of housing construction, Mrs Milne also believes that the

level of regulation may deter civil society groups from being more involved in direct provision particularly in relation to the People's Housing Process and its successor, the ePHP. This, she suggests, is counter productive as, she believes, housing improvements at the required scale cannot be completed by the state alone. Zamo Ngobese (informal settlements officer in the municipal planning department who has been working with Abahlali baseMjondolo) concurs with the need to support an effective ePHP but he adds that it is "local government's mandate to house the people" – reflecting the underlying tension between a providing and an empowering state.[21]

Bunjiwe Gwebu (an NGO staff member based in Durban and supporting FedUP) discusses some of the problems that community groups face in complying with regulatory requirements. In particular, she highlights that the increasing weight of regulations causes frustration for community groups that are not familiar with the additional inspections that are now required. Although PHP houses do not have NHBRC guarantees, municipal staff inspect both services and dwelling construction. There is some suspicion among Federation groups that they are subject to more stringent inspections than municipally-managed housing developments with implications for both costs and the confidence of these local groups. Ms Gwebu elaborates "…most of the delays are because of the government – most cases the people are ready and we are ready but they don't trust the people's process. Tell us to wait for inspections…"

A second theme related to housing provision in Durban is that of land. There are an estimated 514 informal settlements in the city (captured in the municipal database and planned to be redeveloped over ten years).[22] As noted above, settlements in Durban, particularly those closer to the city centre, are high density and it is often not possible to accommodate all residents and comply with the minimum criteria stipulated by the city in the case of single storey detached dwelling.[23] The problems are exacerbated because one shack may contain several nuclear families as the lack of alternative accommodation has resulted in adult sons and daughters continuing to live with their parents even when they have a family of their own. As a result, some relocation takes place when informal settlements are upgraded with potentially difficult consequences for local residents. The Community Liaison Officer at Cato Crest (one well-located informal settlement in Durban) explained that of the 7,500 households being supported with improved accommodation, only 1,500 households can be returned to Cato Crest itself. In Cato Crest, he added, there is work within walking distance. The rebuilding of existing

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[21] As discussed in Section II above, there has been a significant strengthening of the empowerment approach, at least at the policy level, with Breaking New Ground (DOH 2004). The interest of the first Minister of Housing in providing initial capital of 10 million Rand to the uTshani Fund reflects the long standing recognition of the multiple approaches to government which lie at the heart of this tension. On the one hand, the Minister recognized that he remained suspicious of the state in his speech to the Homeless People's Federation in June 1994, on the other hand, he promoted the launch of the state housing subsidy programme with its essentially top-down provision.

[22] Faizal Seedat explained that it is possible that a few small settlements have been missed but this number is thought by the municipality to be close to a complete assessment. It is a considerable increase from the estimate of 108 (given on page 19) and is likely to reflect both changing boundaries and a more accurate assessment.

[23] Mark Byerley explained that plots should be a minimum of 150 square metres with 80 square metres of build-able area

settlements and the need for relocation requires the use of transit housing.[24] In some cases the stay is only for several months while new houses are built on existing locations but in other cases transit housing is used for households waiting to be relocated to other sites and hence may be for considerably longer. Even a temporary move into transit accommodation for those who are able to return to Cato Crest but who require relocation while the new houses are being constructed can be very problematic because of low-incomes. The Community Liaison Officer elaborated thus: "The monthly wage is generally about R1500. Now they are moved 2 km to Ridgeway [the location of the transit accommodation] and have to pay R6 to get back. This is for one trip."   Hence to stay in their existing employment during this temporary period of relocation will cost about R240 a month.

In terms of the conditions within the transit sites, there is widespread concern by both municipal officials and civil society representations. Sakhele Sibiya (the Community Liaison Officer in Cato Crest) explained that "conditions in the shacks are very bad, [the transit housing is] little bit better than what they have" and Cogi Pather summarized conditions thus: "16 square meters, corrugated iron, community facilities, very high density, confined area. It can be very hot. Not ideal." He added that the Department of Transport had recently lost a court case when it had moved families from a road reserve into transit housing; the Judge required that the families be moved into permanent housing within a year.[25]

Turning to relocation, while Faizal Seedat (who is responsible for informal settlements within strategic planning in the municipality) and Mark Byerley (head of housing research) suggested that some relocation sites may become strategic residential areas due to urban growth and government investment in, for example, a new airport in the north of the city, they acknowledge the immediate and longer term difficulties that result from relocation. Mark Byerley explained that there is no maximum travel time or distance from the original site for those being relocated at present. Faizal Seedat stressed that "relocation is a last resort" as he acknowledged the difficulties that families face.

Civil society interviewees were also critical about the consequences of relocation for local citizens. S'bu Zikode (president of AbM) explained that much of the impetus for the Kennedy Road community's protests is the desire to remain on or close to their present site.[26] Richard Pithouse (2008a) links the eradication of shacks to the desire for a modern image of the city – and one in which the community does not easily fit. He adds that there is a problem with movement out of transit camps and, as has been the case in many other contexts, transit camps become permanent settlements. The issue may be less pressing for members of FedUP as many of them already live on the periphery of the city where lower densities reduce the need for relocation. However, the general issue remains one of concern to this movement and other organizations. To improve access to the city, FedUP and its NGO partners have sought to develop a programme with the Methodist

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[24] Households may also be moved in transit housing following a disaster (eg. fire) in their locality.

[25] Richard Pithouse notes that this court case was brought by AbM to address the needs of its members, but unfortunately for them the court order has still not been complied with by December 2009.

[26] This community is under pressure to relocate due to underground methane gas.

Church that would include the redevelopment of centrally-located office space for low-income homes.

An alternative to relocation is densification with the construction of medium-rise apartments. There are mixed views on the desirability of this option. Council officials recognise the need but are concerned about the feasibility. In particular, it was suggested that "collective ownership does not work even for higher income households. There is a need to provide everyone with their own plot" (Mark Byerley). FedUP have sought to experiment with double-storey houses (because of their smaller footprint) in high density settlements and have been able to identify members that are willing to consider these options. There appears to be relatively little investment in densification pilots although Faizal Seedat explained that the authority has been trying to promote these alternatives.

The third theme consistently raised by interviewees related to housing problems is that of the scale of the programme. Quality was also raised by interviewees but only to explain that the quality shortcomings observable in previous years are considered to have been resolved. This relates in part to the minimum standards introduced and raised by the national government; subsidy financed houses are now a minimum of 40 square metres in size with additional specifications. The general satisfaction with quality may also reflect the additional investment financed by the municipality which provides an additional R20-25,000 per plot for tarred roads and mains sewerage, a higher quality infrastructure specification than the national standards. Municipal staff explained that this addition is required for two reasons; the topography in Durban results in gravel roads being washed away and pit latrines are not appropriate in high-density settlements. Since 2002 it has not been possible for commercial contractors to be the developers. The municipality is responsible for providing oversight and overall management, completing housing developments through contracting a range of companies.

The scale of the housing programme is considered to be inadequate by many. The frustration of social movement organizations reflects their inability to access subsidy finance and improved housing options. Mark Byerley reported that, in 2007, there were 105,000 in shacks in informal settlements, some 12.6 per cent of Durban's population; he suggested that a conservative estimate of the housing backlog is 175,000 dwellings. A further 4.5 per cent of the population (37,500) live in backyard shacks within formal settlements. Over the last few years, the municipality has completed, on average, between 16,000 to 18,000 subsidy financed dwellings each year. However, the water services department estimate that 20,000 households are coming into the city each year, a figure considered within the municipality to be reasonably accurate.[27] In this context, the city has introduced a programme for standpipes and toilet blocks to provide some intermediate relief for the residents of long established and inadequately serviced informal settlements.

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[27] Zamo Ngobese argued that while many claim that migrants to the city are newcomers who are not entitled to the benefits of long-term city dwellers, in his experience many "migrants" are actually returnees who were previously forced to leave their homes.

Mark Byerley explained to us that the policy of the Council is to be "slum free" by 2014 However, considerable investment is required. Assuming that all rural and backyard shacks should be upgraded and that there is an annual 2 per cent increase in "slum" populations then if the municipalities maintains its current building programme of 16,000 units a year Durban will be slum free in 2022.[28] The building programme needs to increase to about 33,000 a year for Durban to be slum free in 2016. This is the context in which the controversial Elimination and Prevention of the Re-emergence of Slums Act (2007) has been discussed and introduced (see below).

What is notable about the views of interviewee is the concentration of comments on a relatively small number of themes and the high degree of the consensus about the nature of problems that the city faces. Interviewees commonly discussed all three issues explored above. While there was a difference in the nuances placed on some aspects of the discussion, broadly speaking, there is a concurrence of opinion that the scale of regulation and formalization is dysfunctional, that problems associated with relocation are significant and need to be addressed with the incidence of relocation being minimized, and that the scale of provision should be increased. In terms of differences in opinion, in respect of the first of these themes, the state officials are, in general, keener on controlling the process on housing development (albeit with more skill than at present) and the civil society organizations challenge this conception with multiple demands that the process be more respectful of the rights and capacities of local citizens. Some of their comments reflect the view that the state is weak and unable to provide effective programme design and intervention. Moving to the second theme, the differences of opinion include greater emphasis on the possible benefits of relocation on the part of officials and greater emphasis on the difficulties and costs faced by families by the civil society interviewees. In the case of the former, it might be argued that relocation is seen as a necessary evil, while for the latter it involves unacceptable burdens and should be resisted whatever the impossibility of alternatives. (Despite this and as noted above there is relatively little experimentation on densification strategies which would allow more to remain on their present sites.) Differences of opinion in respect of the inadequate scale of the programme (theme three) are related to the perceived consequences of the failure to address the problem, rather than the different perceptions of the problem *per se*. For civil society organizations, the cause of the lack of progress in addressing housing needs relates to professionalization and formalization and the associated delays, together with a lack of financial commitment. For the state, the problem lies in the growing numbers of shacks as a result of in-migration to the city.

Finally there was one notable difference in the perceived problem analysis related to housing need. Civil society interviewees emphasized that housing is only a small part of what is required and that there is a need for more holistic development with the provision of jobs, access to services and assistance with food security. For example the PPT staff member explained how, through another programme, they have identified 500 low-income households and provided them with free fruit trees. The lack of similar

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[28] Richard Pithouse suggests that the City has not been able to reach its target building programme of 16,000 households

arguments on the part of municipal officials may reflect the concentration of municipal informants; we only interviewed those with responsibility for housing.

Strategies of social movement organizations

This second sub-section begins with a summary of the strategies used by FedUP and AbM, as social movement organizations, to address the needs of their members. The discussion reports on the understanding of interviewees with respect to the success of these strategies.

FedUP Strategies

The struggles of the South African Homeless People's Federation and the subsequent Federation of the Urban Poor (FedUP) to engage with and hence transform state housing programmes have been discussed in several publications (see above).

A key tool is the practice of daily savings. Patrick Magebula, president of FedUP and resident in Piesang River, Durban, elaborates thus: "the savings concept [in FedUP] is where people save as a collective – they take and use the money as a collective. It is not for individual needs but for community group needs." Though savings, low-income residents are brought together in their neighbourhoods to create collectives that are able to challenge the power relations that create and maintain their disadvantage. As the members, mainly women, save together, they consider their development needs and think about how they might begin to tackle the problems they face in their daily lives. Savings provides a financial asset for the individuals but, more importantly, provides a collective resource that can be used to address immediate and longer term needs.

Savings groups are linked together through local exchange programmes and groups are encouraged to federate to be a political entity; the organizational model recognises that local groups cannot begin to address the scale of exclusion and disadvantage if they remain isolated. Groups are also encouraged to develop their own solutions to the problems that they face. The federations recognise the ineffectiveness of many professional designed intervention strategies that are intended to reduce poverty. Not only are community designed approaches more cost effective, they also capacitate local communities with skills and expertise. A core organizing slogan of the Federation in South Africa is "Power is Money and Knowledge". As a federation, savings scheme members seek negotiation with local, provincial and national authorities, looking for ways to secure resources and support for their plans.

Reflecting the core needs of their constituency, land and housing are priority areas for collective action by FedUP. However, Patrick Magebula emphasized that this is only one part of the picture for this network; he elaborated "our main issue is poverty – and we use land and housing as an entry point". In practice, land acquisition is critical for many landless members and multiple land acquisition strategies have been followed by groups associated with FedUP. These have included land purchase, negotiations with state agencies able to allocate land, and land invasion. In terms of housing, the organizing

approach summarized above means that savings schemes are encouraged to develop their own settlement layouts and housing designs with self-build approaches to construction. The Federation has sought access to state housing subsidies in order to finance land acquisition and associated residential development. An intensive programme of lobbying and negotiation helped to secure the People's Housing Process as a sub-programme within the capital subsidy; a political engagement which was facilitated by a seat for Rose Molokoane (one of the national Federation leaders) on the National Housing Forum (1995) and by an established relationship with a UN advisor to the Department of Housing (Baumann 2003). More recently they have secured national support for an allocation of 9,000 subsidies (Sisulu 2006); this finance has to be delivered through the provincial governments as these are the agencies with responsibility for disbursing housing subsidies.

Activities in Durban initially centred on Piesang River, a peri-urban settlement home to one of FedUP's national leaders, and rapidly extended to include other settlements including Newlands West and Cato Crest. In each of these settlements, local organizations, formed primarily by women around savings activities, identify their development priorities and develop a common strategy to achieve these objectives. Relations with local government were strained during the late 1990s when the municipality attempted the eviction of a group of Federation members forced to occupy a park when they were displaced due to internal violence within their community. A further incident took place in the district of Lamontville where four houses were constructed by Federation members following an opening ceremony attended by Derek Hanekom, the then Minister of Land. The municipality, determined to prevent unrelated construction, demolishing these dwellings in 1999 under the Prevention of Illegal and Unlawful Occupation Act. Following a march by Federation members the municipality rebuilt these four houses but refused to allow further development. In this settlement, the community are still waiting for a layout plan and water connection for a recently constructed toilet block. More generally and not withstanding the difficulties faced by particular groups, considerable housing construction has taken place in the province with 2,735 houses having been constructed by FedUP members; this building has primarily taken place in Durban with more than 900 of the units being constructed in Piesang River.

Much of FedUP construction in Durban took place between 1996 and 2000, and in more recent years FedUP members have found it more difficult to build. One reason for this is the more stringent regulatory context as discussed above. A second is the changed strategy by the Federation and its support NGOs with a reluctance to pre-finance housing subsidies. The Federation's building programme in the 1990s was catalysed and sustained by loan releases from a community managed fund (uTshani) (which was partly capitalized by national government). However, the reluctance of provincial and city authorities to release subsidies prevented the continuation and expansion of this programme (Baumann and Bolnick 2001). To minimise delays, FedUP has sought a closer alignment with the state (at national, provincial and municipal levels) seeking a partnership arrangement to enable access to subsidy finance and to facilitate community self-build. As noted above, in 2006 they secured a commitment from the National

Minister to facilitate access to housing subsidies (Sisulu 2006) and some years before that, in 2003, they reached a formal partnership with the City of Durban. The partnership with the National Minister was very little discussed during the interviewers. FedUP leaders appear to have given up seeking to use it to get access to subsidies in KwaZulu-Natal due to the frequent delays in progress.   Municipal staff explained that it was not directly relevant because there were sufficient subsidies available once suitable projects had been approved.

FedUP's recent strategy in Durban has been characterized by a stance of negotiation with the state, seeking to identity activities and objectives of common interest.[29] Between 2003 and 2007, the Federation had a staff member seconded to the municipal government with responsibility for facilitating the partnership. However the city did not renew its commitment and from late in 2007, the individual began working directly for uTshani Fund. Monthly meetings with municipal staff continue and the municipal has promised sites in a number of areas however the Federation is still waiting for precise locations and the beginning of development.

The social movement organization works closely with three NGOs. uTshani was established in 1995 to enable the South African Homeless People's Federation to secure loan capital for housing construction. This Section 21 company continues to have a financing function, but has increasingly become a conduit for state subsidies rather than a pre-finance facility. It has developed its technical capacity in recent years and this reflects the increasingly stringent controls on buildings financed with subsidy monies. The uDondolo Trust has recently been established to administer donor funds for FedUP's community to community exchanges and other expenses such as local centre administration, skill development and Federation meetings. The Community Organization Resource Centre provides support to communities who want to innovate and develop their own solutions to their problems. It supports numerous FedUP activities particularly enumerations and city-wide surveys, and also supports other communities that are not working with FedUP.

Strategies – Abahlali baseMjondolo

More recently, another shack dwellers' organization has emerged in Durban. Abahlali baseMjondolo has grown out of a long-established local organization in Kennedy Road, close to the centre of Durban, where some 2,600 families are living.[30] This settlement is established close to a municipal dumpsite. The community had long sought a solution to over-crowding in the settlement and had anticipated securing land near to their existing site. However, the geology of the area has meant that the municipality has argued that the site is unsuitable for occupation and relocation is required (this was repeated to us in the interviews).[31] In February 2005, land located close to the settlement which the

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[29] Although in 2008 one frustrated group invaded land but were rapidly removed by the municipality.

[30] www.abahlali.org/node/16, accessed Tuesday, December 30, 2008. See also Pithouse (2008b)

[31] This issue is returned to below. Richard Pithouse explains that he has copies of both of the technical surveys from consultants contracted by the city and they indicate that significant portions of the land can be developed. This is consistent with recent events and the willingness of the City to permit some

community believed had been promised to them for new housing was cleared for commercial use and the residents organized a road blockade in protest. S'bu Zikode, president of ABM reflected back on this incident during the interview and explained that "We did not know anything about organizing demonstrations then, we did not know much about politics. The random blockade was illegal. Fourteen of us, we were arrested. We were very angry and frustrated - I never thought that municipality would lie to us." From that date, activities grew in scale and the movement organization now has affiliates in 34 informal settlements in the province (most located in Durban) (see note 18 above).

As noted above, the community wanted to remain on the site although the municipality argue that the site is unsafe due to dangerous gases. A central objective of their campaign is to enable communities in informal settlements to secure tenure of the land that they presently occupy.[32] They believe that the context in which they are working is (broadly speaking) favourable to their interests but that the municipality is not complying with the existing legal framework. In their view, the municipality is acting aggressively to remove citizens from their homes in order to carry out redevelopment in informal settlements. S'bu Zikode explained that only one of the many evictions of shack dwellers that they have contested have been legal. He elaborated thus "We are accused of just fighting government but we were formed to partner not to fight. We have not fought people but we have reminded people of their rights. …. We began to use the law as a sword but before we used it as a shield (when we were arrested). We came to understand that the law is balanced, if you have resources to use then it can help you."

To further their demands for tenure security in situ, they have pursued two core tactics. One has been to have demonstrations to further their demands. Initially they began these activities to express their frustration about the lack of housing with the expectation that they would be listened to by the state. In part, S'bu Zikode suggested, the success of this tactic has been because of the violent reaction of the state. "We organized marches, very legal. But they ignored us. Then they were very stupid. In beating people they exposed themselves. They gave us more space and publicity. Their attitude changed with international and national shaming. On 28th September, we had a march, it was very well coordinated and complied with the Gatherings Act. (By now we understood what was required by the Act and we complied.) The church leaders were in the forefront. They used water cannons. This march opened a window for us, there was a lot of pressure condemning the beatings."

Secondly they have pursued a campaign to secure improved access to basic services through illegal connections to water and electricity services. A particular area of contention has been the municipality's decision in 2001 to stop upgrading electricity services in informal settlements prior to comprehensive upgrading.[33] S'bu Zikoke

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development. Pithouse suggests that the local middle class residents may be lobbying the ANC and the City to remove the shack dwellers.

[32] Although this remains an important demand, the Kennedy Road community now accept that not all of the existing families will remain on site.

[33] Municipal officials explained this was because of a change in national policy which meant that communities are only once allowed to access an additional electricity connection subsidy. The

suggested that this tactic has already had some success: "At first the municipality came to disconnect but then we reconnected. Eventually they stopped coming to disconnect. At one time, officials were stoned. Now, even if you have a legal connection and ask them to come and repair it, they will come but they will ignore the illegal part."

A third and less well-used tactic was developed in March 2006, when the organization encouraged its members to boycott the local government elections under the slogan 'No Land, No House, No Vote'. They did not vote for an alternative political party and the ANC won the ward election. There is also a consensus inside and outside of the settlement that residents' support the ANC; Pithouse explains that the tactic was used to demonstrate to the ANC that they should not take electoral support for granted. S'bu Zikode explained that "But now, after our struggle, the councillor helps us, does what we need when people need letters. He is told to do this by the head of housing and the mayor." This tactic is now being more widely used (Section II).

A particularly contentious issue for AbM has been the Elimination and Prevention of the Re-emergence of Slums Act passed by the provincial authorities in 2007. The Act seeks "to provide for measures for the prevention of the reemergence of slums, to provide for the upgrading and control of slums; and to provide for matters connected therewith." (Sabinet Online, Extraordinary Provincial Gazette of KwaZulu-Natal, 2 August 2007). Tolsi (2009), writing in the *Mail and Guardian Online*, argues that the Act "allows for municipalities to fine or jail private landowners for not evicting unlawful inhabitants from their land in a time frame determined by the provincial housing minister." The Act focuses on the illegal and unlawful occupation of land and buildings (clause 2.1) and explicitly includes those those renting premises that have not been approved by the municipality under the National Building Regulations and Building Standards Act 1977 (clause 5). Hence if households rent sub-standard accommodation (perhaps because they cannot afford any other), the Act requires them to be evicted. The Act also requires municipalities to identify "any land or building…likely to become a slum" and require their upgrading; if they are not upgraded, then the owner or person in charge commits an offence (clause 14). All owners and persons in charge of vacant land or building must "take reasonable steps to prevent the unlawful occupation" or they also commit an offence. If the land or building is already occupied by unlawful occupiers, they must be evicted (clause 16). The penalties associated with such offences are "a fine not exceeding R20 000 or imprisonment for a period not exceeding 5 years" (clause 21).

According to both Marie Huchzermeyer (Associate Professor at Wits University) and Bonile Ngqiyaza (*The Star* 2009), the Elimination and Prevention of the Re-emergence of Slums Act has not yet been implemented although it has been on the provincial statute books since 18th July 2007. Other provinces have not yet replicated the policy.

AbM challenged the Act during its formulation and then once it became legislation as they believe that it is not in the interests of those living in shack settlements. Their efforts took the case all the way to the Constitutional Court and a judgement had not yet

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municipality argues that this investment has to take place when full upgrading with the housing subsidy takes place and they cannot afford to subsidise improvements themselves.

been issued as of August 2009.[34] An undated media statement of the Department of Housing's web site (http://www.housing.gov.za/, accessed Monday, 16 February 2009) illustrates both ABM's stance and the state's reaction:

> The Minister of Housing, Lindiwe Sisulu has welcomed as a break through towards the eradication of informal settlements and implementation of the Breaking New Ground housing policy the ruling by the Durban High Court that dismissed the application by Abahlali baseMjondolo Movement SA against the KwaZulu-Natal Elimination and Prevention of Re-emergence of Slums Act of 2007.
>
> The Applicant, Abahlali baseMjondolo Movement had asked the High Court to declare the legislation unconstitutional and in conflict with other housing legislations. The applicant also argued that legislation was inhumane and will lead to random and inhumane evictions of homeless people by the Government. The applicant was brought against the Minister of Housing, Minister of Land Affairs, Premier of KwaZulu-Natal, the MEC of Housing and Local Government.
>
> In his judgement dismissing the Application, the Judge President, Tshabalala JP concluded that the Province of KwaZulu-Natal must be applauded for attempting to deal with the problem of slums conditions. "The Slums Act makes things more orderly in this province and the Act must be given a chance to show off its potential to help deal with problem of slums and slum conditions" The Judge President said. He added that the Slum Act is the first of its kind and other provinces are waiting to see how it functions in the KwaZulu-Natal Province.

AbM see the Act as profoundly hostile to their members' interests and the interests of others living in informal settlements. As S'bu Zikode elaborates you can be "imprisoned for up to five years for squatting and fined up to R20,000 – it makes it a crime not to evict…" As a result of their initial protests prior to the passing of the Act, the KZN legislature came to their centre and debated with the community. Members were invited to take part in the debate within the provincial government in Pietermaritzburg, but the members struggled to have their voices heard within this forum.

SDI, the international network to which FedUP is affiliated, has also come out against the Act. Joel Bolnick (for the SDI Secretariat) elaborates thus "SDI does not support the Slums Act. In this respect we agree with Abahlali baseMjondolo. This legislation may not have been drafted in order to allow the Government to embark on irresponsible evictions of homeless people. Should Government choose to do so, however, this legislation will make such actions legal. It will roll back many hard fought victories won by the urban poor since 1994." (Weekend Witness 2009).[35]

Despite the controversy over the Act, there are already measures in place to control the expansion of shack settlements which are regularly used in Durban. Mark Byerley

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[34] The Constitutional Court has recently found in favour of Abahlali and ruled that some clauses in the Act are unconstitutional.

[35] http://www.witness.co.za/index.php?showcontent&global[_id]=20089 (downloaded May 16, 2009)

explained (and other interviewees elaborated) that the municipality currently employ informal settlement monitors who inform on new land invasions, and the construction and extension of shacks. Their responsibility does not include the backyard shacks in formal areas which are considered to be the responsibility of the owner.

Following their march in 2007, AbM felt that the city government began to show greater interest in working with them and a local service NGO, the Project Preparation Trust, was appointed to mediate and assist AbM and the municipality to develop a plan to address the most essential needs of their members. "Together we planned for 14 pilot projects in the areas in which we are active. These pilots will provide for the basic services in these settlements while they wait for upgrading. Then there are three settlements that we planned for upgrading, Kennedy Road, Jahdu Place and Arnet Drive… The PPT they have been reappointed by the City, this time to work with Kennedy Road on the upgrading. Nothing is happening with the other two areas." (S'bu Zikoke). This Plan was concluded at the end of March 2009, and the Kennedy Road community are awaiting the delivery of the agreed services. The provision for these is broadly what is being offered to other informal settlements having temporary upgrading within the City.

AbM has recently developed a close working relationship with the Church Land Programme, a NGO that seeks to learn from them and support their activities. Other experiences with NGOs have been less successful and AbM members have been concerned that these professional agencies have sought to influence their activities. The Church Land Programme has been particularly welcome in providing support to leaders who are arrested, assisted access to some services including training programmes, and AbM's leadership believe that staff have respected the autonomy of the grassroots organization.

Strategies compared

The strategies of FedUP and AbM are considered by interviewees, perhaps in part as a result of the absence of alternatives, to be on opposing sides of a continuum of contestation and collaboration with the state.[36]

However, a considered analysis suggests that this binary distinction is overly simplistic. As discussed below, there are multiple ways of understanding the relationship between both these movement organizations, and between each organization and the state. From the organizational histories discussed above, it is clear that FedUP's predecessor, the South African Homeless People's Federation, spent a considerable period of time contesting the policies of Durban municipality. At the same time, AbM has now been negotiating their plan with the authorities for the last 18 months. One professional working on land and evictions issues in Durban, Jean du Plessis, was unusual in emphasising the similarities between these groups suggesting that "If you bring people working across those methodologies together in a room and say 'why are you doing what

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[36] When asked about movement strategies at the scale of the city, interviewees responded by mentioning FedUP and AbM and failed to identify other groups. Another group is the South African Shackdwellers and Rural Association. Some individual movement organizations at the settlement level were noted.

you are doing' and you listen, then you cannot distinguish the stories of people – where they came from and what they did."

The President of FedUP is less emphatic than professionals about the scale of difference in the approach of the organizations, arguing that both organizations are: "Poor people's movements trying to establish some sort of alternative way of doing things".

However, even as we recognise that these movement organizations have been involved in similar activities, and they are currently at different phases in settlement development, there are differences in their approaches. These may be ideological or which may be related to their different histories, composition or other factors which have led them through different experiential learning processes, and/or resulted in different conclusions being drawn from similar experiences.   At this point in time not only do they differ in their immediate strategy to engage the state but they also seem to differ in what they want from the state. One of FedUP's NGO support professionals suggested that "Abahlali want the government to provide", contrasting this to FedUP's strategy which was to find an alternative approach which is rooted in local action. While the AbM Plan is broadly consistent with state provision to informal settlements requiring temporary upgrading, it does not elaborate on many details.

Richard Pithouse suggests that there is a strong group within AbM's membership that wants to demand land and which, similar to FedUP members, would like the right to build their own houses from start to finish without any state involvement in house building. He elaborates that movement members have consistently talked about working with the state, collaboration in planning and shared development responsibilities, and that the negotiators tried to achieve this with the PPT. The final outcome, he suggests, reflect a compromise rather than the "ideal" position. Pithouse suggests that the emphasis on legal processes is rather to prevent unlawful evictions, than to encourage state construction. He adds that, in his understanding, one difference is that FedUP has negotiated around emerging policy issues (and associated openings) while AbM has, to date, responded very much to the demands of local communities.

As noted in Section III, a further difference is that AbM has not had the consistent support of a NGO with urban development skills and experience. This may have prevented the objectives, interests and activities of the organization being represented in a favourable way to officials (ie. by professional peers), and hence may have closed off avenues to establish a relationship that would have lead to negotiations at an earlier stage in their work. Lower and middle level bureaucrats may be reluctant to respond positively to local community groups and appear to be more willing to discuss potential collaboration with professionals and established organizations. (As researchers, we experienced this directly through our interactions with members of the Siyanda Kwamashu Newlands Interface Housing Forum, a group that were concerned about their allocations in a housing development adjacent to their shacks. This group had been unable to secure a positive response from those immediately responsible for the development but when we intervened the Department of Housing responded with a few weeks.) Perhaps because of the absence of such horizontal peer linkages with officials,

the members of AbM found their protests rapidly resulted in violent confrontational situations with state authorities.[37]

Whatever differences are identified, a considered analysis suggested that competition and suspicion between these movements primarily serves the interests of those who do not support their broad objectives for social justice and improvements in shelter provision. We return to this theme in the conclusion to this Section.

Understanding success

The diversity of strategies leads to numerous comments on the relative chances of success and these perspectives are considered below. The discussion describes the ways in which activists associated with these movements, and with aligned and non-aligned NGOs, consider the contribution of each strategy to addressing housing need. We touch on the emerging strategies used by other community organizations who are seeking to address the needs of their members. In this section we consider the influence of these activities on policy and state practice, access to resources, and the control over resources that are secured.

Perspectives on strategies - what is needed to make collaboration work

As evident from the discussions above, engagement with the state is considered to be critical by all of those seeking to address housing need. This reality is reflected both in the shift in the Federation's approach and more recently by the willingness of AbM to negotiate a Plan with the municipality.

In terms of what has been achieved, FedUP members explained that they had achieved the construction of 2,735 houses in the province, many of which have been constructed in Durban. At present, and despite a reduction in construction activity, FedUP groups are working in three sites to develop about 400 plots. FedUP has institutionalized their relationship with the municipality with monthly meetings together with working groups meetings with provincial and national government. "Our relation with the city is partnership meetings and joint working group meetings with the province" (Patrick Magebula). Federation members themselves are frustrated at the slow speed of progress despite their access to the municipality as a result of their partnership. While they recognise that some access to land has been secured, there is a feeling that relatively little has been achieved for the effort that has been invested.

General support for a strategy of collaboration is given by NGO staff members not connected with this movement. As explained by Nana Ndlovu, a staff member at the

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[37] It is difficult to draw easy conclusions about the reasons for the confrontational relationships between AbM and the City of Durban. As argued here, the lack of professional links may be one reason. However, the predecessor to FedUP, the South African Homeless People's Federation, found that some of its savings schemes provoked a violent reaction from some authorities. In Stellenbosch (1998), for example, one savings schemes members' house was firebombed and a member following a local group challenging a councillor led housing development.

Project Preparation Trust, there is a need for practical interventions which show how the state can do things differently and from which emerge systemic processes able to be replicated. Nana stressed that there is a need for groups able to bridge the gap between frustrated citizens and the state in situations "where contestation is an easy option" but which does not of itself bring progress. He believes that it is as a result of engagement that solutions are achieved: "By engaging with the people, they come up with solutions. People come down the road and *toyi toyi* as they have never had access. Now [they] refocus their energies at the policy level." In his experience, as community organizations gain in experience and capacity, they become more willing to explore options and reach compromise.

Returning to FedUP's experience with a collaborative strategy, two very different problems are considered to have constrained their ability to advance this strategy. Both problems are identified by a fairly wide range of interviewees.

The first problem, the scale of bureaucracy, is widely recognized. This problem does not seem to be associated with the strategy of collaboration *per* se but rather with the demands of FedUP for community-led development. The impression that is given is one of discomfort from officials with the demands of the Federation for community control of development and the tension between contractor and community approaches. As one of the FedUP NGO support workers put it: "Very hard to get technical staff in the municipality to help – don't want to deal with the federation." (This general point is reinforced by the recognition of the importance of sympathetic state officials to advance movement struggles by a number of interviewees from both the state and civil society.) One official, suggesting that FedUP has not been that significant to date, argued that the reason for this lay with state processes and more specifically "because the instruments and tools have not been aligned".

The experience of struggling with state bureaucracy was also mentioned by Cameron Brisbane at the Built Environment Support Group in respect of some of the community groups that they support; "the problem that we have had working with our communities is local and provincial government - dragging their feet like crazy". He added that the municipality frustrates community efforts with delays. Cameron Brisbane also argued that there was a particular problem in the province with the PHP. The requirement for community groups to fit in with state rules is not limited to housing and Graham Philpott from the Church Land Programme argued that, in the case of agricultural land reform, there was an similar constraining effect in which local groups are required to conform to the structure of available programmes regardless of whether or not this is effective or desirable.

This problem may be exacerbated by frustration on the part of FedUP community members due to an increase in the regulation of subsidy-financed construction. One NGO staff member linked to the Federation elaborated, "In part because federation is uncooperative. They have been building for years and don't see why they need to be checked at each stage now." This frustration may reflect the belief mentioned above that community self-build is more stringently inspected than contractor-development.

As a consequence, there are real concerns about the ability of FedUP's self-build PHP-financed strategy to deliver at scale. In a context in which there is widespread awareness of the scale of housing need and the growing backlog in the city due to the deficit between new provision and the growth in demand, this is seen as a significant limitation by municipal officials. The PHP, whether undertaken by FedUP or by others is seen as being slow; as one official argued "We are under a lot of pressure to deliver and PHP takes a long time." He attributed this slow pace in part to the bureaucratic nature of development and to contestation over a few sites. This inability of the PHP to deliver at scale affects the way in which FedUP is considered: as one senior government official concluded "Value depends on delivery at scale" while another critiqued the PHP because "the PHP is not going to clear the slums" due to the slow pace of development in a context in which the "drive has been to see how quickly quality housing can be delivered". The municipal official responsible for informal settlements drew very similar conclusions when he explained that, although he had no direct experience of FedUP, in his experience NGOs could not manage the issues of quality assurance at scale. However, he added that "If they have that capacity, then there is no problem." In these comments, delivery is being emphasized and other areas in which civil society groups might contribute (eg. participation, inclusive decision-making) are not mentioned.

A minority view expressed by other state officials is that the value of collaborating with groups such as FedUP is not limited to their contribution to construction. This view is that social movement organizations and civil society have a significance that goes beyond housing delivery. Mrs Milne elaborated that: "for me, we should not be dependent only on government to solve the problems of society – as South Africans we all have that responsibility. They [civil society organizations] are trying to solve the problem at their level…. we need to work together more and find common ground". The Head of Housing, Cogi Pather also emphasized his understanding that many aspects of improvements (and not just self-build) were easier with an organized community; and that such civic organizations can help to address concerns that the state housing policy is encouraging dependency and entitlement. Another (middle-level) official explained that "I think it [PHP] has merits. It is very community driven. This is good thing. You build your house, and you will take care of it even more, rather than someone coming in and giving you a key. What you notice [with contractor housing] is that when a tile that comes off, then some say government come and take care of it but it doesn't happen. There is no sense of pride and ownership. When you put your sweat and tears into it – then there is a sense of ownership." Additional recognition related to the value added by civil society is outlined by the Department of Housing (2006) which elaborated its concerns about the closure of NGOs thus:

> The number of active NGOs in the housing sector has declined dramatically in recent years. The Urban Sector Network was dissolved in 2005 and many of its former affiliates have since disbanded. This has eroded institutional capacity in the housing sector and weakens housing delivery by reducing capacity for advocacy and community consultation.

The second issue is that of blocking action by local councillors (and some community pressure groups). This is frequently mentioned by civil society commentators as well as professionals and community members working with FedUP. It was also raised by some local authority staff. FedUP is not considered to be the only agency suffering from this problem, although the issue is particularly associated with FedUP's work and the developments that they are involved in. This problem highlights the multiplicity of groups within the state – in a real sense, FedUP negotiate the higher echelons of the state only to contest outcomes lower down the decision-making hierarchy. One municipal staff member, reflecting on other experiences, explained that "Councillors and pressure groups fight to control the projects". Another municipal staff member, this time reflecting directly on a FedUP development, explained how the councillors had fought FedUP members as the "councillors did not trust them". Another council official suggests that this problem arises because the councillors see local groups as a potential political opposition. One ex-councillor interviewed during one of the visits concluded that, in her view, "it was hard for communities to manage councillors" and that "some councillors see FedUP as a threat".

The Community Liaison Officer in Cato Crest, when asked about the possibility of a local savings scheme doing their own development within the municipal-led development presently taking place in that settlement, explained that: "We do have that group and it is possible to fit them in. They have to knock on the doors of those above them." By this he meant the local councillors, as well as the established leaders in the community.

A FedUP NGO support worker concluded that "the chances are very slim that they will not fight with the councillor"; she elaborated that when first contact was made the councillors were often interested but as the local work progresses councillors tend to become more distant. She suggested that they might be briefed against the Federation. This interviewee suggests that the strength of the ANC in Durban resulted in particular problems. FedUP President, talking about current working relationships with a councillor in one local settlement, elaborated thus "she is a politician – I have to respect her for that – she is ready to talk – the test is 'is she ready to go practical'." Another professional, who has worked with AbM elaborated that "My impression is that SDI cannot challenge the local elites".[38]

Both of these problems highlight the issue of power and control within Durban housing programme and produce a picture of a multi-layered process with contesting ideologies and interests. There is a general consensus that the City Manager is an influential individual[39] and hence that official staff views have an important influence city policies and subsequent programmes. At the same time, and particularly in the area of housing, policies are strongly influenced by the national framework related to the subsidy financed

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[38] More recently, in September 2009, Abahlali leaders were attacked within Kennedy Road and driven from their homes. One interpretation of this violence is that local ANC leaders including councillors were threatened by the possibility that subsidy finance was about to be forthcoming for a development controlled by the community. See, for example, the discussion on www.abahlali.org and www.pambazuka.org.

[39] One interviewee summarized it thus: "In Durban the city manager is an ex-politician who was an ANC member of parliament, and he was a professor of Planning at the University of Kwa Zulu Natal. There is a lot of trust in him and he influences a lot of decisions."

programme. Hence the city policy is important but policy has to be framed within the national housing subsidy programme. One City staff member represents a fairly general view when he concludes that: "Councillors don't influence policy that much in housing."

However, within this general framework there appears to be a significant element of local decision making in which councillors are acknowledged by all to exert a powerful influence. As S'bu Zikode (President of AbM) explains: "Some officials used to tell us that it is their job to do development but they cannot do it because the councillor is blocking it." Richard Pithouse (a professional working with AbM) suggests that "AbM has only made progress when it has marginalized the councillors, indeed politicians in general, and been able to negotiate directly with officials." The success with which local community groups manage their relations with different faces of the state is central to the achievement of improved housing options.

There is a further motivation related to the strategy of negotiation and compromise that was identified. Graham Philpott from the Church Land Programme, when speaking of work with a community group in Siyanda, explained that he had learnt new perspectives from the community. In this case, some local residents were being evicted at the same time as new houses were being constructed in a local settlement. He asked them why they did not just occupy the new units. And they explained to: "You don't have to take the risk. Come in with all those great ideas but you don't face the risks nor do you know the reality of what is going on here…" What this quote highlights is that some local residents may adopt a more conciliatory approach because the more confrontational strategy is associated with potential violence and other threats.

Perspectives on strategies - what is needed to make contestation work

We now turn to the more confrontational strategy. The experience of both FedUP and AbM is that (while there have been differences in the scale and intensity of opposition) an initial period of public contestation has been followed by a more conciliatory engagement. Does this point to the success of contestation or its limitations? Or does it just point to the absurdity of extracting strategies for analysis outside of their context? Our challenge is to avoid getting caught up in the immediacy of present events but rather to look behind those events to understand what they tell us about the underlying and ongoing processes, and the ways in which outcomes are influenced by multiple opportunities and pressures. Very little interview time was given to FedUP's historical experience, in part because many of those interviewed were not involved during the 1990s. Hence AbM experiences provide us with research findings in respect of this strategy.

What is notable about the specific progression of AbM from contestation to negotiation is the lack of consensus about the reasons for the outcomes that have been achieved. This lack of consensus is exemplified by attribution of responsibility for the recent negotiations and the AbM plan. One city official and the President of AbM explained that the Plan was commissioned by the City who identified PPT to support the process. Another city official suggested that the PPT was involved because AbM wanted an

independent mediator; faced with this demand, PPT was suggested as a possible agency by the City and was then approved by AbM after due consideration. The PPT staff member stressed that although they were contacted by the city to ascertain their willingness to assist, "it was Abahlali who approached us since we have a working relationship with the city". Our point is not to find the "truth" in these words but to recognise that there are multiple perspectives on these events.

AbM leadership and an associated professional consider that the organization has achieved both a change in the discourse related to shack developments in Durban and specific commitments for the development of their own settlement. Negotiations with the municipality about providing limited services in 14 informal settlements neighbourhoods with the full subsidy financed upgrading in three settlements carried on for some months with the MOU finally being signed in February this year. Richard Pithouse, an academic who has long worked with AbM elaborated that "nothing has happened yet and no houses been built but the deal is signed." There is clearly the expectation that resources will now flow although the timing is not specified in the Plan.

Turning to the particularities of AbM's strategy and their perceived success, on the part of the movement activists there is a strong belief that the violent reaction to the march in September 2007 catalysed a change in the negotiating position of the state and is responsible for the government's willingness to prioritise the development of AbM affiliated settlements. In explaining the reasons which led to the Plan, S'bu Zikode argued that "The city, it has had enough of us. It cannot afford people making this noise." FedUP members and professional associates concur with this understanding that the municipality has responded to AbM's strategy and also see the willingness of the state to negotiate as being a consequence of AbM's emphasis on public campaigns and the willingness to contest the lack of housing provision "on the streets".

An alternative perspective is offered by some of the interviewees from government. Several state officials interpret events differently and suggest that there was an ongoing willingness of government to negotiate which preceded the march in September 2007. Rather than seeing negotiations as a consequence of the changed position of the state, officials suggested that negotiations began late in 2007 because of a changed position of AbM and their willingness to talk (whereas previously they ignored overtures by the authorities), together with a change in their professional intermediaries. The Director of Housing provides a further explanation:

> Within that period, what also made a difference is that in their ward other communities moved into houses with proper facilities. Things were happening in other places, and in Kennedy Road and Foreman Road nothing was happening. Abahlali realized that they may be living in an island. They tried to get it [housing] through the international media but this was not going anywhere…

Although the officials argue that there is no clear link AbM protests and negotiations – they concede that campaigning does provoke a response from the municipality. "No, there was no link with the march in September 2007" argued one senior official "but

Kennedy Road did get some preference. They received a lot of attention and we responded."

What both perspectives reflect is the reality that housing improvements are not a simple claim or entitlement that can be achieved (or not) by a campaign to influence a single decision. Rather they represent a complex intervention in people's lives that requires negotiation around a myriad of separate decisions made at multiple levels within government. In this context, it is also important to recognise that AbM's movement demands are at a point of flux – they have a written commitment to implement a set of improvements but how that will be realized has yet to be experienced. The processes with which FedUP has been struggling may be increasingly relevant to members of AbM as they move from a broad commitment by the government to make financial investments to the implementation stage. A further challenge is identified by Jean du Plessis who emphasises that a current challenge is for AbM to find out how to "generalise the concession" from those mentioned in the Plan to all of the settlements currently active within their network.

A further area to explore in the context of contestation is that of the opposition to the Elimination and Prevention of the Re-emergence of Slums Act (2007). In their protest, the AbM's goal is different in kind from the campaign to be allowed to remain on land and/or secure access to subsidy finance (on whatever terms and conditions). As elaborated above, ABM's previous strategy appears to be predicated on a belief that the law is on their side and their struggle is to persuade the state to implement the law. (This position is emphasized by a comment by one of their support professionals, Richard Pithouse, who identifies a weakness of their strategy to be the lack of funds for lawyers to support their legal struggles.) With the passing of this Act, there is the recognition among movement organizations and support NGOs that the legal framework may not always be so friendly and that this Act represents a discourse and ideology within the state that is more hostile to the interests of shack dwellers.

Three perspectives on the Act were presented to us by the interviewees:
- The first one, agreed by the movement organizations and movement support organizations, is that the Act is hostile to the interests of the urban poor and will make it easier to evict shack dwellers and those living in informal settlements. The Act represents a particular set of anti-poor ideas about the shelter struggles of low-income citizens. In the mind of these movement activists, low-income migrants come to the city to improve their livelihood and development options. They will continue to live in informal settlements if there are no affordable alternatives. More stringent control mechanisms will neither prevent them from coming to the city nor prevent them living in shacks, they will simply worsen the living conditions of an already vulnerable group of residents. In the words of Patrick Magabula (FedUP), the community organizations argue that "we must upgrade people where they are".
- The second perspective is that the Act is well-intentioned and has been mis-represented with the difficulties being primarily related to inadequate communication. One interviewee elaborated: "the Act is not designed to leave

people homeless – it is designed to say in this province don't want the homeless….We do not have a problem with shack dwellers, we want to provide them with something better."   The interviewees holding this perspective argue that it will not result in additional measures being taken against shack dwellers as the existing laws for the protection of shack dwellers still apply (although it may result in more measures against those who "shack farm"). The Act simply represents a commitment by the authorities to act to improve the living conditions of low-income households.

- The third perspective is that the Act will result in additional action against new migrants to the city and be a necessary deterrent to rural dwellers who come to the city to build shacks with no intention of staying. It was argued that there are particular cultural dynamics which create a problem in KwaZulu-Natal not present elsewhere and this explains the difficulties faced by a city which is investing in housing but making little progress in reducing the housing backlog. At one level, this perspective represents a real despair that the housing backlog is not diminishing despite the scale of investment.

While movements have expressed opposition to the Act, there has not been recent protest. It is not clear what will happen if and when the provincial government begins to take action within the framework of the Act.[40]

The strategies in context

A number of other points were made by the interviewees which are helpful in explaining the success or otherwise of the strategies. The first points below related to acknowledged successes, while the later points propose reasons to account for the limited effectiveness of actions.

There is a high level of stated willingness by both senior and middle management government staff to consult and engage civil society and movements. One official commented in respect of ABM that "immediately we started engaging them we got results" and another official expressed a very similar view. Engagement with civil society is seen as both desirable and functional.   While one official expressed the view "organized communities are not treated as special" this is not the general impression given by the interviewees.

A minority view is that civil society influence on housing policy is not significant at the local level. Mark Byerley, head of research for the municipality argued that the major influence of civil society has been the professionally-led critical discourse summarized in Section III. He pointed to the Enhanced People's Housing Process, the Breaking New Ground policy and changes in the subsidy framework to enable the purchase of better

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[40] Section 16 of the Act has now been ruled to be unconstitutional and the implications of this are being assess by state and civil society. Mfusi (2009), November 9th Slums Act now pointless, http://www.themercury.co.za/index.php?fArticleId=5236531. See, http://www.constitutionalcourt.org.za/site/abahlali.htm (downloaded, Tuesday, November 10, 2009) .

located land as significant advances influenced by professional agencies within civil society. He suggests that, regardless of what movements think they are able to do, in fact there is relatively little room for manoeuvre within the housing subsidy programme once policy is set and their influence is only marginal.

A further perspective is that low-income housing, while important for some, is not a priority in terms of a broader vision for development in the city. As noted above, it appears that there have been efforts to move low-income settlements from the centre of the city in response to middle-class demands for high-income neighbourhoods. Very recently, in the second half of 2009, there has been a further conflict in the city as the municipality sought to replace Warwick Junction, a trading market, with a high-class shopping mall. The landless groups within FedUP were particularly disappointed when, following the beginning of a joint assessment exercise with the municipality, one of the well-located sites that they had identified was allocated for middle-income housing. Such factors suggest that the City authorities are not prioritising the needs of lower income groups.

One civil society professional working with the movements reflects some of these realities when she argued that it was not at all clear which of the different movement strategies was really effective in part because both of the movement organizations had made few substantive gains in achieving their goals.

A further issue related to the success of the strategies is the nature of inter-movement dialogue with each other. This is important in and of itself, but it is also relevant to the ability of the movements to be a unified voice representing the interests and needs of shack dwellers.

Three perspectives emerged on organizational relations between AbM and FedUP. There is a general agreement that both struggles are essentially political and seeking a transfer of power towards the residents of low-income settlements. While one of the professionals working with AbM suggested that a key weakness of the Federation was that they did not engage in politics, this somewhat narrow view of what constitutes the political realm was not shared by other interviewees.

A first view, expressed by some NGO support professionals is that the movements are essentially in competition and that the alternative "counter" view of the other movement organization should be contested. While the benefits of cross-movement collaboration are recognized, this recognition is accompanied by demands that one movement requires from the other – a position that pre-empts negotiation and collaboration. A second perspective held by some NGO professionals and some movement organization leaders and members is that the movements have more in common with each other than with the state and they should find a basis for strategic collaboration. As argued by Joel Bolnick, director of CORC (personal communication):

> …. the stark reality is that FedUP and AbM are no match for a *de facto* coalition of unscrupulous politicians, indifferent officials, arrogant planners and engineers, profit seeking property owners, risk-terrified banks and greedy developers. They

are further weakened if they continue to wage their struggles independently and sometimes even in opposition to one another.

In this context, Jean du Plessis argued that the groups "don't need to speak in the same voice – that is a red herring". He suggested that both groups need to understand the limitations of their positions. On the one hand, FedUP need to be able to critique the local authority (for example in its confrontational response to shack dweller demonstrations), and on the other AbM need to learn "how to collaborate with the same city to take projects forward without losing principles or sets of values."

A third perspective, held by some movement organization members, is that while the movements may not have a strategic interest in collaboration, they share a common identity and should not be criticized to outsiders, including those undertaking this study. Hence when FedUP members in Piesang River were invited to comment on the work of AbM, they declined just saying that this was another community group struggling to meet their needs in a difficult situation.

In recent months the second view may be considered to be the prevailing position. On the 8th April 2009, CORC organized a Durban-based informal settlements dialogue which was attended by nine movement leaders from Durban including two from both ABM and FedUP, two community leaders from Cape Town and Gauteng, and a member of the municipality. According to the minutes, the purpose of the meeting was to a. build a platform where all informal settlement based organizations come together to discuss their problems and seek solutions and b. build a network of CBOs to tackle issues faced by shack dwellers and seek solutions. The meeting agreed to monthly meetings of leaders of informal settlements, a city-wide enumeration, and activities to influence the development budget of the municipality.

There is some evidence to suggest that the municipality's actions, intentionally or not, have exacerbated tensions between the movement organizations (and hence reduced the likelihood of collaboration). Richard Pithouse explained how AbM felt that FedUP was being held up as the "good guys" and used to suggest to AbM that there was no need for an alternative movement. He elaborates that the movement leaders were told by the provincial ANC to "join SDI or be arrested. They refused and were arrested and subject to torture." From his perspective, "it was the ANC which created the tension between AbM and SDI (not ever FedUP though) by criminalising and repressing AbM and telling them that if they wished to avoid arrest they must affiliated to SDI." Municipal staff explained that they tried to persuade AbM to work with FedUP (although not necessarily proposing membership) because of their established relationship with the latter.

Bunjiwe Gwebu explained how the new Plan for AbM agreed to by the municipality had resulted in FedUP feeling "bypassed", with members feeling that they have had scant reward for their patient and continued willingness to persuade ambivalent bureaucrats and recalcitrant politicians of the value of community-led approaches.

While there are differences in their approach to acquiring land and housing, both AbM and FedUP members emphasise their identity as shack dwellers and their demand for recognition and respect. As Patrick Magebula argued with direct reference to the perspectives that lie behind the Elimination and Prevention of the Re-emergence of Slums Act, one of FedUP's objectives is "Shaking off the stigma that we are land grabbers". In a different context, he elaborates that the construction of housing and the development of shelter is a struggle for "dignity" and that for FedUP members dignity is managing their own money including the subsidy funds and designing the houses that they want to live in. S'bu emphasized that the issue was not payment for services "we are willing to pay" but he added that they are denied access to services because they live in informal settlements. Patrick argues that one of their primary struggles is to convince the state that poor people can build their own lives through managing their own resources – in their particular case through people-controlled housing programmes. S'bu Zikode articulated AbM's experience which has a similar resonance:

> As we began to proceed with our struggle, we realized that many of those in the Council thought that people in shacks could not think for themselves. We face many problems but perhaps the most devastating treatment was that your voice would not be heard. This became a fight for recognition. In a way, we have been diverted from the fight for land and housing into a fight for human dignity.

The contrast to this perspective is provided by a comment by the official responsible for informal settlements when he explained that there is a desire in the municipality to identity large plots of land because it takes an equal amount to time to do a development of 20,000 units as to do one of 2,000 units. While the motivation of the municipality to go to scale, one of the consequences of this policy may be insufficient attention to the human implications of housing relocation and participation. While not addressed directly by the interviewees, there is an acknowledge that *in situ* upgrading takes time – an estimate of five to ten years was suggested by the NGO staff member from the Project Preparation Trust.

One of the core issues facing movements is how to pursue dual strategies to both address the needs of their members for land in greenfield sites and to pursue the upgrading of existing locations. The landless group within FedUP's Durban membership was reinvigorated in 2006 after a long period of inaction; the members are those renting shacks in informal settlements and younger members currently living with their parents who wish to establish their own homes. After some initial work, the group decided on the strategy of identifying plots of land that were appropriate for their needs and opening discussions with the municipality about how access might be secured. Despite their disappointment when one of the central-city sites was allocated for middle-income housing, land has been secured in a number of peri-urban areas.

The municipality and others are concerned about the lack of facilities, however, FedUP has taken a clear position that this does not rule out relocation to these areas. Rather the members who take up these sites are made aware of the difficulties and helped to address the limitations associated with these locations. This strategy reflects their concern that land allocations are being delayed. Faced with limited options, some members have

decided that they want to engage with what is available, secure the land, complete their development and use their collective strength to address remaining issues. AbM members have been resisting relocation (due to the lack of facilities) although in terms of their Plan they now accept that some of the Kennedy Road will need to be relocated.

The problems associated with newly-developed peripheral sites are readily acknowledged by the municipality. A core difficulty for municipal staff is that they do not have control of the budgets for schools and transport. Health clinics are less of a problem as they can be provided from municipal funds. The Director of Housing elaborated on the difficulties thus:

> Schools and transport are the problem. Clinics we can do something ourselves. Transport is national and provincial. We have to apply for a subsidy. We don't have good public transport in the periphery already and it will take a long time to get services to new sites. Education works on five to 10 years for a new school.

As a result of this situation, families that move to these locations will have to pay transport costs if their children are to go to school. Community members in transit accommodation have asked for school buses but this request has been refused. The potentially high costs have been illustrated above through information provided by the Community Liaison Office at Cato Crest. While it would seem a relatively simple matter for national, provincial and municipal government to resolve, it is beyond the scope of this study.

The majority of those living in informal settlements wish to remain where they are. As Patrick Magabula elaborates there should be provision for upgrading in situ: "if there are no health hazards, soil erosion, there is not a flood plain, support people where they want to be. People have identified where they want to be". As noted above, over 100,000 households are living in informal settlements and with the current level of new housing provision, it is likely that many will remain in informal settlements for some years to come. In recognition of this situation, the municipality has a budget for informal settlement upgrading. The Housing Director argues that this budget is recognition of the problems faced by those living in informal settlements and the need to do something about conditions in these areas. Despite this fund, a major deficiency in the upgrading programme, according to AbM, is the lack of electrical connection (see above). This failure to improve services has been contested by AbM through illegal connections as well as through a direct campaign. The municipal provisional upgrading programme provides communal toilets and one standpipe every two hundred metres (the national minimum acceptable standard).

Both these issues, the lack of facilities in greenfield areas and the need for an immediate programme to address the lack of infrastructure and services in informal settlements, are themes on which the interests of FedUP and AbM's members coincide. Both problems are recognized by the municipality (see discussions above), however, substantive progress does not appear to be taking place.

Section V: Conclusion

The subsidy programme
The broad context is one of a considerable state commitment to address housing need as evidenced by both the scale of the programme and the size of each unit subsidy. In the global South, South Africa stands out among other countries because of this housing subsidy programme. While some other governments have made a commitment to support housing needs, their policy initiatives focus either on subsidized lending or capital grants which only cover a part of the cost. However, the scale and intentions of the programme do not necessarily mean that it is addressing all housing need in South Africa, or that the design is the most effective use of resources. This case study provides an opportunity to look at how organized communities in need of shelter improvement have been able to engage with both the design and realities of programme implementation through participating in social movement organizations.

Looking first at the national level, a number of criticisms have been made about the housing subsidy programme which subsequent amendments have sought to overcome (Section II). Some of the first concerns were about the size and quality of the units constructed. Minimum sizes and more tightly specified standards were introduced to address these problems; generally, this has been recognized to be successful. Attempts to improve participation first resulted (at a very early stage) in the sub-programme, the People's Housing Process, which offered motivated communities the chance to be directly involved in the construction of their dwellings. Beneficiary participation and consultation are requirements within the mainstream housing subsidy delivery programme but has been hard to achieve. Another common criticism is that while dwellings have been improved, locations are frequently distant from jobs, urban centres and previous social networks. A fairly frequently comment within the academic discourse is that the programme is repeating the creation of apartheid-style cities with spatially distinct areas of high- and low-income housing and adverse consequences for low-income groups. There are also repeated concerns that the policy has not been successful in addressing the housing backlog. There is a recognition (evidenced by the census data and supported by other studies) that, despite the scale of investment, the housing backlog continues to grow resulting in new land invasions, the densification of existing informal settlements and increases in the number of backyard shacks in formal settlements (including the new subsidy-financed neighbourhoods).

The policy statement in 2004 and the related document Breaking New Ground addressed widely recognized concerns about the spatial location of subsidy financed housing developments. This policy also changed the rhetoric of the underlying approach towards that commonly adopted by international professionals ie. away from Greenfield developments and towards *in situ* upgrading (Buckley and Kalarickal 2006; UN-Habitat 2003). However, in practice the momentum behind the subsidy programme appears to have continued as before with an emphasis on Greenfield developments. More recently, there have been attempts to improve the quality of the People's Housing Process with the Enhanced People's Housing Process (ePHP).

Turning to the particular context in Durban, the city offers an interesting location to explore these issues. As with other cities in South Africa, there was a longstanding struggle undertaken by low-income African, Indian and Coloured families to remain close to the centre during the years of apartheid government. In some cases, the residents of relatively well-located informal settlements managed this, although with considerable efforts. The advantages of good location mean that these settlements now have high densities. Hence, one major issue is the best policy response to such densities (due to a lack of alternative well-located sites) combined with a difficult topography which further reduces the buildable area in these settlements. At the same time, there are many thousands of families living in more peripheral settlements with inadequate access to basic services, uncertain tenure and very poor-quality housing. There is an active set of civil society organizations working on these issues including grassroots groups, social movement organizations and NGOs. The city is particularly notable for having two active social movement organizations working in the area of shelter, Abahlali baseMjondolo (Abahlali or AbM) and the Federation of the Urban Poor (FedUP or the Federation) (Section III).

In terms of the shelter-related issues facing the urban poor in the city, three issues were identified by most interviewees suggesting a broad consensus about the significant areas of importance. Many interviewees (both state and civil society) mentioned the high degree of regulation over the housing sector, introduced in part as a response to earlier concerns about quality of construction (Section IV). In this regard, there were concerns about the adverse consequences of such regulation although some interviewees also mentioned the benefits. Second, there is a widespread recognition of the problems associated with a lack of land in the city, the frequent need to relocate some residents when informal settlements are upgraded, and the lack of well-located and well-serviced new developments for those being relocated. Third, there are concerns about the inadequate scale of the programme. Municipal officials who are struggling with an apparently growing housing backlog, as subsidy-related construction is not keeping pace with estimated in-migration to the city.

The two movement organizations in Durban have pursued overlapping strategies at different times. FedUP has moved from a mixed strategy in the late 1990s which involved both confrontation and attempted collaboration, and now has a partnership with the city. They have secured limited access to land and subsidies supported by their relationship with the Department of Housing. AbM, established in 2005, found its early protests met with police force and was in a confrontational relationship with the municipality which lasted until late in 2007. The movement organization began negotiations early in 2008 and leaders of the organization have now signed a joint plan with municipal officials and are awaiting implementation.

Both movement organizations have made some progress towards improving the options available to their members and addressing members' housing needs. AbM have secured the right for at least some of their members to remain on their present site (local authority officials were seeking to remove of all residents due to environmental health concerns) and have an outline plan for a subsidy-financed upgrading in the medium- to long-term

with an understanding that some residents will have to be relocated. The plan includes a number of measures to improve the well-being of residents in settlements that are members of AbM. FedUP members have built over 2,500 houses in the province (primarily in Durban and mainly in the late 1990s), and are making slow progress with their current negotiations. They continue to press for access to land and People's Housing Process related subsidy finance, and are currently supporting several hundred families to secure tenure in three settlements. Both movements have made this progress through multiple levels of engagement with the state and alliances with professional organizations able to support their case with the authorities.

However, it may also be argued that these gains appear to be relatively small when set against the needs of their members and the estimated 105,000 in need of shelter improvements. Moreover these gains are very much within the present paradigm of housing subsidy finance and existing municipal budgets and policies, despite the acknowledged limitations of the approach in terms of:

- the scale of the programme when set against existing and new needs
- the problems related to new Greenfield sites for those needing relocation and the lack of some essential services on these sites
- the need for immediate if partial upgrading in existing informal settlements where many citizens will continue to live for the foreseeable future.

Relative to other residents in housing need, members of the social movements have received several benefits:

- first, they are proactive in securing their needs and are familiar with the municipal officials. Compared to the community leaders that we met from more isolated community groups, they are less vulnerable to bureaucratic mistakes and may be able to avoid exclusion from local development projects due to political issues or personal feuds.
- second, things happened quicker in some cases with groups being able to push their case for development finance with the appropriate decision makers
- third, they are more likely to be allowed to do more for themselves, and they are more likely to make good use of such opportunities. Involvement in housing development does appear to result in greater satisfaction.

The following sub-section brings together our reflections on both what has been achieved and why more has not been realised.

Politics, movements and the state
As discussed above, one observation is the multiple nature of the state for grassroots organizations working in the shelter sector in Durban. The movement organizations and their support organizations have to manage relations with the state at many levels (senior, middle ranking and junior officials, and councillors) with many different attitudes.

At the level of senior staff in both the municipality and the province, there is a widespread interest in consultation that appears to go well beyond recognition of the simple functionality of this approach. There is an interest both in civil society being

involved in delivery and also in policy engagement and influence. As illustrated above, there appears to be a genuine acknowledgement that the state alone cannot address housing need, and other agencies have valuable ideas and activities to contribute. Equally there is recognition that governance involves more than simply government. If there are concerns in this respect, it is that the consultative mechanisms are not working. In the words of one official: "we have not done that well in terms of feedback from the ground… it is a challenge to get these inputs". This view does not fear the involvement of non-state agencies but rather welcomes their perspective with one official suggesting "we need a difference of opinion to improve what is happening in this country". This view is not only held by senior staff (although it is more common in this group). One middle ranking official also explained how they seek to communicate with councillors and with other local community organizations when settlements are scheduled for improvements so as to improve the programme by listening to their views and discussing issues, as well as to disseminate information. Others stressed how seriously they take the issue of engagement with civil society.

One reason for this interest in civil society involvement is that there are concerns about the outcome of the subsidy driven context. One municipal official suggested that "there is a culture of entitlement: some communities do not want to build for themselves". This theme of dependence is repeated as a major policy concern by other state officials. In the words of one senior official, "people have become dependent on someone giving them something – people that wanted to do things for themselves not been guided properly to believe they can do it for themselves". Another municipal staff member noted that, in his experience, the PHP route results in home owners maintaining their homes themselves; with conventional subsidy housing: "when a tile comes off, expect that the government will come and take care of it." Such comments imply concern about the broader consequences of the present policy. In these interviews, the state appears participatory, open to a genuine engagement and appreciating the contribution of an alternative sector that has a different relationship with citizens.

At the level of middle management, the state officials are concerned that community members comply with what is acknowledged to be a complex regulatory framework of increasing rigour. In this role, they represent a "bureaucratic" face of the state. For these managers, established laws, rules and regulations rather than negotiations create the context within which movement activists have to further their goals, despite the welcome given to such organizations by the higher echelons of the public service.   In the case of one officer, there was an explicit argument that it is not possible to build to the required scale with mechanisms such as the PHP. FedUP, with its decentralized self-managed constituency, struggles to deal with state officials that have little willingness to recognise the capacity and potential of its local members. FedUP members find it difficult to deal with the regulatory nature of the state (in part because they have observed an increase in regulations without evident commensurate benefits). At the national level, the Federation has placed some emphasis in recent years on improving its internal capacity to comply

with the regulatory framework to prevent construction activities being disputed and reduce delays.[41]

AbM positions itself more ambiguously in terms of state rules and regulations. On the one hand, the movement places considerable emphasis on the legal framework and hence makes use of rules and regulations (albeit tending to use the constitution rather than the housing code as its grounding document). However, with its emphasis on respect and recognition for the valid identity of shack dwellers, the movement is also indicating its concern about the nature of such social relations and the underlying attitudes of state officials; in its work on the provision of services to informal settlements it has also been faced with dysfunctional rules and regulations. It seems likely that AbM members will, as the Plan that has been agreed moves into the implementation stage, be faced with some of the challenges of dealing with a bureaucratic state from a new situation (although not for the first time). The movement organization has limited access to preparation finance and this may make it more difficult to challenge the rules and regulations related to urban settlement development.

In localities, the state, through local councillors, seems to exhibit a similar form to that found in many other low-income settlements in Southern towns and cities. This form of state power has the characteristics of clientelism. Relations are highly personalized, and challenges to the local power brokers, in this case the councillors, result in exclusion from benefits. It is through these personalized relationships that the powerful secure rewards through preferential access to scarce state resources; they demand personal gains (which may include strengthening their own voting base as well as material resources) in return for local residents accessing resources. As is evident from the discussions above, these councillors are reluctant to engage with FedUP groups. As acknowledged by other authors in alterative contexts, councillors appear to desire control over local investment projects albeit within the parameters permitted to them by higher levels of the state. Unlike some countries, this is not a party political contest, and support for the ANC remains strong. Rather the struggle appears to be related to councillors maintaining a local and party position, with housing subsidy finance being an important resource through which this can be achieved. It is not yet clear if this will be a problem that AbM affiliated local community organizations will face. The President of AbM explained how within their own area of Kennedy Road such relations are not problematic. However, the experience of FedUP suggests that as the scale of improvement activities increases, some community groups associated with AbM will struggle to manage local political relations if they are interested in influencing the allocation and nature of housing subsidy financed investment (see Note 38 for a more recent update).

Hence one of the complications facing movements in Durban is the need to deal with three different "faces" adopted by the state. Both participatory and bureaucratic forms of the state are perceived as legitimate by modern social institutions; this is not true of clientelist politics. Robins (2008) suggest that movement organizations may be able to

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[41] For example, the development of Community Construction Management Teams to improve building quality in self-build development, and developing stronger relations with contracting companies such as Peer Africa and Urban Dynamics.

manage two kinds of politics (ie, that related to.a rights based citizen and clientelist beneficiary) with some success. However, Cherry et al (2000) suggest that while most tensions between civil society and local councillors in low-income urban settlements are manageable, there are particular difficulties in housing development due to the scale of the subsidy and resource significance. These authors discuss the relative lack of militancy as local civic organizations anticipate that "local government will deliver in future;" (ibid 897); however, "The struggle is rarely so naked (except, perhaps, in shack settlements, where the stakes include control over a range of lucrative resources)" (ibid, 901). As noted by Cherry et al (2000), a tension between participative and representative forms of democracy is one source of these political disputes. Such difficulties offer some explanation as to why FedUP groups have struggled to advance their agenda in Durban.

The difficulties of managing these multiple relations with the state combined with the apparent "carrot" of access to the housing subsidy may help to explain the orientation of movement organizations. Although there appears to be little prospect of a majority of those in need being assisted in the short- and medium-term, relatively little emphasis is placed on alternatives to the subsidy. Instead emphasis is generally placed on access to the subsidy with, most elaborated through the experience of FedUP, a number of strategies to pre-empt the most likely responses that the bureaucratic and clientelist state use to block the redistribution of resources to local savings groups.

In terms of interviews with the state, what stands out is the "juggernaut" of housing delivery. Officials acknowledge some of the structural weaknesses and really important delivery issues that are not being addressed. The movement organizations touch on those issues in their work and pursue them fairly vehemently in some cases. But these moment organizations struggle to get sufficient momentum behind a programme of policy improvement and engagement with such core policy issues. One reason may be that the positive engagement with senior officials does not lead to the redesign of policy and programme but rather to movement members being "passed down" to lower levels of the state to access the housing subsidy despite the difficulties that this involves.

Only when the politics progresses to the point where the debate is how to house the city rather than provide for specific needy groups is it likely that the nature of the discourse will change. The municipal staff do talk about housing the city but at a technical level and without the meaning that such a discourse has for the poor themselves. At one level, the Elimination and Prevention of the Re-emergence of Slums Act can be seen as a political response to such an unspoken discourse. However, as explained in the interviews by representatives of both AbM and FedUP and elaborated by Huchzermeyer (2009), there is no possibility that controls alone can prevent people moving to urban areas, at least not the kind of controls that the constitution would find acceptable. And if there are measures to control informal settlement expansion, then households will find alternative low-cost housing, which, being provided by the market without subsidy, will be inadequate in terms of most assessments of acceptable living conditions.

In this context, the recent coming together of both movement organizations appears to offer a political advantage to their cause. Moreover it serves to remind us of the danger

of "snapshots" which assess strengths, weaknesses and outcomes at a particular point in time. It is the deeper underlying trends that are more significant to our appraisal of the strategies used and the success they achieve. Particular activities and alliances will shift according to the nature of the moment, and their significance may only be apparent some distance into the future.

Relevance to the lowest income and most vulnerable citizens
Finally what does our analysis say about the ability of movements to reach the lowest income and most vulnerable groups in terms of shelter? There are relatively few choices for the lowest income households searching for places in the city to make their home. If they do not already have some claim on land, their options for securing tenure are very limited. It is this group, ie. new residents, that are particularly targeted by both the existing measures to prevent informal settlements from expanding and by the Elimination and Prevention of the Re-emergence of Slums Act. In most cases they are renters, hopeful to be included if the settlement is improved, but likely to be moved on.

In terms of securing access to the subsidy for particular households, there are two levels of relevant decisions. The first is when the settlement is selected for upgrading and the second is who, among the residents, is allowed to remain, who is relocated and who is ignored. As noted above, settlements are likely to have to wait a considerable time in some areas, although there are indications that those who are better organized are more likely to have their needs attended to. There does not appear to be any discussion about average incomes in the settlements to be upgraded and prioritization of the lowest-income households was not mentioned to us as a criteria used for selection of settlements for upgrading.

Turning to selection of households within the settlement, what appears to be the case from a number of community discussions is that those most likely to remain on site when informal settlements are upgraded are those who have been on site longest. Claims to be able to remain in well-located settlements are based on those who can prove residence for the longest period and these families are those most likely to be able to remain in their areas when upgrading happens. These families may be newcomers to the urban centres or longstanding residents who are renting space; in some cases, they may be children of those with formal claims over land in informal areas whom have remained in their family home due to a lack of alternatives. As indicated by Pithouse (2008a) there may be considerable numbers at risk from government relocation.

In this context, local groups that simply lobby for upgrading finance for their existing settlements are unlikely to be addressing the needs of the lowest-income and most vulnerable citizens. The work of FedUP to help such households identify Greenfield sites that work for their livelihood strategies and the establishment of landless committees is obviously helpful to addressing the needs of this more vulnerable group. A separate organizing space for the landless helps to prevent problems that their voice is not heard when mixed-income groups discuss upgrading options. The inability of the municipality to ensure that Greenfield sites have essential services emerges as an important concern for these families, although relatively little activity appeared to be taking place related to

these issues in part because access to land is seen as the first essential and strategic step by FedUP. Faced with the scale of the housing backlog, there appears to be little alternative attention given to the particular needs of the lowest-income households.

In terms of households living in informal settlements that are successful in securing finance, there is a further group of residents that is particularly vulnerable. These are households who no longer have or who never had a subsidy entitlement. This might be because they have already received a subsidy financed dwelling but have sold or left that house, or because they do not qualify for a subsidy (not a South African citizen, no dependents, etc.). It is not clear what happens to these households. We were told by the Director of Housing that they are allowed to remain on the newly serviced plots (if they are entitled to one by virtue of living in an informal settlements that is being upgraded), although they would not receive a dwelling but would have to construct their own dwelling or continue to live in a self-built shack if they had no finance. However, the Community Liaison Officer in Cato Crest explained to us that these families had to leave the development due to a lack of land and they were not entitled to receive plots in the relocation areas.

Closing comments
By way of closing remarks, we would highlight the important contribution of social movements. The policy and associated programme address some of the housing needs in the city of Durban and try to improve access to adequate housing. But it clear that very significant numbers of citizens remain without adequate housing. Frustrated by an apparent lack of state action, they join movement activities and organizations to advance their cause.

Movement organizations seek to address the needs of those without housing assets. In that they are supported by a range of professional agencies. However, they have struggled to make significant progress in addressing members' needs and interests. Despite a diversity of strategies and approaches, movement leaders from both the organizations profiled above consider that they have struggled to make substantive progress at the scale that is required.

Their experiences illustrate how the struggle over the kinds of collective consumption goods exemplified by shelter is complex. This is not a simple binary choice of the policy being there or not being there as with, for example, trade protection for small scale farmers, or a minimum wage being introduced. Rather securing shelter assets requires an engagement with multiple levels of the state including the parts responsible for policy design and programme realization. At the same time, it also requires an interaction with other parts of the state who are responsible for overlapping areas or who are otherwise entitled to be involved (for example, education facilities and councillors).

The discussion above on the struggle to influence the bureaucratic state with its frameworks of rules and regulations resonates with a Foucauldian analysis of power in which the bureaucratic frameworks of government structure and control approaches and responses for movements organizations. The discussion above demonstrates how

governmentality, the techniques and mechanisms of government, invite certain kinds of behaviour and discourages others. The possibilities for a more spontaneous locally-controlled and community-led process of housing development are constrained. However, the structures through which power is exercized appear to be complex as social relations are only partly influenced by state bureaucratic frameworks; other authority systems play a significant part in determining who is allocated resources and the conditions under which they are entitled to control such resources. As noted above, these relations differ from the bureaucratic model of the modern state in two distinct dimensions. On the one hand, there are traditional structures with power being vested in local leaders who are responsible for their own domains with some degree of flexibility and in which power is influenced by an authoritarian culture in which legitimacy is conveyed by the approval of those designated as leaders within the established hierarchy (parallels to Weberian traditional authority). On the other, there are newer forms of social relations which encourage those who hold power to have an approach favouring a more consultative and participative process to determine the distribution of resources and/or the rules associated with resource use. In this case the legitimacy of leadership is demonstrated at least in part by the establishment of structures of inclusion and consultation. What is notable is that state officials recognise the first and the third structures to determine power but appear to be much more ambivalent about the operation of the second structure. While many commentators acknowledge that it exists when questioned, they do not volunteer this information.

It is difficult for individual members to see beyond the existing government policy and programme framework. The ineffectiveness of the policy is fairly widely acknowledged and is evident to families that are seeking access to improved housing but alternatives are not been tabled. Movement organizations are seeking to contest non-delivery through pressure for inclusion into the existing framework. However, as discussed above, inclusion demonstrates the failings of the policy.

What is particularly notable is that this is a struggle about the way in which resources are allocated rather than the scale of resources that are provided. While this may be a bold assertion, the scale of resources is evidenced through the size of each state subsidy, the realised scale of the programme and the top-up provided by the municipality. Frustrations with present arrangements mean that there are suggestions about what an alternative programme might be like but there is no clear consensus. One municipal official explained that an earlier site and service programme resulted in shacks with no speedy upgrading, suggesting that (from the municipality's perspective) this is not the route to go. A similar solution but an alternative view is proposed by Patrick Magebula when he explained that FedUP is interested in developing alternative approaches to the subsidy scheme which would involve providing access to both serviced plots and housing finance. The goal would be to reach more people and accept that the cost would be a smaller unit subsidy provided to each family. Patrick suggests that the government cannot go on building houses for ever and with this present strategy the government will "milk themselves dry". Secure tenure will ensure ownership and the residents can lobby together to secure from the state any additional resources that they need. Such an incremental development strategy will enable households to respond to their needs and

capacities. This value of this viewpoint is recognized by state officials: the informal settlements officer mentioned that his understanding is that the house that is provided under the present policy should be improved over time and that the state does not supply a finished product.

The desire to house people according to the minimum standards within the current budgetary constraints and technical capacities means that many will continue to live in inadequate housing for years to come. The suggestion by the provincial government that the solution is to encourage people to remain in rural areas regardless of their livelihood options appears perverse given the scale of poverty and inequality existing in the country; moreover we know from historical experience in South Africa and elsewhere that this is unlikely to work. In this situation, the contribution of movement organizations to engaging with housing policy and programmes becomes essential. The state is, in its present form, simply unable to address the housing backlog. Active organized grassroot organizations operating above the level of individual settlements are the agencies most likely to push the state towards changing policies and achieving sufficient scale of intervention and inclusion of all of those in housing need. In this context, movements have an essential contribution to make – both directly in regard to housing policy and also in developing alternative participatory governance practices.

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Annex 1: Interviewees

Interviewee	Organization and Position	Date
Richard Pithouse	Lecturer, Department of Political Studies, Rhodes University	02 March 2009
Bunjiwe Gweru	Utshani Fund	03 March 2009
Hlengiwe Octavia	Community Organization Urban Resource Centre (COURC)	04 March 2009
Mark Byerley	Planning Department, eThekwini Municipality	10 March 2009
S'bu Zikode	President, Abahlali baseMjondolo	11 March 2009
Sakhele Sibiya	Cato Crest (community liaison officer for the Municipality)	12 March 2009
Richard Ballard	KwaZulu-Natal University	11 March 2009
Cogi Pather	Head of Department of Housing, eThekwini Municipality	12 March 2009
Nomsa Mkhise and Mr. Ngwenya	Members of Siyanda Kwamashu Newlands Interface Housing Forum	13 March 2009
Nonhlanhla Mbatha	Member of Sivukile Saving Scheme	13 March 2009
Andrina Nzuza	Member of Vukuzakhele Saving Scheme	13 March 2009
Xolile Mkhize	Siyanda (community liaison officer for the Municipality)	13 March 2009
Patrick Magebula	President, Federation of Urban Poor	14 March 2009
Ntombifuti Simamane	Member of the Federation of the Urban Poor (Landless Saving Group)	16 March 2009
Kenny Mdletshi	Durban Bureau of the Sowetan	16 March 2009
Faizel Seedat	Planning Department, eThekwini municipality	17 March 2009
Cameron Brisbane	Director, Build Environment Support Group	18 March 2009
Graham Philpott	Director, Church Land Programme	18 March 2009
Jean du Plessis	Independent researcher (formerly with Centre for Housing Rights and Evictions)	18 March 2009
Nana Ndlolvu	Project Manager, Project Preparatory Team	19 March 2009
Zamo Ngobese	Informal Settlement Officer, eThekwini municipality	23 March 2009
Mrs Milne	Head of Product Development, Provincial Housing Department	14 April 2009
Marie Huchzermeyer	Associate Professor, School of Architecture and Planning, University of Witwatersrand	23 June 2009
Sarah Charlton	Senior Lecturer, School of Architecture and Planning, University of Witwatersrand	07 January 2010