Squatters, violence and the future of the informal settlements in the Greater Durban region

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The major emphasis in all these programmes is on aspects of affordability and accountability in the field of social security and the provision of social services. The subject of this report is the interrelation between squatting, poor community resources, violence and the power of self-appointed local leaders. Readers' attention is drawn to the preface by Dr Karel Prinsloo, Manager of the Division for Political and Constitutional Matters at the HSRC.

The HSRC, particularly the Committee for the Subprogramme: Affordable Material Provision, does not necessarily agree with the opinions expressed and the conclusions reached in this publication.

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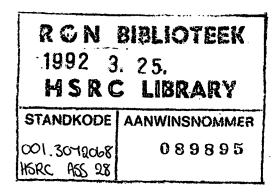
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Hierdie studie behels 'n historiese oorsig oor informele huisvesting en nedersettingvorming in en om Groter Durban. Die gebrek aan grond vir huisvesting, aan infrastruktuur en aan formele beheer oor nedersettingvorming word bespreek, asook die 'leierskap' wat hierdie situasie uitbuit maar tog ook sekere dienste verskaf.

Die vernaamste aanbevelings in die verslag het te doen met die formele verskaffing van bekostigbare en toepaslike geriewe wat die gewelddadige wedywering om bronne gedeeltelik die hoof behoort te bied.

ABSTRACT

This report contains a historical review of informal housing and settlement formation in and around Greater Durban. The lack of land for settlement, of infrastructure and of formal control of settlement formation is discussed as well as the 'leadership' which has exploited and taken advantage of the situation while at the same time providing some services.

The most important recommendations pertain to the formal provision of affordable and appropriate amenities that to some extent might curb the violent competition for resources.

PREFACE

The seriousness of the squatter problem in and around Durban justifies an in-depth study. In this report an attempt has been made to outline the historical progression and reasons for the patterns of African settlement in the Greater Durban region, and endeavours to trace the growth of the squatter problem in the region. Included is an examination of some of the types of violence emanating from the informal squatter settlements, in particular the activities of the so-called 'warlords'. An examination of the dynamics within squatter communities has led to the accompanying suggestions and recommendations for the possible solving of the twin problems of unrestricted squatting and indiscriminate violence. It is hoped that these recommendations will assist in any future planning for the region.

In trying to understand the squatter issue in the Durban area one needs to look at historical factors in making the position in Durban largely unique in the South African context. The Durban Municipality's response to the urbanisation of the African population led to the establishment of a particular system of 'Native Administration' and control of urban blacks. The so-called 'Durban System', together with the Shepstonian Location System, laid the basis for later patterns of settlement on the periphery of the city of Durban.

Other factors like the in-migration from the economically-deprived rural areas, the commercialisation of white agriculture and the eviction of African tenant farmers, the cyclical movements in the economy and the fact that the area with its industry and harbour acted as a magnet for workseekers, have all contributed in varying degrees to the rapid urbanisation of the Greater Durban region.

The informal settlements and the concomitant squatting are symptomatic of the problems associated with too rapid an urbanisation process and inadequate low-income housing policies. The housing shortage in an area like Durban has been further aggravated by the government's pursuance of its programme of shack demolition, relocations and forced removals. In other words the government has used the informal settlements for 'controlled' squatting. This report attempts to provide an understanding of the historical progression

of the problem. It is hoped that out of such understanding will come solutions for minimising the violence so inherent in many of the informal settlements and for the development of these areas as 'places to live in'.

The research reported here was conducted within a qualitative methodological framework. For the purposes of this study it is sufficient to say that the qualitative approach utilised in the present study made use of different data-gathering methods (e.g. participant observation, unstructured interviews and documentary sources) and inferential methods (e.g. grounded theory, analytical induction, historical analysis, etc.) in an attempt to trace the historical progression of the phenomenon of squatting in the Greater Durban Region and to examine some forms of the violence and conflict emanating from the informal settlements or 'shacklands' on the periphery of the city.

In addition to the present report, Dr Minnaar is continuing his research on various aspects of the politics of conflict in the Natal region, in particular regarding the violence emanating from the spontaneous informal settlements surrounding Durban. This involves an examination of the dynamics of warlordism and the political economy propping up this phenomenon.

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SQUATTERS, VIOLENCE AND THE FUTURE OF THE INFORMAL SETTLEMENTS IN THE GREATER DURBAN REGION

PART I

HISTORICAL BACKGROUND

Knowledge of history is an aid to judgement;
it increases our repertoire of responses

1 INTRODUCTION

To understand more fully the phenomenon of squatting and the attendant violence of the informal settlements around Durban, one needs briefly to examine some of the historical causes which led to the streaming in of people to the urban areas, the majority of whom are black and originated largely from the rural areas of Natal. One of the causes of this in-migration to the urban area of Durban was the problem of land shortage experienced in the African reserve areas. These reserves were demarcated in the mid-1800s by Theophilus Shepstone. The so-called Shepstonian Location System entrenched certain land tenure rights amongst which was the communal or tribal system which lay at the root of much of the conflict over land occupation in Natal. Other legacies bequeathed by the segregationist Shepstonian system which influenced the acute land shortage in rural African communities were the perpetuation of tribal divisions, and the allocation of the least fertile areas as reserves for the Africans.

Added to this situation were the pressures arising from developments in other sectors. From the 1890s onwards white landowners increasingly found that commercial farming was becoming more lucrative than renting their land to Africans. Evictions from agricultural land now required by white owners increased. Rising land values also led to a concomitant rise in rents putting further pressure on African tenants. In addition, in 1903 the Natal

Government prohibited the sale of crown lands to individual Africans. After the Bambatha Rebellion (1906-1907) further restrictions were placed by the government upon access to land by Africans. Restrictions were also placed on the amount of African land by the 1913 Native Land Act and the Native Trust and Land Act of 1936. Those Africans leaving or evicted from white-owned farming land either found refuge in the reserves, on African-owned farms or settled in the towns. This movement further increased the pressures on available resources and led to many of the dispossessed seeking a new life in the urban areas. There was a consequent migration to urban areas of black families seeking a means to survive since they could no longer remain on land that could not support them or to which they were denied the right of occupation.

The Land Act of 1913 also played a major role in accelerating the impoverishment of the rural areas. The underdevelopment of the Native Reserves played a key role in forcing Africans to migrate from the rural areas to the nearest urban centre. The migration from the rural areas forced municipalities to confront the problem of Africans residing in 'white' cities. Responses differed from region to region and even from industry to industry. Some advocated the extension of the migrant labour system to all forms of African labour while others favoured the stabilising of the labour force by some form of permanent residency in urban areas. However, most white municipalities were slow to respond to efforts to provide more suitable housing than single-sex hostels for their African inhabitants.

The provision of permanent township areas for Africans was slow in coming, often approved reluctantly, and inadequately provided for once approval had been given. In addition, parsimonious city councillors resented providing permanent housing for African inhabitants who at best were regarded by officials as 'temporary sojourners' who did not contribute in any way to the paying of rates and taxes. Large numbers of rural migrants arriving in the cities found themselves faced with the difficulty of trying to obtain access to the limited amount of official housing available. Most turned to squatting, either in backyards, in over-crowded slum tenements or illegally on any open piece of land, as a means of supplying their accommodation needs.

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The problem of squatting was for many years ignored or discounted, and only dealt with if white residents exerted enough pressure on their local council to act. However, ignoring the problem certainly did not diminish it. As the problem continued to grow various 'solutions' were put forward for a 'final resolution'. Needless to say in Durban the problem has in the last decade become particularly acute and many of the so-called 'informal settlements', otherwise known as the 'shacklands', have burgeoned on the perimeter of the Durban municipal area. These areas have also become foci of violence and many observers blame them for fuelling a rising tide of crime.

Conditions in the squatter settlements have often been exacerbated by official lethargy or neglect as well as by certain political policies followed in the name of implementing a segregationist system (later labelled *apartheid*). Practical strategies are too often disjointed or fail through a lack of finance. Most official bodies have denied responsibility for the problem. The squatter problem of the Greater Durban Functional Region (DFR) has over the years been exacerbated by a failure to implement any coherent, co-ordinated long-term housing policy, not only on the level of politics and economics but also on a social level. This failure has become an indictment of all those in official positions of responsibility, be it at municipal, homeland government or state level. The fruits of this failure are only too evident, manifested as they are in the 'festering sores of the septic fringe'.

In broad terms two definitions of the term 'squatting' are used. The first describes the kind of haphazard settlement of the illegal shantytowns found in Cato Manor from the 1930s up to the mid-1960s. After that date it refers to the 'spontaneous urban settlements' that grew up mostly on KwaZulu land in the 1970s and 1980s. These settlements were also informal since the land occupied did not fall within any formally proclaimed townships. Furthermore, the material used in building the shacks differed from that of the formal townships. Cheap alternative and non-regulatory materials predominate in the shacklands of Durban.

Squatting suggests illegality of occupation. However, because so many of these later informal settlements lie in the KwaZulu Homeland areas where tribal landholding is still in operation. A 'squatter' can either obtain an allocation of land from the local chief or *induna* on which to build a structure, or rent land from a 'traditional landholder'. In recent years

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the rate of formal housing supply has not even remotely kept pace with demand. The overcrowding in the formal townships has reached such a crisis point that spontaneous informal settlements have sprung up at an ever-increasing rate. Consequently these 'squatters' have not waited for allocations from anyone but simply take over any vacant land available in the KwaZulu areas abutting the formal African townships. Since official control of these informal settlements is at best tenuous, a community leader/strongman type has emerged in many of them to take control of the affairs of the squatter community. Leaders of this type have been dubbed 'warlords' by their critics and opponents. The label has stuck, both because of the way the 'warlords' operate and the characteristics of their activities.

By the 1980s it was a commonly acknowledged fact that the Durban area was one of the fastest urbanising areas in the world and the extent of the squatting problem was second only to Mexico City. Over the past two decades the black population of the Durban Functional Region (DFR) has more than trebled from less than one million in 1970 to more than three million in 1990 (SA Housing Trust, 1989: 8). Obviously the question that arises is: How did this situation come about and why was it allowed to occur?

2 EARLY EFFORTS BY DURBAN TO CONTROL THE INFLUX OF AFRICANS

2.1 Early influences on settlement patterns

There were a number of historical influences on the patterns of settlement around Durban itself. In accordance with the locations policy of Theophilus Shepstone, the 'Diplomatic Agent to the Native Tribes of Natal', the first 'native' locations around Durban for the exclusive occupation by Africans were demarcated on 8 March 1847, namely those at Umlazi, Umvoti and Inanda. The Umlazi Location, 68 162 hectares in extent, was only 9½ kilometres south of Durban across the Umlazi River, and became the reserve for the original inhabitants of the area, Chief Mnini's people, as well as for all the refugees from Zululand who had attached themselves to the white traders and settlers of Durban. The southern end of the Inanda Location (86 352 hectares) lying northwest of Durban came to within about 24 kilometres of the municipal boundaries. (This location later encompassed the KwaMashu and other township developments.) The boundaries of these 'Native Locations' were later to

prove instrumental in influencing the patterns of settlement on the periphery of the municipal area controlled by Durban (Brookes & Webb, 1979: 60; Swanson, 1964: 231).

A further influence was the Durban Town Council's practice in the 1860s and 1870s (a borough had been officially declared on 15 May 1854) (Goetzsche, n.d.: 106) of restricting land sales in favour of leaseholds which had discouraged the building of permanent or substantive structures on leased land within the borough. Instead this practice had promoted settlement outside the borough boundaries and had contributed to the pattern of future peri-urban settlement around Durban. From the 1870s onwards the problem of accommodating other races within 'their' city received increasing attention from the white inhabitants of Durban. Attempts by the municipal authorities to control the residence of Africans in Durban resulted in the institution of the so-called 'Durban System' (Swanson, 1964: 185).

2.2 The 'Durban System'

To cope with the perceived problem of controlling the influx of Africans, the town council of Durban responded with various 'solutions'. These included systematic policies of separation and registration - that is requiring each African to possess a pass - the *togt* or daily-paid labour system, the building of hostels and barracks specifically for these labourers, influx control and other restrictions. Collectively these measures came to be known as the 'Durban System'. In the early 1900s the Durban System was extended through a number of legislative measures which in turn were the basis of later measures controlling the residence of Africans in urban areas.

The first of these was the Togt Labour Amendment Act of 1902 which made provision for the licensing of private compounds or barracks. This was followed by the Native Locations Act No. 2 of 1904 which enabled municipalities to establish locations on any lands approved by the governor, within which Africans might be compelled to live. Upon the establishment of a location, a town council was empowered to undertake 'slum clearance', in other words to destroy the buildings formerly occupied by Africans in a borough, with compensation to the owners (Swanson, 1964: 382, 392).

Durban was slow in setting up locations for its African residents preferring to rely on its *togt* system and its supplementary private licensed compounds to solve the problem of African accommodation within the city limits. But this did not solve the problems (drunkenness, prostitution, rising crime rate) associated in the authorities' minds with an emerging urban African population. A large percentage of this population had taken up a more or less permanent abode in the town and no longer wanted or had a connection with their relatives in the rural tribal areas. In 1904 the African population of Durban was almost 19 000, about 28 % of the town's total population (Swanson, 1964: 161).

The increasingly evident emergence of a permanent and urbanised African population led to a critical upsurge in concern about how to respond to the 'problem' of the African in the urban area. Eventually this resulted in the gradual replacement of the *togt* system with a policy of general and compulsory urban locations. In the years after 1904 Durban gradually abandoned the principles of the *togt* system as the basis of control of its urban African population and replaced it with a more general location policy. From 1904 to 1908, in the wake of the Native Locations Act No. 2 of 1904, the Durban Town Council considered various proposals for a location but made no definite decision. But the Durban Council was being forced to accept the reality that a section of the workforce was becoming permanently urbanised. Between 1910 and 1913 the size of Durban's African population had increased from 16 489 to 20 203 (the official census of 1911 put the total at 20 983 but this would have included daily *togt* labour and female visitors). Only 5 850 of this total were housed in municipal quarters (La Hausse, 1984: 76; MacKenzie, 1982: 1).

The final legislative cornerstone to the Durban System was the Native Beer Act of 1908 which allowed the Durban Council to operate a virtual beer monopoly the proceeds of which were paid into a newly established Native Administration Fund. The use of this fund was linked directly to the implementation of the Native Locations Act of 1904, that is the surplus funds were to be used to establish locations (Swanson, 1964: 428). In this way the *togt* system was relegated to a subsidiary role in the control of the influx of Africans into the urban areas. Using the funds generated by the beer monopoly the Durban Council continued building additional barracks-style accommodation to house Africans in Durban. In 1911 the Brook Street Cement Store was converted into a hostel for African women and by July 1912

approximately 1 000 African women were being accommodated there. The setting up of a women's hostel was the first step taken by the council to resolve the problem of African women living permanently in Durban (La Hausse, 1984: 75).

In 1915 the Depot Road or Somtseu Location was officially opened. Although called a location it was more a hostel or barracks having a lecture hall and several blocks housing male workers under strict conditions in rooms of either five or ten beds. Only one block was set aside as married quarters. In the same year construction began on the thirty-six dwellings for the Baumanville married people's location on Eastern Vlei, and in 1917 additions were planned to practically double the size of both projects (Swanson, 1964: 434; La Hausse, 1984: 78-79).

Although the Somtseu Location was designed to accommodate 624 inmates very few Africans took up residence in this location. Many Africans continued to live in backrooms, stables or barracks usually provided by their employers. Some rented rooms from Indian 'rackrenters' for about 10/- to 15/- a month and would often share the room with three or four others so as to split the cost of renting (La Hausse, 1984: 83).

Complaints about Africans living 'all over' the white residential areas often appeared in the local newspapers. These led to the town council passing a series of new bye-laws in 1916 used to compel residence in the hostels, barracks and locations established within the borough. These bye-laws formed the basis of Durban's regulations for the management of locations in future years. The principle of compulsion and concomitant removal were already well established in the authorities' dealings with the African urban population even before the 1920s. The system of location control established by Durban was later incorporated in the Natives (Urban Area) Act No. 21 of 1923 and copied country-wide (Swanson, 1964: 435-436). But the Durban System proved to be no solution to the continued and rapid urbanisation of the African population and the problem of squatting on the periphery of the Durban Borough became an increasingly visible eyesore.

From the 1920s onwards officialdom, while acknowledging the existence of a 'vast floating population', failed to cope adequately with the burgeoning numbers or even to provide a minimal amount of accommodation. Even though the facilities and services of Durban's Native Administration Department steadily expanded, the problem of the urban African continued to grow ahead of them. From 1910 onwards the peri-urban problem assumed acute proportions especially with efforts to impose control through the Durban System. In order to escape the control envisaged by the Natives (Urban Areas) Act of 1923 large numbers of both Indians and Africans settled just beyond the borough boundaries. This still allowed them to live within close proximity of urban life but outside of municipal control. Even though Borough Ordinance No. 19 of 1924 provided for the extension of Durban's boundaries the council had been unable to incorporate any additional areas due to financial and administrative constraints. Eventually in 1932 the Durban Municipality had extended its boundaries by incorporating an additional 57 square miles of adjacent land which increased its municipal area to seventy square miles. However, while extending the area under its control this move also increased its white population by almost a half, doubled its black population but hardly increased its revenues (Swanson, 1964: 440-441).

In addition, the Durban Town Council now sat with the added problem of the uncontrolled informal settlements of all the previous peri-urban areas on its periphery. It was these areas which provided the core problem of squatter shack dwellings. It was not surprising then that from the 1930s onwards there were increasingly strident calls for the clearance of the numerous slums existing on the city's fringes. Pressures were exerted on the operation of the Durban System and the formal locations by successive waves of migration from the rural areas. From the late 1920s onwards the problem of squatting in informal settlements on the peripheries of Durban assumed greater proportions and became officially recognised as a social problem.

3 THE GROWTH OF THE DURBAN SQUATTER 'PROBLEM' IN THE TWENTIETH CENTURY

> In common with many parts of the third world, Africa, as well as South Africa, has experienced [the] migration of population from rural locales to urban centres in recent decades. Leaving aside the reasons for these movements, the fact is that few, if any, countries have been able to cope with rising urban populations in an organised, formally planned way in the short term. The most readily apparent consequences of these developments are informal settlements that have sprung up in and about cities (Stopforth, 1978: 45).

3.1 Influx during the 1920s and 1930s

During the twentieth century there occurred a number of waves of impoverished rural migrants seeking employment in the Durban area. The First World War (1914-1918) had led to a certain amount of light industry being established in the Durban-Pinetown complex which required a growing number of unskilled African workers. There had also been a post-war boom in 1919 but this was followed by a steep fall in prices in 1920. In addition, this period coincided with severe drought in many areas from 1919 to 1921. The high prices of the 1919 post-war boom and the fall in prices of 1920 coupled to crop failures and cattle losses during the drought led to many rural inhabitants flocking to the urban areas seeking employment. Another wave of migrants came in the late 1920s in particular from the coastal lands of Zululand where considerable expansion was taking place in the sugar-growing areas (settlements for ex-soldiers were established between 1919 and 1925 at Nkwaleni, Ntambanana, and north of the Mfolozi River at Hluhluwe and Mkuze). This expansion led to increased plantings by sugar farmers who began to expel black tenants from land required for their new sugar-cane crop (most coastal farms were relatively small and suitable land was at a premium) (see Minnaar, 1990b; Minnaar, 1988: 129).

A further influx occurred from 1930-34 when the economic pressures of the Great Depression led many farmers to dispense with excess labour. In addition, the so-called Great Drought (1932-33) led to pressures being experienced by the inhabitants of the reserves where cattle, goats and sheep died in large numbers and the drought-ravaged land could no longer support them (Minnaar, 1988: 190). Many of these inhabitants flocked to the two nearest urban centres of Durban and Pietermaritzburg.

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As a result of this inflow of migrants throughout the 1920s and 1930s the African population of Durban increased from 17 925 in 1918 to 29 011 in 1921. In 1930 it was about 40 000 and with the expansion of the borough's boundaries in 1932 (from twelve to seventy square miles) to approximately 63 547 (Hemson, 1979: 162; Union Government, 1932: 61; Maasdorp & Humphreys, 1975: 9; La Hausse, 1984: 289; MacKenzie, 1982: 1). This rapid increase in the size of Durban's African population manifested itself most graphically in terms of an acute housing shortage. Many of those unable to obtain accommodation in the municipal barracks and hostels were living in backyards or rooms rented from Indian landlords. Although Africans living in private unlicensed premises were liable to prosecution in terms of the municipal bye-laws, in practical terms eviction could not be enforced because of the housing shortage. Furthermore, a substantial number of Africans were resorting to squatting on any open land on the fringes of the city.

A number of efforts were made to control this increased influx of Africans to the urban areas. One was the passing of the Natives (Urban Areas) Act in 1923 later amended in 1930. The influx control measures were further tightened in 1937 with the Native Laws Amendment Act while in 1945 a further restriction was added with Section 10 of the Natives (Urban Areas) Consolidation Act. (See Appendix A for details of these regulations.)

The increase in influx restrictions was a direct response to the rapidly expanding urban African population. However, at the same time there was a marked change in the Durban City Council's response towards the provision of residential housing for Africans. The realities of the situation forced the Durban local government authorities to come to terms with the fact that Africans in the urban areas could no longer be considered 'temporary sojourners' but had become permanent town-dwellers who needed to be provided with better facilities in terms of accommodation and housing.

3.2 The start of formal residential locations

In 1930, of the estimated 40 000 Africans in Durban, only about 9 000 were accommodated in council housing: 7 785 in males-only hostels, 305 in the female hostel and the balance in the 120 cottages for married Africans at Beaumanville. Of the remaining 31 000 about half were an estimated 10 000 to 15 000 domestic workers (predominantly males) largely accommodated on the premises of their employers. The rest were housed in the private compounds of industrial and commercial firms or were exempt Africans living privately in various parts of the town (Report of the Native Economic Commission, 1932: 80).

In addition, from 1930 onwards the Durban Municipal Police increased their efforts to expel Africans from the areas proclaimed under the Natives (Urban Areas) Act. To provide alternative accommodation Durban launched an African housing programme and in 1930 bought approximately 1 250 hectares from the Clairwood Estate for conversion into a residential area for Africans (this area was only included in the borough with the expansion of boundaries in 1932). Eventually on approximately 174 hectares the Umlazi 'native village' was opened in February 1934. This new location, named Lamont in 1935 in honour of the Rev. A. Lamont, mayor of Durban in 1929-31, (in later years the name of the nearest railway station, Lamontville, gained currency) remained the only residential area for Africans in Durban until the opening of Chesterville in 1943. To cope with the ever-expanding numbers the Durban Municipality continued to build hostels   men's hostels in Dalton Road in 1934, Somtseu Road in 1938 and at Jacobs in 1939, women's hostels in Grey Street in 1936 and at Jacobs in 1939 (Maasdorp & Humphreys, 1975: 13; Torr, 1985: 44, 65).

However, the housing provided in Lamont (an additional 400 cottages were built in 1937) and the accommodation in the new hostels were hopelessly inadequate and for the first time there appeared visible and large-scale concentrations of squatters. Previously squatters had occurred individually in the backyards of private premises or hidden on plots away from the town limits. Thousands of workers commuted daily from the peri-urban areas and lived in a number of shack settlements where more often than not the land was rented out by Indian landlords, one of the most rapidly growing being that of Cato Manor Farm where a 1932 municipal survey found over 400 squatter shacks. The squatter population of the Cato Manor

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area increased from 2 500 in 1936 to more than 17 000 in 1943 (Ladlau, 1975: 20; Maasdorp & Humphreys, 1975: 14-15).

It was the particular need to accommodate this burgeoning population situated on the edge of the town limits which prompted the Durban Council to extend the borough boundaries in August 1932 by incorporating eight of the contiguous districts. However, African dwellings accounted for nearly a third of all houses in the incorporated area and during the next two decades these areas were characterised by a 'continually expanding constellation of shack settlements' (La Hausse, 1984: 250, 298).

3.3 The growth of the 'black belt'

A further impetus to the urban drift of the 1920s and 1930s was provided by the rapid industrialisation engendered by the war-production demands of the Second World War period (1939-1945). The demand for industrial labour also led to high wages being paid by war industries thus providing an added incentive for many rural Africans to seek employment in Durban. The stimulus to secondary industry, commerce and shipping activities in Durban further exacerbated the African accommodation crisis. Furthermore, the war-time restrictions on building activities precluded the construction of large-scale housing schemes for both Africans and whites (La Hausse, 1984: 297). By the end of the Second World War the situation had reached crisis proportions. (The shortage had not been at all relieved by the building of 900 houses at Blackhurst Estate - renamed Chesterville in 1943 - in the period between 1940 and 1945. This number fell far short of the demand for housing even though there were extensions to Lamontville between 1946 and 1950.) Furthermore, the council still persisted in building hostel accommodation and in 1951 built a large new single worker hostel (4 272 places) (Maasdorp & Humphreys, 1975: 14; Davies, 1991: 82).

Despite the completion of the Chesterville Location in 1946 the problem of additional land for African housing became increasingly imperative as the urban migration of Africans seeking higher wages in the city continued. In 1939 there were an estimated 1 000 African-occupied shacks in the municipal area of Durban and by 1946 it was reported that this figure had grown to an estimated 5 500 African shacks. Most of the growth of large sprawling

informal settlements occurred on the outskirts of Durban in what officially became known as the 'black belt' (Maasdorp & Humphreys, 1975: 14). By the end of the 1940s the numbers of Durban's African squatter population had soared. The 1946 census gave a total of 112 336 Africans resident in Durban and a mere five years later the 1951 census showed that this number had increased to 145 817 (MacKenzie, 1982: 1). At least 45 % of this total were classified as squatters or shack dwellers. It was estimated that in 1950 there were 8 000 African shack dwellings in Durban housing some 67 500 persons. In Cato Manor alone some 6 000 shacks contained a population of between 45 000 and 50 000 while there were 1 000 shacks in the South Coast Junction area, 700 at Happy Valley on the Bluff and 300 at Umhlatuzana (Department of Economics, 1952: 363-364).

During this period there also occurred an important change in the male/female proportion of Durban's African population. The number of African females in Durban had increased from only 14 234 in 1936 to 45 049 in 1951. This not only meant that the urban African labour force was becoming more settled because of the obvious increase in family units, but that it was no longer largely composed of male migrant labourers. This change had occurred in part because the breakdown of the subsistence economy in the Native Reserves forced African women to become migrants themselves (they had no other viable alternative). Many of these women wanted to live with their 'migrant' husbands who, but for short end-of-year visits often remained in the city for most of their adult working life (MacKenzie, 1982: 1-2; Creecy, 1979: n.p.)

The actions of certain Indian landlords contributed in large measure towards the uncontrolled nature of the squatting around the periphery of Durban. Initially land for the informal African squatter settlements was provided by Indian landlords. The agricultural land surrounding Durban had been acquired over many years by small-scale Indian market gardeners and sugar-cane growers, but it became far more lucrative for these Indian owners to resort to what became known as 'shack farming' - where they rented out a small piece of land usually at an exorbitant rate. These high rents would often lead to the original lessees subletting and soon Durban was surrounded by shacks and informal settlements. The Indian 'shack farmers' were able to bypass most health and municipal laws since their land either did not fall within the municipal boundaries or was usually rated as agricultural holdings.

In addition, they were under no legal obligation to provide essential services such as roads, water, electricity or sewerage.

3.4 The Cato Manor 'shantytowns'*

By the end of the 1940s Cato Manor Farm to the west of the city centre near the Chesterville Location and on the outskirts of the formal residential areas had the most squatter shacks. By the 1950s seventy percent of all shacks were to be found in this area which by then accommodated an estimated 50 000 people (Maylam, 1983: 15). The squatters of Cato Manor lived in filthy and overcrowded conditions. Tensions were inevitable not only as a result of the social and economic conditions but also because of official acts such as police raids to destroy stocks of illicitly brewed liquor or to check passes. Such tensions exploded in the January 1949 riots when African squatters vented their frustrations on a number of targets, which besides the authorities (police and municipal officials) included the municipal beer halls and Indian traders and landlords (Maasdorp & Humphreys, 1975: 61; Edwards, 1982: 1).

In the aftermath of the January 1949 riots there was a considerable expansion of squatting, in particular in the area of Cato Manor Farm along the M'kumbane Stream. The M'kumbane area (approximately 228 hectares in extent) was originally agricultural land owned by Indians. But with the encroachment from the nearby Chesterville Location and Cato Manor proper Indian residents left the area. However, the African squatters either built individual shacks, entered into tenancy agreements with existing African rackrenters, or through new agreements with the Indian landlords became 'shack-lords' themselves. By the end of the 1950s Cato Manor was regarded as one of the worst slums in South Africa being home to an estimated 120 000 people living in appalling conditions which had developed in the absence of any constraints by the authorities (Maasdorp & Humphreys, 1975: 61; Edwards, 1982: 1-3; Ladlau, 1975: 32).

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*   The term 'shantytowns' is used by Maasdorp and Humphreys

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Although Indians continued to operate in areas like M'kumbane, their activities were limited to rent-collecting, shopkeeping and providing transport services. However, all municipal welfare and health services were withdrawn while attempts to administer influx control and municipal regulations failed. These shantytowns, with their intricate road and path layout, became 'no-go' areas for all police activities except for quick forays on motor-bike by policemen from the Cato Manor police station and large-scale crime prevention raids. The Cato Manor police, aided by reinforcements from other police stations, would cordon off a particular area and undertake house to house searches for any sign of illegal activities. The area became the centre of illegal and criminal activities which centred around the brewing of liquor, shackshop trading and the operating of shebeens. Other activities included prostitution and the selling of *dagga* (hashish/hemp/marijuana). Being a virtual no-man's land for officials the area was controlled by criminals, gang leaders, or self-appointed community leaders, all riven by cliques and factions (Edwards, 1982: 3-5). The Cato Manor shantytowns provided a 'role model' for the informal settlements (shacklands) which sprang up around Durban in the 1970s and 1980s.

3.5 Attempts to solve the Cato Manor squatter problem

By the end of the 1940s the Durban City Council found itself faced with a squatter area (Cato Manor) over which they had little control. In addition, many white and Indian residents demanded the removal of the illegal squatters. However, since most of the shantytowns were situated in the so-called Added Areas (incorporated in 1932) the municipality did not as yet have the powers to demolish shacks in these areas. Furthermore, if shack demolition was undertaken the city council was obliged to provide alternative accommodation (Edwards, 1982: 7).

At the time it was recognised by the manager of the Municipal Native Administration Department that the problem of illegal squatting would continue until additional land was provided where Africans could legally settle without being forced to live in backyards or in already overcrowded and insanitary shacks (Edwards, 1982: 11).

A number of proposals were made to solve the shortage of residential land for Africans, but all these suggestions were met with opposition in the city council and were subject to long and time-consuming debates and counterarguments. Eventually none of the proposals were accepted. In part the refusal by the city council to contemplate any extensive provision of formal housing for Africans was based on the fears of the financial costs involved. The central government was also disinclined to supply large loans at a low interest rate for African municipal housing schemes. Nor did any of the city councillors desire a permanent African housing scheme at Cato Manor; they in fact wanted the squatters removed further away from the urban areas. In any case the area of Cato Manor would be expensive to acquire and also presented problems for the provision of serviced sites since it was a hilly and broken terrain which would be difficult to develop. Then too most people ignored what was happening in the squatter settlements and were only forced to take note when events like the 1949 riots brought them into the public's eye (Edwards, 1982: 14-19; Davenport & Hunt, 1974: 31, 39, 42).

The problem of the squatters forcibly confronted the council again when further rioting broke out in M'kumbane in 1950. This violence emphasised the lack of municipal control over the shantytowns of Cato Manor. The Indian landowners were demanding that the council assist them to regain control over their land and allow them to become legal landlords by renting out rooms to Africans. They also requested that the council accept financial responsibility for the provision of essential services required for the upgrading of the area. The council refused to agree to these demands and instead tried to find a way to compel Indian landlords to provide essential services at no cost to the municipality (Edwards, 1982: 23-24).

The Durban City Council did, however, appoint a special committee to investigate the whole question of solving the squatter crisis. One of their first tasks was to look at what powers were available to the municipality for the demolition of shacks and how land could be obtained for African formal housing without the accompanying restrictions of the Natives (Urban Areas) Consolidation Act of 1945 (to obviate lengthy arbitration by unco-operative owners). This committee was unable to come up with any concrete suggestions and merely affirmed the need to develop a temporary native village at Cato Manor and also recommended that the council continue to seek ways of gaining powers for the demolition

of shacks in the Added Areas (Edwards, 1982: 24-25).

Although the city council were able to obtain the consent of the Minister of Native Affairs and the Land Tenure Advisory Board for a temporary housing scheme at M'kumbane, their proposals were rejected by the Natal Housing Board. Their request for additional shack demolition powers was also refused by the Department of Justice (Edwards, 1982: 27). Hence all these attempts to assert council control over the squatter settlements came to naught.

The initiative was also being taken away from the City Council by the shantytown dwellers themselves. Within the shantytowns numerous squatter movements and community groups were gaining increasing influence by asserting their right to permanent residence in Cato Manor. In March 1951 some residents of M'kumbane submitted a petition to provincial and municipal officials requesting the introduction of an African home-ownership scheme in Cato Manor. This petition was ignored by the Durban Council but a year later in March 1952 a squatter movement in M'kumbane, the Natal African Tenants and Peasants Association, asked in a memorandum that African residents be allowed to run their own affairs. It was envisaged by this association that they would control everything from the allocation of housing and trading sites to squatters forming their own vigilante force to combat crime and the criminal gangs (Edwards, 1982: 27-30). These powers were exactly those which the later 'warlords' of the informal settlements would usurp for themselves in the running of 'their' shack areas (see later section on the activities of the warlords).

Throughout all these manoeuvrings the city council was accused of abrogating and abandon ing its responsibilities towards the African residents of Durban. Eventually in the middle of 1951 the council was granted powers for the demolition of shacks in the Added Areas but these were limited only to the breaking down of shacks used for illegal activities, or in the process of being built, but not for the eviction from existing shacks unless suitable alternative accommodation was provided. The council also decided at this time to proceed with the ex-propriation of land in Cato Manor under the Housing Emergency Powers Act conditional on obtaining ministerial approval. This, however, was not forthcoming and it was becoming increasingly difficult for the council to intervene in the shantytowns (Edwards, 1982: 30-31).

3.6 The Cato Manor Emergency Camp

The council then tried a new approach and turned to the new Prevention of Illegal Squatting Act of 1951 in an effort to resolve its quandary. Under this Act the city council was empowered to establish an Emergency Camp within the city boundaries in order to clear the city of any shack settlements and backyard squatters. Such an Emergency Camp would serve as temporary accommodation providing basic services until more permanent housing was available. Eventually on 5 December 1952 the council received permission to proceed with the establishment of the Cato Manor Emergency Camp (Edwards, 1982: 32 & 35). This was the start of the council's actions in controlling the growth of the shantytowns by gradually thinning out the shacks in the Emergency Camp sections of the squatter settlements. Those shack dwellers affected were resettled in new formal townships, one of which was KwaMashu, north of Durban. The process of slum clearance and resettlement was accelerated with the implementation of the requirements of the Group Areas Act of 1950, the Prevention of Illegal Squatting Act of 1951, and the Bantu Resettlement Act of 1954.

3.7 The effects of government policies of the 1950s

From the time that the Nationalist Party won the 1948 elections there occurred the re-emphasis on the rigid control of the urbanisation process of Africans. The government concentrated on the strict enforcement of influx control measures and segregated residential areas to achieve the halting of uncontrollable squatting. By means of the Natives (Urban Areas) Consolidation Act of 1945 (Section 10 became mandatory in 1952), the Group Areas Act of 1950, the Prevention of Illegal Squatting Act of 1951, and the Bantu Resettlement Act of 1954 they attempted to achieve urban segregation. In the process slum clearance, the demolition of squatter's shacks and the eventual removal of the shantytowns occurred and during the 1960s many of the Africans resident in Durban's informal settlements were resettled in the new townships specifically created to accommodate them. It was furthermore hoped that the setting in motion of the Bantustan policy in the 1960s would ultimately remove all blacks from white urban areas.

Although the Group Areas Act affected mostly the Indian and coloured residential areas, this Act also had implications for African housing. For instance all development at Chesterville was halted since it was envisaged by the authorities that it would be declared a whites-only residential area. The housing shortage was further aggravated by government policies which required that Africans be housed in segregated residential areas. Although some controlled squatting was allowed at the Cato Manor Emergency Camp and on the Umlazi Glebe lands not enough was done by way of building houses to relieve the acute shortage of accommodation for African families. Even though 200 houses were completed by the government in 1952 in the Umlazi Mission Reserve these stood empty mainly because of the high rents. The government had prevailed upon the Durban City Council to buy land at Duff's Road (the later KwaMashu township) and in 1953 the council acquired approximately 923 hectares from the Natal Sugar Estates Ltd. In 1956 KwaMashu was proclaimed a municipal housing scheme and building commenced for the proposed accommodation of 120 000 people. From 1958 shack householders, mainly from the Cato Manor area, were transferred to KwaMashu and their shacks demolished. However, the removals from Cato Manor to KwaMashu created tensions since besides the higher rentals in the new township and the increased transport costs for the residents to get to work in Durban, the removals also meant a reduction in informal sector activities which threatened the livelihood of many of the shack dwellers (Torr, 1985: 121-122).

Tensions in Cato Manor erupted during a police liquor raid in 1959 during which nine policemen were killed. This violence prompted the authorities to step up the development of the new African townships. The government announced plans to recommence the building of houses in Umlazi which, together with KwaMashu, was to be used for the re-housing of the Cato Manor residents. Building in the Umlazi township began in 1961 and by 1965 the township was opened for occupation (Torr, 1985: 122).

The Cato Manor area was eventually cleared of shacks and squatters by 1966 but despite the provision of housing at KwaMashu and Umlazi and on a small scale in Lamontville the problem of squatting on the periphery of Durban was not solved. The resettlement of the shack dwellers of Cato Manor had merely removed a very visible shantytown from the public view. With the continuation of rural migration in the late 1960s and early 1970s squatting

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merely occurred in areas less visible to the white public. This later squatting started in small isolated pockets but concentrations of larger informal settlements became noticeable in the areas of Marianhill, Clermont (land originally belonging to the Berlin Mission Society) and in the Inanda Reserve. The number of those settling in informal settlements on the periphery of the city beyond the control of local authorities rose from 38 000 in 1965 to 150 000 in 1969, 250 00 in 1971 and 275 000 by 1973 (Morris, 1981: 86; Torr, 1985: 123; Davies, 1991: 83).

3.8 Continued rural migration exacerbates the problem

The late 1960s and early 1970s saw a dramatic increase in evictions (forced removals) of Africans from designated 'black spots' all over Natal in accordance with the government's apartheid policies (group areas and Bantustans). Most of those expelled found it difficult to find land to settle on in the existing African reserves (Bantu homelands) already overcrowded and environmentally degraded. Accordingly those unable to find accommodation in the reserves or resettlement camps (where the conditions were in any case appalling) gravitated towards the urban areas, which at least offered· them a semblance of hope in terms of employment opportunities.

The increasing commercialisation and mechanisation of white agriculture, a tendency already evident after the end of the 1930s Great Depression but accelerated from the 1950s onwards, exerted further pressure on population movements. This was particularly so for the Northern Natal area (originally western Zululand) where wholesale alienation of land had taken place at the time of the establishment of the New Republic in 1886. The original inhabitants had to a large extent become labour tenants or sharecroppers on their own traditional land. However, by the 1950s more intensive farming as well as conversion to timber growing in the area had led to their being expelled in ever-growing numbers. In the late 1960s the abolition of the labour-tenant system and its replacement by legislation regulating the number of black families allowed to reside on a white-owned farm exacerbated the situation. Prior to 1969 a black family had some residential security, paying for its right to live on the land by working for a landlord for six months. But after 1969 a farmer was not allowed to have more than five families living and working on his farm. Consequently by the 1970s these

economic refugees from Northern Natal had become a veritable flood streaming into the urban areas of Natal, in particular to the Durban area. The formal townships of KwaMashu and Umlazi could no longer cope adequately with the influx and a number of large squatter informal settlement areas sprang up. The first comprehensive aerial survey of the Greater Durban area was undertaken in the early 1980s. This survey revealed that in 1981 an estimated 500 000 people lived in the informal settlements which contained approximately 75 000 informal dwellings. This was a graphic indication of the total failure of past approaches to deal with the flow of people into the Durban area. In one squatter area, Malukazi (Malakazi/Malagazi), on the borders of Umlazi south of Durban in the short period from June 1977 to October 1978 two surveys revealed an alarming rate of population growth - from 14 176 to 27 000 (*Sunday Tribune*, 5.7.1981; Morris, 1981: 126) who lived in an estimated 2 000 shack dwellings (Stopforth, 1978: 2).

Throughout the 1980s rural refugees flooded into Durban at an estimated annual inflow of 100 000 and by 1985 the total number of people living in the informal settlements on the outskirts of Durban had reached approximately one million. At that stage these informal settlements housed more people than the existing formal townships (*Star*, 1.9.1985). Impetus to this increase had been provided by the extremely severe countrywide drought of the early 1980s. Areas of Zululand and Northern Natal, already suffering from extensive degradation through overgrazing, bush and forest denudation and a growing population, were devastated by this drought. Many black inhabitants were forced to seek work elsewhere since the reserve areas had become completely unproductive in agricultural terms. Additional economic pressures on the reserve areas were also experienced in the early and mid 1980s due to the contraction of the South African economy. Many of the male reserve inhabitants had traditionally found an economic outlet as migrant labourers on the Rand gold mines or coal mines of Northern Natal and the Eastern Transvaal, but this avenue was no longer such a readily available source of employment as in the past. Gold and coal mines continued retrenching or limiting new employment throughout the 1980s. Obviously no longer able to subsist on ever-decreasing and unproductive land allotments in the reserves, these people turned to Durban in the hopes of finding a better living.

Opportunities for renting land from Indian owners in the Durban area were also decreasing and by the end of the 1970s and beginning of the 1980s large-scale squatting in informal settlements increasingly occurred on the tribal and communal land in the KwaZulu Homeland areas. New squatter areas grew up around the townships of KwaMashu and Ntuzuma (like Lindelani and Bambai), while south and west of Umlazi there were respectively the informal settlements of Malukazi and Mgaga. Further south near Amanzimtoti squatter settlements (like Umbogintwini No. 5 Squatter Camp) arose around the new township of KwaMakutha while north of Durban the Inanda Reserve had become one huge rural slum containing an estimated 300 000 people (there were numerous other smaller squatter settlements like Richmond Farm, Africa, Motala's Farm, Thornwood, Dassenhoek, Molweni, Boboyi and St Wendolins). Throughout the 1980s, although a number of observers voiced their concern and exposed the extent of the problem, not much was done to solve it or to launch any major schemes to at least alleviate the conditions existing in these vast shacklands. But the 1980s did see a slow change in the government's approach to allowing Africans permanent residence in the urban areas (instituting 99-year leases in 1984; lifting of the influx control measures in 1986; the Free Settlement Areas Act of 1988 and more recently the scrapping of the Reservation of Separate Amenities Act (1990) and Group Areas Act (1991)).

3.9 Some changes in the government's approach to solving the housing shortage

In the Durban area the Port Natal Administration Board (PNAB) continued to order the demolition of shacks in an effort to control the escalating squatting especially in the Inanda Reserve (PNAB officials in March 1982 estimated that 100 squatters a day were moving in to the area) (*Daily News*, 24.3.1982). The completion of the Inanda Dam in 1982 had led to the forced resettlement of the people affected by the filling of the dam. Many of these merely moved closer to KwaMashu and squatted on vacant land. In an effort to accommodate the squatters, and in fact triggered off by an outbreak of typhoid in the older squatter camps caused by the lack of clean drinking water, the authorities launched the Inanda Newtown Scheme. This was a site-and-service scheme whereby people were allocated surveyed sites and provided with rudimentary sanitation, piped water and roads. They were then allowed to erect any kind of structure. Long rejected by the government as a solution to South Africa's escalating housing crisis, such a scheme constituted a radical change in

government thinking which had previously always refused to condone the building of shacks, however impermanent (*Daily News*, 20.3.1982).

A second site-and-service scheme was launched in 1982 at Folweni. However, this was on tribally owned land, that is not within a formally proclaimed township, and while this allowed for less stricter building regulations it had the drawback that this form of tenure was not acceptable to most financial institutions for the provision of housing loans (*Natal Mercury*, 17.11.1982). Another scheme launched in 1983 making stands available on deed of grant (this allowed only right of occupation and not ownership) at Kwadebeka township adjoining Clermont in the New Germany area, had certain constraints imposed on it making it difficult for Africans to build houses. Although the land was relatively cheap (R100 a site) building had to start within three months and there were minimum building standards. The homes had to have two bedrooms, dining room, bathroom and toilet - but no building society bonds were available since the land was in KwaZulu. Furthermore few would-be buyers were able to meet the financial requirements without assistance. The absence of bond finance was a major stumbling block for black house ownership and although financing was available from the KwaZulu Development Corporation the process was slow (*Sunday Tribune*, 27.2.1983). Hence it was not surprising then that most resorted to illegal squatting on any vacant piece of land and built whatever structures they could afford.

The Port Natal Administration Board also experimented with the concept of a 'core house'. At the beginning of 1983 in an effort to accommodate the overflow from Chesterville the PNAB built 99 core houses on a site in the Ntuzuma township (west of KwaMashu). These core houses contained only a bathroom and an enlarged kitchen. The residents were then under contract to build up to three extra rooms within two years with a materials loan provided by the PNAB. In this scheme the house-owner could buy the land from the KwaZulu Government with the deeds of grant being tantamount to freehold. The owner would also have to put down a small deposit on the core house. This scheme was a major departure from previous township housing schemes where the aim was to provide an average house aimed at the average family but only for rental (*Daily News*, 16.2.1983).

In any case such official schemes to alleviate the housing shortage were few and far between and very little development along these lines occurred during the 1980s. There was also very little freehold land available for Africans in the Durban areas. In 1983 in the Inanda area alone there were 9 000 families on the waiting list for accommodation. Some squatters near Ntuzuma had been waiting for houses since 1972. During 1982 only 1 027 homes were erected through a self-help scheme run by the Urban Foundation while a paltry 42 homes were built by private enterprise in the Inanda Township. No houses at all were built either by the Department of Co-operation and Development or the KwaZulu Government and most of the houses provided were too expensive for ordinary people to afford (*Daily News*, 17.3.1983).

This lack of development did not stop the PNAB from continuing with the demolition of squatter shacks ostensibly for the 'clearing of the area as a prerequisite for the planned development' of Inanda Township (*Sunday Tribune*, 24.1.1982) or simply because 'they had to return to where they came from' (*Natal Mercury*, 23.7.1982).

One of the reasons for the lack of development must fall squarely on the KwaZulu Homeland Government. However, this neglect is partially rooted in certain historical developments relating to the implementation of the Bantustan/Homeland policies of the government from the late 1960s onwards.

3.10 The legacies of homeland consolidation

In 1969 KwaMashu was excised from the Durban municipal area and incorporated into the Inanda Reserve. In 1972 the KwaZulu Homeland was formally established and the KwaZulu Legislative Assembly (KLA) took over control of all the African reserve areas in Natal. In Durban the responsibility for those urban African areas not falling within KwaZulu was assumed in 1973 by the Port Natal Administration Board (PNAB). At the same time the government cut back on all loans for African housing in the PNAB areas. The KwaZulu Homeland Government was also financially unable to fund any large-scale housing developments. Furthermore, politically they were reluctant to implement the government's influx control measures in the homeland areas. Consequently uncontrolled and unstructured

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settlement occurred largely on land falling within the KwaZulu Homeland bordering on the Durban Borough areas, whose boundaries are dictated by the patterns left behind by the Native Reserves set up by the Shepstonian Locations System. Durban is also the only major urban area in South Africa which has a self-governing or independent homeland in close proximity to its municipal boundaries.

From the mid-1970s onwards the KwaZulu Government did very little to establish formal townships or to provide essential services being unable to afford such large-scale expenses. Instead of creating new areas for settlement the KwaZulu Government demanded the incorporation of existing townships still under Port Natal Administration Board control (Lamontville, Clermont, Chesterville, St Wendolins to name a few).

By settling on land in a KwaZulu area an African is not considered to be squatting *per se* on somebody else's land. Legally all such a person needs is the permission of a local *induna* or chief and an allocation of a piece of land from him on which to build whatever structure he desires. However, it is this situation which has allowed the so-called 'warlords' to operate. In the 'tribal' areas no formal freehold title exists and local chiefs or the warlords can exploit their control of tribal/communal land by renting it out to the rural migrants streaming into the area.

Once again formal planning was excluded and shack dwellings proliferated. No formal land titles in most of these areas often meant rule by the strongest. A local warlord or chief was able to ensure his control, first by setting up a tax base (rent from rural migrants) and using this income to hire vigilantes, ostensibly for crime prevention, but often to attack nearby areas, burning down shacks to force out the residents thereby making land available on which to settle his own supporters. At the same time he could increase the area under his control as well as his tax base through rent and levies on the new squatters. Hence during the 1980s the emphasis of much of the urbanising process around Durban has centred upon the control of land, or of the means of access to land (that is the political infrastructure by way of community councils or KwaZulu Government positions such as chiefs, headman or member of the KLA).

In the 1980s the potential for large-scale violence was inherent in the structures of the informal settlements, particularly in conjunction with more formal areas. Besides the ongoing power struggle for control of the more formal political structures there occurred the underlying economic struggle for control of land. Tensions between those who had access to resources and those who did not periodically erupted in conflict.

Obviously the patterns of urbanisation, in particular the squatting in the informal settlements, held serious implications for the levels of unrest experienced in the Durban area throughout the 1980s and early 1990s. Conflict between groups competing not only for scarce land but also for limited resources and employment opportunities have become widespread in these shackland areas. In the following section some of the dynamics operating in the squatter settlements will be examined.

PART II

THE DYNAMICS OF THE INFORMAL SQUATTER SETTLEMENTS

1 *LIVING ON THE EDGE*: SOCIO-ECONOMIC CONDITIONS IN SQUATTER AREAS

1.1 *The festering sores of the septic fringe**

The informal settlements are marked by a general lack of services · health, schooling, water, electricity, refuse removal, sanitation. Furthermore, the topography of the areas surrounding Durban complicates the situation for squatter communities. Most of the informal settlements are extremely hilly. There is no flat land and it is difficult to grow even a few mealies. There is also the danger of the subsidence of embankments and of mud avalanches at times of heavy rainfall. The fact that many of the squatter areas are hilly and bush-covered often means that the general public does not see the squatters, hence the problem is ignored. There are no shack settlements visible from the main highways entering Durban. One actually has to travel on secondary roads and then get out and walk before one sees the squatters' shacks. The hilly and inaccessible nature of the terrain hinders the building of proper access roads, the laying of flood drainage and sewerage pipes, the installation of electrical lines and water points. Refuse and garbage disposal is non existent and not surprisingly malnutrition and diseases are rife. The lack of fresh water and sanitation means that the shack areas constitute an extreme health hazard to all of Durban's residents. It was only a cholera outbreak in the late 1980s which led to the launching of a campaign for the building of pit latrines in some of the squatter areas. But individuals still make use of the bush for ablution purposes. With seepage most ground water has become contaminated and since those living further down use water from nearby streams for domestic purposes, disease is continually being spread. There are periodic outbreaks of typhoid fever, while gastro-enteritis and amoebic dysentery are widespread amongst the shack dwellers. Since there are minimal health services available

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*   The term 'septic fringe' was coined by Dr E. Standing, ex-MOH of Pinetown

to them and very few get to hospitals for possible testing the extent of those who are HIV-positive can only be speculated upon. According to some observers the incidence must be high since prostitution is a widely used means by many of the households to supplement their income (whether from formal wage sector or from the informal economy) (Standing, interview: 14.8.1991).

2 VIOLENCE AND THE SHACKLANDS

2.1 Introduction

By the nature of their composition the informal settlements became foci of conflict and violence during the 1980s. This was not primarily due to the ideological political struggle between the Central Government and the KwaZulu Homeland Government on the one side and the liberation and democratic organisations such as the United Democratic Front (UDF), Congress of South African Trade Unions (COSATU) and the African National Congress (ANC) on the other. It had more to do with socio-economic conditions prevailing in the shacklands around Durban.

The early 1980s witnessed the start of an escalating cycle of violence in the black townships of Natal. Prior to August 1985 there had been only isolated incidents of organised or factional violence in the black urban areas and informal settlements surrounding Durban. A faction fight in which fifteen people were killed over a period of five days occurred in the squatter settlement of Malukazi near Amanzimtoti south of Durban in 1982. In April 1983 another faction fight occurred in the neighbouring township of Umlazi in which there were two fatalities and 26 injuries (*Natal Mercury*, 17.4.1983; *Daily News*, 5.12.1982).

In the more rural area of the Umbumbulu Reserve further south there had been continual faction fighting throughout 1983, 1984 and 1985. On 9 February 1986 fighting on a large scale broke out between the Makhanya and Embo tribes and three policeman were killed. During March and April 1986 clashes occurred almost daily. On 26/27 April 35 people were killed in one clash. The fighting resulted in hundreds of refugees fleeing to all parts of Natal. The police were reluctant to intervene especially since the Makhanya were armed

with sophisticated rifles. What started off as a power struggle over a disputed chieftainship deteriorated into wanton destruction and extortion. The Makhanya forced the Embo in the area to pay a R50 per person tax and those who refused had their property destroyed. Rape cases in the area also increased. The two local high schools were closed for much of the first term because of the violence. From 1984 and up to the end of July 1986 the fighting in Umbumbulu had claimed an estimated 500 lives but this is difficult to substantiate since bodies were often removed from the scene of fighting and secretly buried. The fighting was not based on political rivalries but revolved around a power struggle and control of limited resources (Ireland & McCann, 1986: 1-2; Ainslie, 1986: 1). The faction fighting in the Umbumbulu Reserve highlighted patterns and characteristics of violence which by the mid-1980s would be transferred to the urban informal settlements closer to Durban.

2.2 Unrest in Durban townships prior to 1985

The KwaZulu Government and Inkatha came into conflict with students at the University of Zululand and KwaMashu schools when the students and scholars tried to challenge the education system. In 1980 Inkatha vigilantes were involved in breaking the schools boycott in KwaMashu. In October 1983 University of Zululand students were attacked in their hostels by Inkatha supporters resulting in five deaths and many injuries (Meer, 1988a: 75, 82). These confrontations added to the tensions between Inkatha supporters and the youth which had been simmering ever since the 1976 student rebellion in Soweto.

Conflict arose in other areas in the early 1980s. In 1982 a protest against municipal bus fares began in Lamontville. The subsequent bus boycott had a strong community participation. In March 1983 rental and tariff increases were announced by the Port Natal Administration Board (PNAB). At this stage Inkatha were still supportive of the communities' actions since the protests were directed at the PNAB. In the same month representatives of the various communities affected (Lamontville, Chesterville, Shakaville and Hambanathi) came together to form the Joint Rent Action Committee (JORAC) to co-ordinate resistance to rent increases, transport fare increases and incorporation into KwaZulu (Fick, 1983: 7-8; Gwala, 1985: 7; Meer, 1988a: 82-83).

With the moves for incorporation of some of these areas into KwaZulu Inkatha found itself becoming the target for protest action by JORAC. With the formation of the United Democratic Front (UDF) in 1983, and the attempts by UDF activists to co-ordinate the protests against the rent increases, a number of small localised clashes erupted. In the face of attacks by Inkatha supporters the activists were soon forced to flee and became refugees. Later in 1983 one of JORAC's Lamontville organisers, Harrison Dube, was assassinated and there was a perceptible increase in violence in these areas. In 1984 over 100 residents of Hambanathi were forced to flee their homes after attacks by Inkatha supporters. Conflict in Hambanathi continued into 1985. A JORAC committee member, Alfred Sithole, was killed when his house was burnt down. Nine other JORAC committee members also had their houses set alight. Besides the conflict between Inkatha and JORAC (UDF) in Hambanathi and Lamontville tensions also arose between the hostel dwellers and township residents in Clermont. Up to 1985 the residents of Umlazi, Durban's largest township, and of the sprawling informal settlement of Inanda remained uninvolved. But after the assassination of Victoria Mxenge, a human rights lawyer, outside her home in Umlazi on 1 August 1985, Durban's townships erupted in a spate of large-scale violence and from the mid-1980s onwards much of the vigilante violence against UDF supporters emanated from the informal settlements like Lindelani and Inanda (Fick, 1983: 7-8; Gwala, 1985: 7; Meer, 1988a: 82-83).

2.3 Riots in the Durban townships and informal settlements: August 1985

The Azanian Student's Organisation (AZASO) and the Congress of South African Students (COSAS) called for a week-long stayaway from school to observe a mourning period for Mxenge. Shops in the townships were also ordered to close as a gesture of solidarity with the students. On Monday 5 August 1985 a school strike and boycott began in most of the African townships of the greater Durban area. Schoolchildren, especially in KwaMashu, Umlazi, Clermont, and Lamontville marched in the streets. As the numbers of schoolchildren were swelled by other youths not at school or unemployed, clashes occurred with police trying to disperse them. KwaZulu Government structures became targets, while in Inanda Indian shopkeepers were threatened (Gwala, 1985: 7 & 10; Sitas, 1986: 105 & 107-108; Meer, 1988b: 67-68).

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On the following day (Tuesday 6 August) the conflict between the police and youths continued with many trader/councillor businesses being attacked. In Inanda the local youth began stoning cars and trucks and looting Indian stores. As extensive rioting broke out many of the Indian residents fled their homes leaving their possessions behind. Youths then set up roadblocks and looting with racial overtones developed (Gwala, 1985: 7 & 10; Sitas, 1986: 105 & 107-108; Meer, 1988b: 67-68).

In KwaMashu the police baton charged, teargassed and dispersed a crowd of young people trying to attack the KwaMashu shopping complex. Unable to regroup, smaller gangs of youths rampaged through the township attacking buses, looting stores and attempting to burn down policemen's houses. A large group also made its way to Newlands where some Indian houses were looted. In Umlazi the administration building of the KwaZulu Government was burnt down. Schools were attacked, cars were stoned, and many shops belonging to prominent Umlazi residents were also looted and set on fire (Gwala, 1985: 7 & 10; Sitas, 1986: 105 & 107-108; Meer, 1988b: 67-68).

Throughout the rioting the police struggled to disperse the crowds. In Umlazi the local KwaZulu MP, Wellington Sabelo, began leading groups of Inkatha supporters/*amabutho* (warriors) in attempts to disperse the youths. Wednesday witnessed an escalation of the looting in Inanda with many of the abandoned Indian houses being razed to the ground. In KwaMashu and Newlands West the sporadic violence continued while in Ntuzuma a shopping centre was also set alight. In Umlazi, after a night of continuous arson, numerous confrontations between groups of youths and police occurred, the most serious being outside the township manager's office. That evening at the Mxenge memorial the mourners were attacked by an impi, allegedly from Lindelani and led by the local warlord, Thomas Mandla Shabalala, consisting of 300 men armed with assegais, knobkieries and bush-knives. During the attack and the ensuing chaos in the surrounding dark streets, seventeen people were killed while many were seriously injured (Gwala, 1985: 10; Sitas, 1986: 108-109; Meer, 1988b: 68).

This attack did not halt the chaos. On the Thursday the looting and burning of Indian premises in Inanda was resumed, while in KwaMashu small crowds of youth continued their

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attacks on shops, supermarkets, stores and the Development Board offices. In Umlazi a shopping centre, the post office and isolated shops were attacked and destroyed. But from the Thursday night onwards Inkatha supporters, many of them from the nearby squatter camps, were mobilised by councillors and traders. By Friday morning the Inkatha impis had taken control of Ntuzuma. In KwaMashu an estimated 1 000 spear-wielding Inkatha supporters took control of the streets breaking up any concentrations of youths and conducting house-to-house searches for stolen goods. By Friday afternoon control of Umlazi had also been asserted by Inkatha supporters and *amabutho*. At Inanda a rampaging crowd gutted and ransacked the Gandhi Phoenix Settlement. By the early afternoon the police had convinced the large Inanda crowd to disperse but as they began to move off an impi from Lindelani arrived and attacked everyone in sight trying to put them to flight as had happened in KwaMashu. The heavily armed Inanda crowd turned on the Lindelani impi killing a few and injuring many more while succeeding in driving them off. The Lindelani impis returned for a surprise attack at 2 a.m. but again the community was ready and repulsed their attack. The Lindelani impi attacks left between ten to twelve dead (Gwala, 1985: 10; Sitas, 1986: 109-111; Meer, 1988b: 69).

Throughout Saturday sporadic assaults occurred in Umlazi and KwaMashu where the *amabutho* continued their house-to-house searches. On the Sunday a mass peace meeting of thousands of Inkatha supporters armed with sticks and assegais was addressed by Dr Oscar Dhlomo, secretary-general of Inkatha and Amichand Rajbansi, leader of the National Peoples Party in the House of Delegates. On the Monday the schools were re-opened and the returning schoolchildren were supervised by Inkatha supporters (Gwala, 1985: 10; Sitas, 1986: 111-112).

The death toll eventually reached 67 with more than 1 000 people seriously injured. Altogether 180 businesses were destroyed in Umlazi, KwaMashu and Inanda. Damage was estimated to exceed R25 million. Initially the riots were politically motivated. The first targets of the rioting youth were the township administration offices and the property of alleged informers which were all burnt down. Bottlestores and shops owned by corporations, non-African businessmen and African traders unco-operative towards community welfare projects, were looted and then destroyed. By mid-week criminal elements had taken over

the initiative and looting, especially of Indian-owned businesses, became more prevalent (Gwala, 1985: 7, 10).

The August 1985 riots left large areas in the black townships and settlements gutted and destroyed. The violence had further polarised black society exacerbating the existing split between the youth and Inkatha supporters. Worker organisations were often caught in the crossfire. After a meeting between union organisers and youth organisations to clarify the situation The Federation of South African Trade Unions (FOSATU) committed itself to initiating a trade boycott in Durban and Pinetown. But this was met by a backlash from large numbers of workers in the factories who approved of the 'peace-making' efforts of Inkatha during the violence and objected to any co-operation with the youth whom they regarded as hooligans. However, although Inkatha won support from some of the black working class for their role as peacemakers, they subsequently alienated urban workers by the methods used to hound out opposition from urban areas. In the following months support for Inkatha or youth organisations allied to workers' unions crystallised among the black urban inhabitants. Certain sections in the townships and informal settlements identified themselves wholeheartedly with one or the other. In the process whole sections would be 'purified' with opposition factions being driven out. In this manner polarisation increased because support became area or community related and the violence revolved around either trying to extend control or protecting the area controlled by a specific faction (Gwala, 1985: 10; Sitas, 1986: 111-113).

The August riots also exposed the old fears (reminiscent of the 1949 and 1953 unrest) among members of the Indian community. Though Indians and Africans co-operated at leadership level this did not necessarily extend to the grassroots level. The issue of race was forcibly brought to the fore by the direction taken in the burning and looting in Inanda. Another feature of these riots was the mobilisation of vigilante impis largely from the informal settlements. These areas tended to be more conservative and traditionally minded than the formal townships. Many of the squatters were recent arrivals from the rural tribal areas and were still organised in authoritarian hierarchical structures and usually controlled by a warlord. The warlords themselves were high-ranking Inkatha members (like Shabalala of Lindelani who was a member of Inkatha's central committee). The August riots were also

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important in that they set the pattern for future violence in the Durban area between vigilante groups and the youth.

Between 12 and 31 August sporadic stone-throwing and petrol-bomb incidents continued to occur in Durban's townships. Throughout the month *amabutho*, led by KwaZulu MP Sabelo, harassed mourners at the funerals of riot victims. Sabelo also issued a warning that all UDF supporters must be out of Umlazi by the end of August. Towards the end of the month there was an upsurge in unrest especially in Clermont where the administrative building, beer hall and vehicles were burnt. From 2 September the black schools throughout Durban closed as a boycott took effect. Throughout September sporadic violence, with daily clashes between police, vigilantes and youths, continued to occur. Several homes of local UDF and Inkatha leaders were burnt down by rival supporters. In Umlazi and Lamontville delivery vehicles and properties were attacked. After the Shaka Day rally in Umlazi there was a clash between Inkatha supporters and youth groups and township residents in Lamontville which left seven dead and twelve injured. After this incident the South African Defence Force (SADF) set up an army camp in the township. The SADF's presence served temporarily to lessen the violence (Gwala, 1985: 10).

After August 1985 the Durban townships and surrounding informal settlements were never the same again. The violence rapidly became politicised although the issues being fought over often differed in each area. Soon after the August 1985 riots the situation was further complicated by the outbreak of intertribal violence in the squatter settlements south of Durban.

2.4 Intertribal clashes: Pondo vs Zulu

During November/December 1985 and January/February 1986 violence along tribal lines erupted in the squatter settlements south of Durban. Before the fighting began Pondos from Transkei had moved into the Malukazi and Umbogintwini No. 5 squatter settlements seeking permanent residence. Some had bought land and many were loyal members of Inkatha. They had been promised KwaZulu citizenship, and hoped that this would end their influx control problems. However, rural poverty, the economic recession, declining opportunities

for migrant labourers and a fall off in money sent home from urban areas to the families of migrant workers intensified the rural exodus. More and more people drifted to the Durban area seeking employment. Inevitably tensions arose as people competed for land close to transport routes, access to water and jobs (Meer, 1988b: 75).

Until November/December 1985 tensions between the established residents and the new arrivals had not assumed a tribal form. The fighting started with a small incident in November. A Pondo man apparently molested a Zulu woman in Malukazi. He was stabbed by Zulu men in retaliation, and then fighting broke out between Pondos and Zulus. Pondos were forced to flee Malukazi and sought refuge in Umbogintwini No. 5. The Zulus proceeded to attack the Pondos in Umbogintwini but were driven off leaving seven dead. Eventually on Christmas Day an estimated 5 000 Zulus and Pondos were involved in a bloody battle in the Umbogintwini No. 5 shack settlement where more than 60 people were killed. Clashes between Pondos and Zulus continued throughout January 1986. A group of Pondos attacked Zulus on an Umbumbulu bound train. In retaliation a Zulu impi drove out Pondo squatters from the small Msahweni settlement near Adams Mission, burning and looting the Pondo shacks. In the early hours of 23 January 1986, in retaliation for the death of a Pondo burnt by a Zulu mob at the Isipingo railway station on 22 January, an impi of 500 Pondos marched on the KwaMakutha settlement near Amanzimtoti but were driven off by a Zulu impi of 1 000 men. Pondo women, fearing attack by this Zulu impi, set fire to their shacks and fled into the bush. The resulting fire razed an estimated 10 000 shacks and shanties leaving 42 people dead and almost 40 000 people homeless. On 25 January five men died in renewed faction fighting at Amahlangwa, an informal settlement near Magabheni township (*City Press*, 12.1.1986, and 26.1.1986; *Daily News*, 3.1.1986, 21.1.1986, 23.1.1986, 24.1.1986, 25.1.1986 and 14.2.1986; *Natal Mercury*, 25.1.1986; *Sunday Tribune*, 26.1.1986; *SASPU National*, February 1986).

The underlying cause of the fighting was believed to be the long simmering dispute about water and land rights in the shackland areas south of Durban. The Pondos were accused of squatting in the area without the permission of the local chiefs. However, many of these Pondos were in fact refugees from the earlier fighting in Umbumbulu, Malukazi and from Inanda after the August 1985 riots. The Pondos were reluctant to leave the area since many

of them had brought their wives and families with them and were employed in the Greater Durban region. The local chief, Bhekizithi Makhanya, ordered all illegal squatters (all of whom he maintained were Pondos) to leave his area. But the Transkeian authorities held that he had no authority to order such an expulsion. In an effort to resolve the situation representatives of the Transkei and KwaZulu Governments met in 'peace talks'. The police also offered an amnesty to all who handed in illegal firearms. Eventually after a massive police presence peace was restored to the area. But the entire incident pointed to the destructive results such large-scale clashes could have on the urban areas and the informal settlements (*City Press*, 12.1.1986 and 26.1.1986; *Daily News*, 3.1.1986, 21.1.1986, 23.1.1986, 24.1.1986, 25.1.1986 and 14.2.1986; *Natal Mercury*, 25.1.1986; *Sunday Tribune*, 26.1.1986; *SASPU National*, February 1986).

The crisis in KwaMakutha and Umbogintwini was more than merely a tribal clash. It was a product of the phenomenal growth in the urbanisation of the Greater Durban area. Durban's squatter population (that is those living in informal settlements) had grown from 500 000 in 1979 to an estimated 1 300 000 in 1985. This growth was linked to the deteriorating conditions in the black homelands. Many of the rural immigrants (especially those from Transkei) were in the area illegally in terms of the influx control and pass laws. In 1982 a fire destroyed a large number of the Pondos' shacks made of blankets and boards. The local councillors had agreed to give the Pondos permanent status in the area if they built solid homes that would not easily be destroyed by fire. In addition, many of the squatters had in fact paid between R100 and R300 for a piece of land big enough for the erection of a one-roomed house. Hence when ordered to move off the land at the height of the conflict many of the Pondos, considering they had a permanent right to be there, refused. Since there was limited land and the original Zulu inhabitants considered that the land allocations had favoured the Pondos, tensions soon mounted between them and the Pondo settlers. Services were also non-existent in the area with only one water tap (installed by the nearby AECI factory) to service approximately 40 000 inhabitants. The pressure on this single water supply was intense and was not helped by the supply being cut off every day at 7 p.m. Competition for jobs was also a factor. Most of the people of Umbogintwini were employed at the AECI factory. During the 1986 recession many of the local Pondos and Zulus had been retrenched. By driving off the newly arrived Pondos the Zulus had in effect hoped to

create more job opportunities for themselves. The expression of ethnic rivalries merely masked the efforts of the more permanent inhabitants to defend what they perceived as their security and welfare (*Dome*, 1986: 4).

Part of the blame for the unrest during 1985/86 was placed on the critical housing shortage and this was a factor in the legitimate and deep-seated grievances of the black communities (*Natal Witness*, 11.9.1985). Since the completion of KwaMashu in 1964 and up to 1985 the Central Government had built only 227 new houses in the townships in the Durban area directly under their control, while for the eight-year period from 1978 to 1985 the KwaZulu Government had built another 3 700 homes in the new townships of Ntuzuma (north of Durban), KwaNdengezi (established mid-1977 west of Durban near Pinetown), KwaDabeka (next to Clermont) and KwaMakutha (south near Amanzimtoti). But the number of shacks had mushroomed to 114 000 in the Greater Durban area (*Natal Mercury*, 10.9.1985). Furthermore, the authorities still persisted in building more hostels. A major hostel, housing 10 000 single workers was built in KwaDabeka while the hostels in Umlazi were extended. In 1985 the total population of the Durban Functional Region was estimated to be 2 567 000 people (made up of 1 575 000 Africans, 576 000 Indians, 352 000 whites and 64 000 coloureds) of which an estimated 972 000 Africans (62 % of the total African population) were living under informal circumstances (Davies, 1991: 83-84).

What occurred in the Malukazi squatter settlement was duplicated in most of the other shackland areas in the Greater Durban area. **The struggle for scarce resources, employment opportunities and access to land became symptomatic of the informal settlements.** However, from the mid-1980s onwards an additional factor came into play within these areas - the so-called warlords whose activities created much of the tension within the communities as well as between the informal settlements and the formal townships. An understanding of the informal settlements surrounding Durban and the continuing pattern of violence during the rest of the 1980s would be incomplete without examining the activities of the warlords. **The warlords are also the key to any attempts to upgrade or develop these areas.**

3 WARLORDS IN NATAL

> **Warlord** - a military commander exercising civil power seized or maintained by force usually purely from self-interest and usually over a limited region with or without recognition of a central government (*Webster's Dictionary*, 1986: 2576).

3.1 Introduction

The realities of life in the African townships of Natal where the warlords hold sway have interesting parallels with certain unique phenomena exhibited during specific periods of history, namely medieval feudalism, fourteenth-century Italian seignorism, Chinese warlordism of the twentieth century, and mafia racketeering in New York city. The characteristics collectively exhibited by these historical phenomena, such as a territorial base from which they were able to tax and recruit; arbitrary ruthlessness against which there was no recourse; the blackmailing of small businesses and individuals and the use of strong-arm tactics in the running of their protection rackets; the large-scale use of personal bodyguards and the hiring of 'hit-men' (assassins) to enforce their will against competitors; and the feudal loyalty of medieval times, are all found in the operations of the Natal warlords and make it possible for them to set up personal 'fiefdoms'. Furthermore, the medieval idea that mercenary soldiers or military retainers are paid and provided for through tribute extracted annually from the peasants either in money or kind, is similar to the system employed by some of the Natal warlords to ensure their control of the squatters in their areas. The ability of the medieval lord to reward his supporters by the granting of rights or property also established the idea of patronage to keep his followers loyal. So too the use of patronage by the warlords, be it political or allowing access to land for housing, entrenches the system of warlordism in Natal.

'Warlords' is a term applied to them by their critics. Basically a Natal warlord is a powerful local person who has *de facto* power in an area and owes only nominal allegiance to any higher authority. Being either hereditary or elected he has some status in a local community. To a certain extent he participates in paramilitary activity. In Natal there are four types of warlords (Aitchison, interview:13.5.1991).

3.2 The rural/semi-rural traditional *induna* type

The first kind of warlord found in Natal is the rural/semi-rural traditional induna type. Since the time of the institution of the Shepstonian Location System in Natal in the 1840s and the installing of hereditary chiefs to rule over the tribal groupings in the Native Reserves all the local chiefs have had a traditional tax base. Anybody visiting a chief was expected to take along honorary gifts. For example should one want to build a house in a certain area there is a going rate for obtaining the chief's permission. One's gift becomes a fee. (At the present time in many of the rural areas controlled by Inkatha the rate is lower for Inkatha members.) This system of buying privileges stems from the old Shepstonian System instituted in an effort to make the administration of Africans pay for itself, and allowing the chiefs to rule over their own tribesmen (Aitchison, interview: 13.5.1991).

In these areas fees are also extracted through the schools. For instance when a regional school inspector leaves the area every school is supposed to contribute to his 'farewell gift', and even if a parent has three children at a school each one will be expected to pay at least R20 (Aitchison, interview: 13.5.1991).

3.3 The urban/town councillor type

The second type is the urban/town councillor. He uses his position as town councillors or chairman of the local Inkatha branch or even as MP for the KwaZulu Legislative Assembly (KLA) to monopolise the structures of power and privilege in a township. (Usually 50 % of town councillors in KwaZulu townships are elected while the other half are appointed by the KwaZulu Government. This system paves the way for abuses of power and the monopolising of political privileges by KwaZulu Government supporters, that is Inkatha.) Such warlords rely heavily on a patronage system based largely on their control through the town council of the right to grant sites for houses, to issue trading licences and to secure supporters places in KwaZulu schools, plus a host of other rights connected with township life (Aitchison, interview: 13.5.1991). Although these rights are legally lodged in the body of the constituted town council many of the town councillor warlords have usurped them as personal privileges to be used and granted whenever they choose.

3.4 Hired-gun or enforcer

The third type of warlord is the hired-gun or enforcer who through his strong-arm tactics builds up some sort of power base through a reputation built on fear and intimidation (Aitchison, interview: 13.5.1991).

3.5 The 'squatter-lord'

The final type is the 'squatter-lord' found in the informal squatter areas around Durban. With the mushrooming of the squatter belts there arose a need for order in the KwaZulu areas but the chief is usually far away and the local man acquires power effectively as an *induna*. (An example of this type of warlord is Thomas Mandla Shabalala* of the Lindelani squatter settlement near Ntuzuma north of Durban. See Appendix B for biographical details.) This local strongman organises his own vigilantes to curb the crime in his area and becomes more or less popular if he is able to do this. To pay his vigilantes he creates a tax base from rents or a household levy. Such a 'squatter-lord' has a tax base which is essentially rental, with rent payments in the form of a tribute. Such a warlord has firstly a vigilante function against crime but can use his vigilante force against outsiders (Aitchison, interview: 13.5.1991).

Eventually such an urban warlord needs either to protect himself from rivals or keep the KwaZulu Government from interfering in his activities, so he opts for some sort of recognition by formally joining Inkatha. The various warlords tend to join Inkatha mainly because in KwaZulu this relationship is based upon a *quid pro quo* - as a reward for being left alone and allowed to follow their own devices they will undertake to deliver a certain number of men for Inkatha rallies and also provide 'soldiers' for any fighting that needs to be done, sometimes bussing vigilantes to other warlords who might need assistance or organising vigilante attacks on UDF/ANC strongholds (Aitchison, interview: 13.5.1991).

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*   The actions of Shabalala will be used to illustrate the phenomenon of warlordism in the squatter settlements of Durban.

3.6 *Making money out of killing*

In broad terms the mafia-style hired-gun enforcer type of Natal warlord exploits the political violence in the townships and informal settlements and makes money out of the business of killing. Residents not only have to pay for protection but are also forced to pay the warlords for weapons and if need be for assassinations. A resident's own safety is dependent upon paying his 'levy' to the local strongman or warlord. Furthermore, these warlords have both a political and a material interest in disrupting any peace initiative since they feed off and survive on the violence. They have no other livelihood and if peace were imposed on their areas they would lose their main sources of income - the provision of protection, arms procurement and the smuggling of weapons, killing for hire and acting as bodyguards to community leaders. People are largely helpless against the warlords since the warlords use their own vigilante guards, paid for by the residents of the community controlled by them, to intimidate residents. The prevailing climate of political intolerance has created the environment for a criminal element. **What might have started off with political motives has, in the context of the economic recession and high rate of unemployment, spiralled into criminal violence and the perpetrators of this violence become nothing more nor less than hired killers** (*Pretoria News*, 23.9.1991).

3.7 The political economy of the warlords

The squatter settlement of Lindelani (the area controlled by Thomas Shabalala) next to Ntuzuma Township sprang up around 1982/83 and within two years had an estimated 80 000 squatters. By 1986 it had grown to a settlement containing 120 000 inhabitants (*Sunday Tribune*, 20 July 1986). By the beginning of 1990 Shabalala had also annexed most of the adjacent Richmond Farm area towards Newlands West since the warlord of this area, one Mthanzi, had been assassinated. At the time Shabalala himself estimated that Lindelani, by then Durban's most densely populated squatter area, contained 350 000 people (*Sunday Tribune*, 28.1.1990) (most probably an overestimation but still indicative that he has access to considerable numbers for extortion purposes).

Residents of Lindelani claim they have to pay R20 a month (some say R3 for 'rent' and R5

to cover the costs of the township's 'police', the rest for other charges such as water, Inkatha membership dues, etc.) for 'living under the protection' of Shabalala's private army. However, this does not stop these armed men from hunting down 'UDF supporters' in the settlement. Residents also have to pay 'rent' and 'taxes' at an office next to Shabalala's house. (Shabalala denies any knowledge of these payments or of a 'private army' though conceding that he has 'community guards'. He also maintains the community decided at a meeting in 1984 to have community guards and that each household should contribute towards paying the guards.) Many residents complain periodically to various bodies (for example the Legal Resources Centre, Diakonia, Institute for a Democratic Alternative for South Africa (IDASA), the Progressive Federal Party's (now the Democratic Party) Unrest Monitoring Group (UMG) and the Black Sash) but worry that word of their complaints will leak out and that Shabalala will assault (or even kill them) and expel them from Lindelani. Regardless of these fears, many of the squatters, on condition of anonymity, have lodged complaints, in particular at the UMG offices. Squatters balk at laying any formal charges or making out affidavits since they fear this would identify them and make them easy targets for Shabalala's 'police' guards. All the complainants, many of them women, highlighted feelings of helplessness and isolation since they had no one to turn to for protection (Files of affidavits in Legal Resources Centre, Durban).

Over and above his regular force of guards Shabalala often calls on male residents for guard duties to protect Shabalala's house or patrol the streets of Lindelani at night. The young people are called on to march and sing over the weekends or to take part in raids on houses to check whether residents are in possession of Inkatha membership cards. The children are also forced to attend meetings on Monday, Wednesday and Friday nights for the purpose of inculcating the 'correct social and moral behaviour of the children' (*Sunday Tribune*, 15.10.1989).

Shabalala's whole economic base is one of extortion and extraction, be it through rent, a household levy, water cost, guard duties, Inkatha membership dues or mobilisation actions. The whole system is based on coercion, intimidation and as a last resort physical violence in the form of a beating, assassination or being expelled from the township with one's dwelling being destroyed.

In one such incident in July 1986, Shabalala was accused of trying to extort R400 from a man running a shack shop in the area. The man, Zephania Dlamini, alleged that after he had resisted Shabalala's efforts to obtain this amount, ostensibly for being 'allowed' to run a shop in the area, Shabalala, accompanied by about thirty of his private 'police', had first fired a gun at him and then burnt down his shop. Although denying these allegations Shabalala conceded that an organisation for shackshop owners called *Amaqhawe* had been set up in his area and that certain of its members had in the past been forced to pay a R400 fee to join. According to him the idea behind the organisation was to make it easier for people to build proper shops and to buy in bulk (*Sunday Tribune*, 20.7.1986). But by 1988 Shabalala had imposed his economic will on his area and owned the only butchery and bottle store in Lindelani, as well as running a development company and a fleet of taxis (*Star*, 16.5.1988; *Sunday Tribune*, 29.5.1988).

3.8 A reign of fear

The UDF/COSATU (Congress of South African Trade Unions) political rivals of Inkatha have accused Inkatha chiefs and the warlords of organising violent impis which rampage against non-Inkatha communities. Inkatha officials unofficially concede that some of the chiefs have stepped out of line but maintain that any chief's membership of Inkatha is incidental to his actions in his own area. Inkatha justifies these chiefs' actions by saying that they are acting primarily as chiefs, ruling the way their fathers and grandfathers did. If strangers arrive uninvited in their area as refugees and refuse to accept their authority, they react harshly (*Daily News*, 30.5.1989).

In the wake of the unrest in KwaMashu in August 1985 Inkatha councillors and other township leaders were mobilised to suppress any unrest in KwaZulu-controlled townships. Although this was repeatedly denied by the Chief Minister of KwaZulu, Chief Buthelezi, evidence has emerged of certain Inkatha members being heavily involved in vigilante actions in the various townships. One of the prime organisers of vigilante actions in surrounding townships was Thomas Shabalala, who in numerous cases of violence in and around Durban, has been accused of bussing in his impis from Lindelani to lend support and add muscle to other warlords. The vigilante actions are often described by Inkatha officials merely as the

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'anger of the people' against troublemakers denigrating and vilifying Chief Buthelezi or causing unrest in an area by, for example, encouraging school boycotts (*Weekly Mail*, 30.5-4.6.1986) In reality vigilante violence has been directed at anti-apartheid activists who are mainly the leaders of popular organisations or youth groups perceived by the officially sanctioned black municipal authorities as a threat to their status, credibility or security. A number of the vigilante leaders use the excuse of 'restoring law and order' to 'discipline the troublemakers' but this is frequently an excuse for individuals to manipulate such actions for their own benefit (*Sowetan*, 26.5.1986).

3.9 *A law unto themselves*

Shabalala has his own police force to which every household has to contribute a levy of five rands every month. If they refuse to pay or are unable to do so they are summarily expelled from Lindelani. At one stage in 1989 Shabalala imposed a curfew in which his 'police' enforced a rule that no residents were allowed to walk around or talk with anyone after 9 p.m. If residents transgressed this rule they were fined R50. One resident, Amon Ngcobo, came home one night and was caught talking to his family. Shabalala's policemen put him in handcuffs and took him to Shabalala's house where Shabalala allegedly repeatedly beat him with a sjambok leaving him with scars on his arms and face. This beating was administered despite the fact that Ngcobo was the brother of Rogers Ngcobo, the KLA MP for Inanda and a senior Inkatha member and also a reputed warlord controlling land in the squatter area of Congo near Inanda (*Sowetan*, 19.12.1989). (See Appendix C for the affidavit of S. Nkabinde for more detail of similar action by Shabalala's 'police'.)

One of the problems involved in curbing the activities of the Natal warlords is the intimidation of witnesses in cases against them.

3.10 *How can we prosecute them when we can't get witnesses*

In its call for a national stayaway and strike on 2 July 1990 officials of the Joint Working Committee - a sub-committee of the African National Congress (ANC), COSATU, the South African Youth Congress (SAYCO) and other organisations dealing with the Natal violence -

listed a number of demands among which was:

> the arrest of the "warlords" - well-known figures in Natal widely believed to be behind much of the violence, but who have not been charged or convicted (*Natal Witness*, 21.6.1990).

The non-conviction of warlords believed by the public to be guilty constitutes a considerable problem for the Departments of Law and Order and of Justice. A major problem in controlling the vigilante actions of warlords is the intimidation of any witnesses to a violent vigilante crime. Residents are too terrified to testify for fear that they will become the next victim. The same problem exists in cases against several warlords indicted of murder or assault. Witnesses simply disappear and very often the state's case crumbles for lack of evidence or material witnesses. To overcome this problem the police have attempted a number of stratagems. One of these is increasing the number of temporary police stations in areas of high unrest and instituting regular night patrols. An open telephone line has been set up in Pietermaritzburg for people to phone through anonymous information (*Daily News*, 30.5.1989)

Even these efforts do not assist the courts to prosecute offenders more efficiently. According to a report of the Department of Law and Order only 120 political violence murder prosecutions in the Durban area and 36 in the Pietermaritzburg area were initiated for the period from 1987 up to August 1990 (out of an estimated 3 000 to 4 000 deaths) (*Witness Echo*, 23.8.1990).

In the public's perception the courts appear to take exceedingly long to reach the actual trial day thus giving the accused time either to intimidate witnesses or to eliminate them. Consequently there is a lack of witnesses who can provide the police with the material needed to finalise dockets. The police also struggle to trace or locate witnesses. In some of the cases no-one has laid a charge with the police. Prosecutions can only begin once the police present a completed docket to the Attorney-General's office and, even then the Attorney-General's office must be sure that there are reasonable grounds for the case to stand up in court (*Natal Witness*, 19.2.1988). Furthermore, with the shortage of public prosecutors, those having to prosecute find they are overworked and hence poorly prepared which further creates a view that the Justice Department is doing its job badly and

inefficiently (*Natal Witness*, 9.5.1990).

In short, there has been a complete breakdown of public confidence in the ability of the courts to ensure that justice be done. It is not surprising that members of the public feel that those perpetrating violent deeds in the townships are able to escape any punishment. Questions have even been asked in parliament why the warlords appear to be immune from prosecution. In February 1988 the MP for Greytown, Pierre Cronje, accused the police of not prosecuting certain warlords whose identities were known and who had been positively linked to certain violent crimes. According to Cronje

> well-known "warlords", against some of whom interdicts were secured in 1987, still walk the streets full of bravado and continue their reign of terror (*Sunday Tribune*, 14.2.1988).

Even though many complaints against warlords have been made at various police stations it appears to many that the dossiers merely heap up and no prosecutions occur. Cronje has also highlighted the fact that 'thugs' facing serious charges had been allowed out on bail (which allows them to intimidate or even kill witnesses against them) for lengthy periods without their cases ever being investigated. According to Cronje it is no wonder that the public's confidence in the normal process of law and order is being systematically undermined. He makes the recommendation that the police should at all times strive to be seen to be neutral and impartial in the execution of their duties (*Sunday Tribune*, 14.2.1988).

3.11 *They have set themselves up as the undisputed kings*

> He [Shabalala] labels people according to his own opinion, without any active proof they are UDF, simply because they oppose him. [But] they are against him because of what he has done. He acts in the name of Inkatha, but do his actions comply with the constitution of Inkatha? (MP Ndlovu, mayor of Ntuzuma) (*Sunday Tribune*, 28.1.1990).

Shabalala's campaign against any alleged UDF supporters led him to expel two medical doctors, Dr Vuyelwa Manzana in December 1985 and her successor, Dr Jerome Myeza, in July 1986 from Lindelani. Both had provided the only essential health services in the one surgery in Lindelani. The two doctors were threatened on suspicions that they were UDF

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members planted in the area to 'plot the killing' of Shabalala. Dr Manzana, who had set up the surgery and ran it for a year, claimed that orders had been given to shoot her on sight. However, her problems had only started when she refused demands to give free medical care to a group believed to be loyal to Shabalala. Dr Myeza had been forced out after similar accusations of being a UDF agent had been made against him (*Sunday Tribune*, 23.11.1986). Obviously nothing happens in Lindelani without Shabalala's approval and he keeps control largely through a system of intimidation.

3.12 *My hands are clean and my conscience is clear* (Shabalala, 15.10.1989)

As the unrest situation became worse in Durban's African townships there was a corresponding increase in the operations of the vigilante impis. Many of the organised raids on UDF-controlled areas north of Durban (usually the more formal township areas) emanated from Lindelani and the surrounding informal squatter settlements. In April 1986 human rights lawyers in Durban and the local Legal Resources Centre (LRC) assisted applicants in lodging urgent interdicts against vigilante impis operating in the KwaMashu area north of Durban. The most prominent individual featuring in these interdicts was Thomas Shabalala. In one application Belinda and Simon Mfeka reported that they had been threatened by Shabalala himself because they had not paid their 'Inkatha dues'. These dues comprised various amounts for Inkatha, the Inkatha Women's Brigade, the Inkatha-backed United Workers' Union of South Africa (UWUSA) and lastly for Shabalala's own 'bodyguard fund'. The Mfekas had been taken to Shabalala's house (which is reportedly 'a sinister place' patrolled by men dressed in khaki and carrying rifles) where they were verbally abused and told that since they had not paid their Inkatha dues they must obviously be members of the United Democratic Front. Shabalala told them to leave his area and threatened that if they did not do so he would 'send his warriors to kill them and burn their house down' since Lindelani was 'for Inkatha people and not UDF supporters'. The Mfeka couple were granted a temporary interdict on 26 May 1986 which restrained Shabalala from 'assaulting or threatening to assault them or from interfering with the Mfeka's peaceful occupation of their home'. However, within an hour of the interim interdict being granted a mob of more than 100 people demolished the Mfeka's three-roomed brick home. All the trees and vegetables in the garden were also destroyed (*Weekly Mail*, 30.5-4.6.1986; *Daily News*, 26.5.1986;

Natal Mercury, 27.5.1986; *Sunday Tribune*, 1.6.1986). (See Appendix D for a similar assault case in which the victim sued Shabalala.)

In May 1988 Shabalala again appeared in court this time facing charges of murder arising out of the fatal shooting of a 16-year old Ntuzuma schoolboy, Bheki Gcabashe, and the injuring of five others. In April 1988 Gcabashe was gunned down in front of his friends on his way home from school. Shabalala after being in custody for two weeks was granted bail of R500 with certain conditions attached. His reputation had obviously preceded him for he was required not to 'interfere, intimidate or communicate in any way with State witnesses'. He was also not allowed to attend or take part in public or political meetings or to leave his house or business premises in Lindelani without the permission of the commander of the local police station (*Star*, 16.5.1988; *Sunday Tribune*, 29.5.1988).

At this time Shabalala was also implicated in the 1987 killing of seven KwaMashu Youth League members whose bodies were found dumped on the side of the road in the township. Although charges against Shabalala were later withdrawn two of his personal bodyguards, Emmanual Khanyile and Wilfred Phewa were in 1989 found guilty of these murders and to-gether sentenced to a total of twenty-eight years imprisonment (*New African*, 29.5-4.6.1989).

These interdicts and court cases obviously did not curb Shabalala's activities and in Lindelani itself he remained a law unto himself. In May 1989 members of Shabalala's vigilante force were accused of abducting seven schoolchildren. The pupils had been dragged out of bed at night by a group of heavily armed men and frog marched to a house where they were interrogated and assaulted. Some of the children were repeatedly sjambokked, kicked and punched and had cigarettes stubbed out on their bodies. While this was occurring the pupils were repeatedly accused of being 'comrades' and threatened with death if they did not admit they were being paid by the UDF and the ANC to destroy Inkatha in the Lindelani squatter camp. These schoolchildren were only able to escape when South African Defence Force (SADF) personnel in an armoured car stopped outside the door (*Sunday Tribune*, 28.5.1989).

Even after the National Peace Accord was signed on 14 September 1991 violations of this accord occurred in Lindelani where Shabalala's supporters were again involved in acts of

intimidation involving Lindelani residents. At 10 pm on the night of 2 October five ANC supporters in Lindelani were allegedly abducted by Inkatha supporters loyal to Shabalala. They were assaulted and sjambokked by their abductors and forced to sing freedom songs and slap each other until the early hours of the morning before being taken to Shabalala's house. They were eventually released the following morning and fearing for their lives have fled Lindelani for Ntuzuma (*New Nation*, 11-17.10.1991).

A few days later another incident occurred when 45 year-old Joseph Gumede, a resident of Lindelani and a member of COSATU and the ANC, was 'arrested' by a group of Inkatha members after it was discovered he was a 'comrade' and recruiting members for the ANC. In an affidavit Gumede said he was taken to Shabalala's office by two carloads of men who had apprehended him at a bus stop. According to Gumede, when they reached Shabalala's office Shabalala ordered him to take off his shirt, underneath which was a T-shirt with the words of the *Nkosi Sikelel'i Africa* anthem on it. This T-shirt seemed to confirm Shabalala's view that Gumede was definitely a 'comrade'. A few COSATU booklets, ANC pamphlets and a T-shirt bearing a portrait of Nelson Mandela were also produced. These had been found in Gumede's shack when it was raided in his absence. Shabalala then told Gumede that he would no longer be allowed to live in Lindelani and proceeded to attack him with his fists. Others in the office joined in on this assault of Gumede. He was then led to his shack by a group of about ten people who continued to assault him for the duration of the journey. On arrival his shack was demolished after he was allowed to move his belongings to a nearby house from where he collected them the following morning (*New Nation*, 18-24.10.1991).

3.13 *A medieval code of power*

The squatter areas around Durban are

> a complex of powerful fiefdoms whose chief characteristics are a medieval code of
> power and patronage quite insensible to the reach of law (*Sunday Tribune*,
> 28.1.1990).

A factor which allows the phenomenon of urban warlordism to arise in Natal is that the town councils in the KwaZulu areas have few powers and no money to enforce their authority. They do not even levy their own taxes to generate revenue since all financial matters are

controlled by the KwaZulu government in Ulundi. Their main task is the allocation of township sites. Consequently the control over scarce land assumes an important role in township politics. Hence the emphasis by so many of the squatter warlords on the physical occupation of any open land, control of which gives them a tax base and access to patronage in order to ensure the support and loyalty of those under their control. Shabalala, for example, had appropriated for himself land which legally belonged to the adjacent Ntuzuma township. He was able, in defiance of Ntuzuma township jurisdiction, to secure, with the blessing of the KwaZulu government in Ulundi, his own committee for the allocation of sites in Lindelani. This enabled him to launch a high profile development scheme under the patronage of the South African Department of Manpower and constructed by the Murray & Roberts company. (This development allowed Shabalala to maintain that he was providing better housing for his people, and create the fiction that the provision of services was due to his efforts, even though he had no right to authorise Murray & Roberts to begin construction.) When challenged by the mayor of Ntuzuma, MP Ndlovu, to allow the Ntuzuma Town Council to assume jurisdiction of the area Shabalala responded with threats against the person of Ndlovu. Many believed that if Shabalala was removed there would be peace in the surrounding areas. To this end a petition calling for his removal and signed by five thousand Lindelani residents was sent in October 1989 to the KwaZulu Legislative Assembly in Ulundi (*Sunday Tribune*, 28.1.1990).

No action was taken on this petition. Chief Buthelezi's dependence on Shabalala's support - financial by way of membership dues and bussing of Lindelani residents to rallies and supplying 'warriors' for any vigilante action - make him perhaps loath to repudiate Shabalala entirely, although Shabalala was suspended from the Inkatha Central Committee at the time of his trial for murder.

Shabalala still remains chairman of the local Inkatha branch and KLA MP for the area. His financial contribution should not be underestimated especially in the present situation where Inkatha are losing control of the formal townships and where Inkatha structures are finding it difficult to recruit more members or to coerce members to keep up monthly membership payments. Furthermore, collections have also slumped in the wake of the economic hardships and increasingly high unemployment in these areas. In Lindelani Shabalala has

such total control that he is able to guarantee large sums in membership fees for the coffers of Inkatha every month.

3.14 The economic underpinnings of control of access to land

On the nights of 6 and 7 December 1989 pre-dawn raids by well-armed men from Lindelani into F section of neighbouring Ntuzuma left almost 40 homes damaged or gutted by fire, another 51 looted, seven vehicles burnt out and at least seven people dead. Hundreds more fled their homes in panic leaving behind large areas completely deserted. Many of the houses were first looted before being burnt, an ominous new development in the conflict in the townships. Apparently many of the looters were newcomers to the urban areas recruited into the raiding parties with the promise that if they joined they could keep what they looted (*Natal Witness*, 8.12.1989; *Sunday Tribune*, 10.12.1989 & 17.12.1989).

Besides the ongoing struggle between Inkatha and UDF supporters the ostensible reason for this particular raid was the desire by the warlords in the adjacent squatter settlements to create a panic so that people would abandon their areas. This would then allow the warlords to occupy the vacated land and in turn grant it to their supporters to squat on. In this manner the warlords were able to extend their control over larger areas, increase the number of people they controlled, provide land for the settlement of those coming to them from the rural areas and increase their tax base, since it was the warlords who now directly rented out the newly 'occupied' land. Rights of ownership are meaningless in such areas and once physical occupation has taken place it is virtually impossible to evict the squatters especially in areas where no-one actually knows who legally owns the land. In any case, as already stated, most of the squatter settlements are no-go areas for the police. Inaccessible terrain and the lack of easily-negotiable tracks let alone formal demarcated roads, meant that police patrols are unable to go into the areas in vehicles. Any police patrol on foot would have to go in great strength since it would be too dangerous for small numbers to venture in. Obviously a lack of police manpower precludes this option. The police, having to concentrate on other more serious crimes simply do not have the time or manpower to investigate cases of illegal squatting in remote inaccessible areas.

3.15 *Disarm them*

A persistent demand by opponents of the warlords is that warlords be disarmed so as to strip them of their power. In August 1990 approximately 10 000 people marched through the streets of Pietermaritzburg to the Loop Street Police Station and handed in a petition to this effect (*Witness Echo*, 30.8.1990).

Such demonstrations by members of the public do nothing to curb the power of the warlords. The warlords themselves ostensibly support initiatives for peace. In April 1990 Shabalala had organised a 'pro-police peace march'. While the crowd of more than 10 000 Inkatha supporters sang 'we are going to Jesus', Shabalala, holding aloft a two-metre high cross, led them from Lindelani through Richmond Farm and to the KwaMashu Police Station where he handed over a petition. However, most participants carried sticks, whips or clubs and a number even more lethal weapons like knives, spears, iron bars and axes. Nothing was done by the accompanying police to disarm any of the marchers carrying dangerous weapons. A request by a member of the Legal Resources Centre monitoring the march that the police act was met with the reply that there were only cultural weapons present (*Weekly Mail*, 27.4-3.5.1990; *Natal Witness*, 24.4.1990).

Obviously warlordism is an extremely important factor in the violence emanating from the informal settlements and the existence of the warlords will have to be accepted before any kind of improvement or upliftment in the socio economic conditions of the shacklands can be contemplated. **As attention has turned to efforts to upgrade squatter settlements planners have had to deal directly with the warlords to be able to operate in their areas.** This is true for all kinds of services, health care, education, water and electrical services, transport and roads as well as for the provision of housing.

PART III

THE FUTURE OF THE INFORMAL SETTLEMENTS

Land, housing and jobs are among the most crucial needs of the
millions of people who have voted with their feet for a better
life closer to Natal's urban areas. (*Sunday Tribune*, 14.10.1990)

1 *HOPE SPRINGS ETERNAL*: CAN THE TWIN PROBLEMS OF SQUATTING AND VIOLENCE BE SOLVED?

1.1 Introduction

Obviously one of the priorities for solving both squatting and the endemic violence should
be the formulation of a co ordinated and comprehensive development plan involving all
parties and communities in the area. Too often planning on either side of the Natal/KwaZulu
border has been undertaken by different authorities without any regard for what was
happening on the other side.

There is also a need to rethink the definition of squatting. The inhabitants of informal
settlements should not be regarded merely as illegal squatters or semi-criminal elements
living in a state of perpetual conflict and violence. They have proved that if allowed to they
are quite capable of building their own structures and in time improving them.

A priority in solving the crisis should be the provision of more formal townships. Socio-
economic development and political stability rely largely on the establishment of viable urban
structures but unfortunately the backlog is so extensive that costs have become prohibitive.
There are, however, certain initiatives which can be undertaken to relieve the situation.

1.2 The political problems of economic upliftment

In broad terms the line of conflict has been between the township-based groupings who have access to basic infrastructure and the squatter communities who do not have access to basic amenities at all. Within squatter communities there are other forms of conflict based upon power relations. Ironically, attempts during the 1980s to alleviate violence by upgrading existing facilities, led to even more conflict. Squatters fought bitterly for scarce resources such as land sites, building materials, water supplies, or even for jobs on the development projects. There is also an ongoing struggle over who controls the process of upliftment, that is who is seen to be providing the benefits to the community. Usually the credit for supplying services is usurped by the local warlord in an effort to bolster his position within the community (Bryerly & Hindson, interview: 14.5.1991).

An end to the violence will only occur if the political problems are dealt with at the same time. The peace initiatives periodically launched, not only on a regional and local level in Natal but also on the national level, will not succeed unless the political problems are dealt with first. Only then can a development plan be integrated with the peace plan. A development/upgrading plan only works where there is political agreement between the various parties. This would involve not only co-operation between Inkatha (since July 1990 a political party called the Inkatha Freedom Party (IFP)) and the UDF/ANC/COSATU structures, but between local authorities, civic committees, white municipalities, township councils, the KwaZulu government and central government departments. There are also different development philosophies amongst the key political players involved at the grassroots level. Not only do the ANC and IFP differ nationally but each also differs with its own supporters on the ground. Ironically the ANC in some areas is more open to the establishment of rent relationships by accepting the element of private ownership. But in Inanda after the August 1985 riots Inkatha wiped out private land ownership and then established warlords in the different zones. These warlords often follow a completely independent line creating chaos for the planners in Ulundi as well as local tensions.

In a situation with minimal co-ordination between the various parties involved there is obviously a need to develop systems which are cost effective. Large sums of money have

been dissipated by a corrupt bureaucracy or taken up by heavy consultancy fees. **A general developmental approach sensitive to local politics is required.**

A complicating factor in the Natal situation has been a lack of funds. Natal has not received what it felt it needed and the funds that were received do not reach the grassroots level. **Needed is an economic strategy which will get the money to development programmes that reach the people, combined with a political education plan which will instil an understanding of how true democracy works.**

1.3 Educating for democracy

The political problems inherent in the squatter problem and the widespread violence in Natal have resulted in various attempts to solve the impasse through mediation and educating for democracy. In the spiral of violence in the African townships of Natal there is a need for creating a culture of political tolerance. No development will be possible unless the levels of violence are drastically reduced. One initiative here is the hands on political education programme for democratic culture launched in 1990 by Dr Oscar Dhlomo, previously the Secretary-General of Inkatha and member of the KwaZulu Government. Dhlomo first set up two think tanks which later constituted themselves as a founding committee. This committee in turn established a trust early in 1991. The aim of this trust is to foster multi-party democracy in South Africa in any way, but particularly through educating in democracy. Dhlomo was able to secure substantial funding for his projected Institute for Multi-Party Democracy (IMPD) much of it from international sources once again keen to fund democratic initiatives within South Africa. Previously most overseas funding went to the anti-apartheid groups but in the wake of the government's reform initiatives and the unbanning of the ANC, PAC and SACP overseas funders have become wary of funding any political parties *per se* and hence looked towards other organisations to fund. Accordingly the IMPD was able to secure considerable backing from overseas donors (Frost, interview: 15.5.1991).

One of the aims of the IMPD is the training of democratic leadership. It offers a leadership training course to people in mid-career who are thinking of standing for public office. These

people are put through a course. which teaches them a number of skills such as public speaking, the drawing up of a policy document as a platform for political policies, and techniques for press interviews and TV appearances. They are also taught the rules of the democratic 'game' (Frost, interview: 15.5.1991).

Another means used by the IMPD for spreading its message is a media campaign. The IMPD realised the need for reaching people not in the formal sector by utilising radio in rural areas, posters in schools and even the TV. Other methods include comic strips and video programmes that can be used by church, youth and civic organisations. Another way getting its aims across is through projects to teach local communities how to have a voice in public affairs (Frost, interview: 15.5.1991).

1.4 Restructuring local government

One of the solutions lies in part with a restructuring of local government. Having one metropolitan region with a single tax base by creating one controlling council for the Durban Functional Region and not separate town councils as at present for white areas and African areas. This measure would ensure that one tax base would serve the development of the whole area unlike at present where the African areas have no viable tax bases. This would of necessity entail the integration of all the black town councils (African, Indian and coloured) in the Greater Durban area with the white municipal system.

The authorities must also not be allowed to abrogate their responsibilities by advancing spurious 'self-help' schemes. The kind of self-help needed is where the people themselves are consulted through participative planning, and included in policy and decision-making instead of being totally ignored as has happened in the past.

1.5 The provision of more land and formal tenure rights

Besides the stumbling block of the lack of money the scarcity of available land for building in the various African townships is a major obstacle. The problem of building sites is made worse by the lack of mobility of black people who are required in many cases to 'qualify'

by virtue of their tribe, past address and marital status to live in specific townships. Problems of this kind would definitely begin to subside with the opening of new residential areas to relieve the pressures on overcrowded areas. In addition, all the amenities in white suburbs need to be completely deracialised (not just on paper but in practice as well) and shared with other surrounding communities.

One of the most obvious solutions should be some change in the land tenure systems at present in operation in the KwaZulu homeland areas. At present there are a variety of tenures over land, with tribal tenure, occupational rights, deed of grant, 99-year leasehold and even freehold in existence in the African areas. At the least some standardisation should take place. Rights to ownership in terms of leasehold and freehold as opposed to communal/tribal allocations done by the local chief should also be instituted. Furthermore, **tenure should not be so tenuous that warlords can force occupiers off and then squat illegally on land without fear of being evicted by the authorities.** Too often, since no legal tenure can be proved, only the occupation rights of those who physically possess the land are recognised by the authorities.

Furthermore, the government should allow the allocation of even smaller building plots from 300 square metres to even as small as 60 square metres.

1.6 Formalisation of squatter settlements

Local authorities should also recognise those squatter communities already in existence. If areas are formalised, that is a town board or local authority established, it would restrict the power of the warlords. Such recognition of the existence of an informal settlement immediately undercuts the tax base of the warlords since residents can now pay their rents and levies for services (water, lights and refuse removal) directly to a town council instead of having to pay the warlord. At the same time this has political implications since if the warlords' coercive powers are diluted it will be difficult for them to enforce payment of Inkatha membership dues which in turn would lead to further reduction in funds for the IFP.

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With the building of proper roads and drainage it also becomes easier for the authorities to exert official control over the areas, that is police and other officials can enter the area in their vehicles to provide water taps, sewerage pipelines, electricity and health and educational services as well as law and order.

1.7 Concerted effort to prosecute warlords

There is an obvious need for the police and Justice Department to step up their efforts to prosecute the warlords. Too often the warlords have eluded justice through shoddy investigations, poor preparation of cases, and the disappearance of witnesses. **There is no official Witness Protection Programme and this should be a priority especially in the light of the extreme intimidation of witnesses that occurs.**

1.8 The government's role

The state needs to redefine its role in the provision of housing and become a major source of finance for home building and improvement at present. Home builders in the informal settlements are unable to obtain loans from any other sources because of the lack of security and collateral offered. **A step in the right direction would be the granting of some form of legal title to the land actually occupied by a squatter.** Then too an acceptance of the concept of 'orderly' informal settlement would help to relieve the pressure on the provision of more expensive formal housing.

The state should also concentrate rather on the provision of at least minimal services. **Basic infrastructure should be put in place first - water, power, clinics, refuse removal, transport, schools - rather than building a whole township.** In this regard site-and-service schemes become important - these designed as an adjunct to local authorities' housing schemes. Site-and-service schemes should provide only essential services in the form of access roads, the provision of water and the removal of refuse, while the prospective tenants are aided in erecting temporary dwellings some of which could later be converted to more permanent houses (Morris, 1981: 48-49). In addition, the site-and-service schemes should be linked to controlled self-building for all low-cost housing. Housing schemes should begin

with 'starter's' structures like the 'core-house' concept. The 'core house' has only a bathroom and extended kitchen. Alternatively there is the 'shell' house with no internal walls or fixtures or the 'roof structure' concept which provides a roof structure on corner supports so that the walls can be filled in later. All these are cheaper alternatives than formal housing and also provide participation by the occupant who can choose what is affordable for him. In these self-help schemes rooms can then added when and if they can be afforded. **Linked to this should be the adjustment of housing standards in such a way that more dwellings per rand can be built.** There should also be the acceptance of traditional building techniques such as lightweight wattle-and-daub structures. To this end training centres (for example Technical Aid Centres) should also be set up to assist in training self-builders in building methods - not only formal methods but also unconventional. These centres would also serve to encourage entrepreneurial skills and would create employment. In all these developments the communities should be involved. Furthermore, efforts should be made to involve local black builders who should be given small contracts (sub-contracting) in order to retain money in the area while providing on-site training for locals.

Concerted efforts by the government in collaboration with ESKOM should be made for the **electrification of the informal settlements.** Electricity is a definite spur to economic benefits for the informal economic sector and small township businesses in particular. An innovation in electrification has been the use of card operated electrical units within each shack (pioneered in the Orange Farm squatter settlement south of Johannesburg). This allows shack dwellers to insert a credit card for metered units of electricity without having to pay a monthly account.

Finally a national strategy for rural development should be urgently formulated (especially in the light of the repeal of the Land Acts) in order to contain and slow the inflow of impoverished rural dwellers (the so-called economic refugees) to the urban areas like Durban.

1.9 Job-creation schemes

Given the poverty, inequality and unemployment already existing in the informal settlements we have to accept the fact that unless specific job-creation schemes are launched by the

government aimed specifically at these communities they will become even poorer. The thrust of such schemes should be towards relaxing the regulations controlling the informal economic sector and the establishing of small businesses. The use of manual labour to implement service schemes like the building of roads, drainage and sanitation systems and housing should receive priority.

1.10 Social investment

Possible ways of easing the economic burden of the poverty stricken squatters could be the institution of a number of social investment schemes such as a job corps for the unemployed funded by levies on the private sector. The government could also prescribe investment by financial institutions in housing development and also encourage increased private sector investment in education, primary health care and skills provision.

Even the establishment of a youth corps to undertake community development projects like cleaning up and beautifying parks or planting trees or removing refuse from polluted streams would focus attention on an area's immediate environment and involve the whole community while at the same time providing some sort of work for many of the unemployed youth.

1.11 Utilisation of agricultural land within urban areas

Huge dormitory towns already exist on the urban periphery of Durban but **in future planning these areas should incorporate land which can be used for small-scale subsistence farming.** This would make sense since inadequate nutrition is endemic among the urban poor living in the informal settlements. At the same time this would encourage the sale of surpluses through informal marketing.

Afforestation, that is wood-lots, is also feasible in urban areas. Properly managed, trees can create a sense of place, areas for recreation, and a supplementary source of building material and fuel.

1.12 Upgrading of informal settlements

The upgrading (as opposed to shack demolition, relocation and resettlement) of existing informal settlements, provided the co-operation of the various warlords as well as the main political parties involved (ANC and IFP) can be obtained, would not only conserve the investment already made by the shack dwellers in housing structures (shelter) but also encourage the inhabitants to undertake further improvements to their homes. However, upgrading of existing informal settlements requires the recognition by the authorities of the formal existence of the settlements as well as a commitment to supply at least minimal services and infrastructure and, most importantly, making finance available for such schemes. (In this regard the provision of finance by the Independent Development Trust (IDT) is a step in the right direction.)

1.13 Present-day problems of providing low-cost housing

The present problem of low-cost housing provision is, to a large extent, the result of certain policies followed in earlier years. Initially in the 1950s and 1960s the state had provided housing for blacks in townships in accordance with minimum prescribed standards of construction and accommodation (brick structures, at least three rooms, etc.) which created certain expectations and perceptions in the minds of blacks of what kind of house was acceptable for them. (This has been one of the major obstacles in getting blacks to accept alternative cheaper materials in the building of houses.) The cost of these houses was heavily subsidised. In the early 1980s the state withdrew from the provision of housing for blacks, concentrating only on the provision of serviced sites and leaving the building of houses to the individual through the private sector. Private developers targeted the higher-income group amongst blacks since this was where the least risk and highest profits lay. But they soon saturated the top end and were forced to start considering the lower end of the market where less profit and higher risk lay. Unfortunately this was the period when rent and loan repayment boycotts began and which caused great losses to developers, builders and finance companies. As a result of low profit margins and losses from these boycotts most developers withdrew from this market thereby exacerbating the existing shortages of affordable housing for blacks (Theron & Bolton, interview: 8.11.1991).

In the provision of affordable housing there are a number of important factors concerning final costs to take into consideration. Critical costs are firstly the cost of the raw land, that is the site, then comes the cost of providing the infrastructure and finally a house/structure. There are also ongoing costs such as monthly service charges for refuse removal, water and electricity, rates and taxes and maintenance costs. Obviously a low-cost housing scheme has to achieve a good balance between all these (for example the land and services on the site must not be so expensive that it pushes the total cost of the house out of reach. Therefore the argument for minimal services or cheaper alternatives). One of the drawbacks to previous housing development in black areas has been the high level but costly installation of services by white municipal authorities because such services are easier to maintain once they are in place (Theron & Bolton, interview: 8.11.1991).

A further problem in the provision of affordable housing for the black population is the fact that most blacks have a low income. Recent surveys indicate that 74 % of the black population earn less than R1 000 a month and of these 15 % had no income at all. At an interest rate of 19,75 % and repayment over five years, a household earning R950 a month can only afford a house costing R9 000, while all households earning R450 and less a month, have no or very little disposable income for housing after their other essential expenditures such as food and clothing have been paid for. It is, however, well known that many low-income households, especially black households, spend more than the conventionally accepted 25 % of their income on housing. Experience seems to indicate that families with a household income of between R400 and R450 per month, would barely be able to repay a loan for a house costing about R2 500 (Theron & Bolton, interview: 8.11.1991).

With IDT financing an amount of R7 500 is allocated as a capital subsidy per household. However, this subsidy is channelled through the developer who with only R7 500 has to provide a serviced site which leaves very little over for a structure (Theron & Bolton, interview: 8.11.1991). Similarly, the South African Housing Trust (SAHT) provides housing loans through their subsidiary, Khayalethu Home Loans. However, this initiative is aimed at providing formal houses costing between R15 000 and R35 000 and low-level serviced sites at about R6 000. This obviously means that a large proportion of the black population cannot afford these houses (SA Housing Trust, 1989: 7, 15). So in fact conventional

housing, that is brick and cement structures built to regulatory standards, is far too expensive for the majority of the black population let alone for those in the informal settlements.

1.14 Alternative and cheaper building materials

If one accepts that the informal settlements are permanent and that a priority within these areas is the provision of shelter, then one has to look at cheaper alternatives than the regulatory requirements of standard brick housing. Furthermore the aim of such shelter provision should be a structure consisting of at least two rooms which has the potential to be upgraded and satisfies the health and safety needs of the occupant family. To achieve affordability for such a structure the use of alternative and cheaper materials should be considered.

Unfortunately many of the alternative materials and construction techniques available, have been disqualified by local authorities requiring high building standards. However, a number of cheap alternative materials have been developed in South Africa, specifically to supply affordable housing in the informal settlements. One must, however, utilise the resources available in a particular area for a specific community. (For example such different materials as wattle and daub, packing cases, plywood boarding, old corrugated iron and even empty sorghum beer wax cartons for infilling of framed construction can be used.) In other words the inhabitants should be allowed to make use of any appropriate materials readily available to them. The principle of using certain waste materials for construction purposes is a sound economic one. For instance if the area is near a brick works use can be made of discarded broken bricks which have been discarded or if near a steel works then the slag from such a factory's dump can also be used (Bolton, interview: 17.10.1991).

A number of innovative and cheaper building methods using alternative but acceptable building standards, having MANTAG certificates, have been developed. Amongst these is the Zenzele system which is a modification of the traditional wattle-and-daub method whereby the wattle lath is replaced with a steel weld mesh fixed to the gumpole supports. The wall cavities are then filled with rubble or clay and the wall is plastered over (Bolton, interview: 17.10.1991).

Other alternative construction methods utilised for the erection of cheaper housing are, for example the use of steel shuttering into which a mixture of earth and cement is placed and compacted, a pre-cast concrete panel system (SA Housing Trust, 1989: 15), single-skin brick walls in lieu of double-skin (that is with a width of 115 mm as opposed to the regulation 230-260 mm) or a steel frame and panel house. One specific innovative alternative model (as seen at a recent exhibition at the Orange Farm squatter settlement south of Johannesburg) is an A-frame made from galvanised sheet-iron bent over in the form of an 'A' with a door and a window. The idea here is that this later becomes the roof of a walled house of flat steel bolted to an angle-iron support. Another similar alternative is one whose walls and roof are constructed from Iscor's roll-formed Chromadek steel pre-painted in a variety of colours. It is a ready-made expandable unit with a base price of R2 300 and has optional extras (solar lighting, solar water heating, ceilings, with insulation, shower and toilet facilities and a burn-all stove which can provide hot water as well as cooking facilities) (*Pretoria News*, 15.10.1991).

The use of timber as a cheaper alternative is also gaining ground. One manufacturer makes use of timber slatting nailed to a timber frame. Another manufactures a timber frame house with a brick veneer that comes in a kit form. There has also been recent development work done on a house using a wood-base lightweight panel treated with chemicals making it appropriate for use in lower-income housing (Bolton, interview: 17.10.1991; Theron, interview: 5.11.1991).

Obviously if building regulations are relaxed there are a number of materials readily available for constructing affordable and cheap shelter.

1.15 Clean water and sanitation

One of the most pressing needs in the informal settlements is the provision of clean water. At present most of the ground water is polluted and contaminated and this increases the spread of diseases. Since it is expensive to build dams and reservoirs as well as to lay on a network of water pipes the authorities need to be innovative and look to less-expensive alternatives like solar power, boreholes and simple filtration systems.

One of the alternatives for the provision of safe clean water supplies has been pioneered by the Rural Water Trust (founded by Tim Comfort of Durban in the mid-1980s and funded entirely by businesses in the region) which uses simple borehole rigs which are easily transported and hand operated to sink a 15-centimetre-wide hole through most soil and shale to a depth of 16 metres. By sinking boreholes in certain areas clean safe water can be provided at a minimal cost without the expense of laying on a costly water-pipe system. Initially such a system used a simple hand-operated pump but some boreholes have been fitted with a small solar-power water pump capable of pumping a small stream of water during daylight hours (*Sunday Tribune*, 3.8.1986). This system has only been implemented in the rural areas of KwaZulu but could very easily be used in the informal settlement areas and would cut the costs of water provision considerably without the need of a costly supply of electricity.

Other cheap methods of obtaining clean water are a small filtration system that can be easily self-constructed: an ordinary 600 litre drum is fitted with a tap at the bottom and filled with clean sand. Polluted or contaminated water is simply poured into the drum and filtered through the sand which cleans out most of the bacteria in the water. Other small disinfectant units are also being developed using alternatives to chlorine which is often difficult to obtain for those far away from stores. However, the CSIR has developed a chlorine-based disinfectant called *chlor-floc* which comes in pill or powder form. *Chlor-floc* can be added to any amount of water, is simply stirred and left and the water can later be scooped out or poured off from the container or water tank. This method usually works out cheaper than buying water from a water-vendor or water-kiosk at 20c to 50c a bucket (the going rate in a shack settlement like Lindelani) (Offringa, interview, 15.10.1991).

More expensive systems of disinfecting water are also available for use by the whole community and not just individuals. A tank system is installed having a dosing pump connected to a pipe which releases small amounts of *chlor-floc*. There are also two systems in the development stage. The first utilises the reverse osmosis principle but is proving to be too sophisticated in that it filters out everything including salts, and the filters often get blocked. A more applicable system is the ultra-filtration or crossflow micro-filtration technology which uses pipes and membranes to filter out all impurities and bacteria. Both

these systems are at present undergoing field testing and have definite possibilities for the provision of cheaper clean water to the informal settlements (Offringa, interview, 15.10.1991).

A number of cheaper water delivery systems have also been developed as alternatives to the usual main reservoir-storage and pipe-network delivery system in use in most formal urban areas. One of these is the distributive storage system where each household is encouraged to put up a roof tank. A 120 litre tank has been found to be sufficient for the daily needs of a household. This enables water to be trickle fed into the tank using a 20 mm plastic pipe instead of the usual 100 mm. This smaller plastic pipe can be laid easily by the residents themselves. The water source can now be either a nearby fountain, stream, small reservoir or a bowser or water tanker. In this way the provision of water can be privatised. Water for this system can also be supplied by a rainwater-collection system where a catchment area is created by the use of plastic sheeting on trestles with the runoff into a small reservoir. This system works well in an area of regular rainfall like Natal (Moore & Simpson, interview: 15.10.1991).

Allied to clean water provision is the provision of sanitation. **Firstly residents themselves should be encouraged to build their own pit latrines** to cut down on the contamination of streams and ground water. At present there are a number of very cheap prototypes (pre-cast structures or use of moulds) and the system of double chambers where a bigger than normal pit is dug and divided by a pre-cast concrete panel. When one pit is filled the whole structure is simply moved over the second pit. When both pits are full and after a waiting period the contents can be used for fertilizing a small garden. The construction methods of such pit latrines need to be demonstrated to the residents themselves and the residents convinced of the benefits that would accrue. Alternatives to conventional sanitation are also the use of digesters in a septic tank and the laying of small-bore sewers to cut costs of having to provide sophisticated water-borne sewerage (Murdoch, interview: 15.10.1991).

1.16 Some concluding remarks

The urbanisation of the Greater Durban area has become a time bomb with projections of the population reaching at least six million by the year 2000. The fact that the influx into the Durban area has reached such proportions can be attributed to a number of factors, the most important being the land shortage in the reserves. Environmental factors such as droughts and floods, the degradation of the fertility of the land through overgrazing and deforestation, the expelling of tenants from white farms and access to uncontrolled land surrounding Durban, better wages in the urban areas, and lastly uncontrolled population growth have all played a role. Added to this has been the reluctance of the Durban Council to provide more permanent family-style housing for its African residents, the government's policies of urban segregation and the creation of Bantustans in the 1960s and the effective refusal of the KwaZulu Government to enforce influx regulations in the homeland areas abutting the cities. In response to the artificially-created shortage of suitable and affordable housing, rural migrants provided themselves with any kind of shelter they could afford in the informal settlements which sprang up spontaneously on the periphery of Durban.

The inhabitants of these informal settlements should not be regarded merely as illegal squatters or semi-criminal elements living in a state of perpetual conflict and violence. They have proved that if allowed to they are quite capable of building their own structures and in time improving them. If the authorities legitimise the spontaneous informal settlements and encourage their integration into the formal urban set-up, and if the areas remain free of harassment from officials and 'warlords' then the possibilities of self-improvement by the inhabitants and the upgrading of the settlements are real. If building regulations are eased and alternative materials like wattle and daub, packing cases, plywood boards and empty sorghum beer wax cartons for the infilling of framed structures are allowed, an average construction time of two weeks can be achieved in the provision of shelters for these shack settlements (Haarhoff, 1978: 70). If it becomes acceptable to allow such construction and with the proviso that in time the structures will be improved then a considerable dent can be made in the present estimated 160 000-unit housing backlog for Africans in the Greater Durban area.

The administrative and service fragmentation of the area will in all likelihood remain a developmental problem for many years to come. The administrative split between the Natal and KwaZulu areas in the Durban region has resulted in the establishment of numerous authorities which has reduced decision-makers to a state of helplessness. Obviously there is a need for a master plan for the region in order to accelerate the economic growth rate. However, high economic growth does not seem possible without a national political solution.

In addition, it is likely that informal settlement will intensify and, in the light of existing patterns of violent conflict, continue to be a source of crisis. The overspill of informal illegal squatters onto any vacant piece of land in the Durban area is also a strong probability for the future. A priority in solving this crisis should be the provision of more formal townships and affordable housing. Socio-economic development and political stability rely largely on the establishment of viable urban structures. However, the urgency of the situation and magnitude of the interrelated problems of squatting and violence in the informal settlements should not be underestimated. All those involved should be urged to co-operate and focus all available energies to the application of solutions for the solving of the crisis.
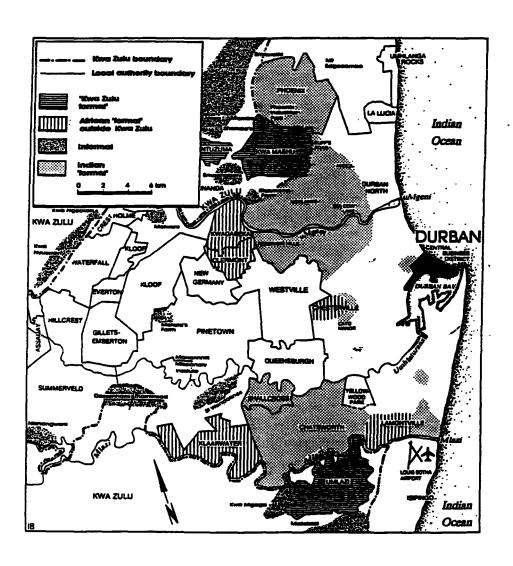
SUMMARY OF RECOMMENDATIONS

- A comprehensive and co-ordinated development plan

- Consultation with the communities themselves, i.e. participative planning, in the implementation of any development plans

- Establishment of one local authority for the entire metropolitan area of Greater Durban

- An acceptance of the permanency of squatter settlements

- Additional land for urban settlement be proclaimed

- More permanency in land tenure titles, i.e. freehold

- Electrification of the informal settlements

- Acceptance of smaller building plots to as small as 60 m^2

- Home loan regulations to be eased

- Commitment by the government to provide additional finance for low-cost and affordable housing

- Implementation of a national rural development strategy to slow down the drift of rural dwellers to urban areas

- More site-and-service schemes

- Allow for 'core- or shell-house' building

- Ease building regulations and allow for the use of cheaper alternative materials

- Establish Technical Aid Training Centres to train self-builders

- Use of traditional lightweight materials, e.g. wattle and daub, grass thatching

- Upgrading of informal settlements and the provision of basic services

- Compulsory social investment

- Job-creation to reduce unemployment

- Small-scale agricultural plots and wood-lots in the townships

- Educating for democracy to achieve stability

- Curb the power of the warlords through prosecutions, a witness protection plan and disarmament of their private armies

- Formalise informal settlements by setting up local authorities so as to undercut the warlords' tax base

- Provision of clean water

- Encourage the building of pit latrines

- Use of innovative alternatives, e.g. solar-power water pumps

MAP

AFRICAN TOWNSHIPS AND INFORMAL SETTLEMENTS IN THE

GREATER DURBAN METROPOLITAN REGION

APPENDIX A

INFLUX CONTROL REGULATIONS

The **Natives (Urban Areas) Act of 1923** empowered urban local authorities to set aside sites for African occupation (but not ownership) in separate areas otherwise known as locations, to provide accommodation (hostels or barracks) for Africans working in urban areas, or require employers to house those who did not live in the locations. Furthermore, landowners within five kilometres of a proclaimed urban area were prohibited from allowing Africans other than their employees to reside on their property. This provision was an attempt to prevent peri-urban congestion, the idea of a *cordon sanitaire*, but in the long run proved to be impossible to police adequately. The Act also sought to impose a form of influx control by allowing a local authority to deport Africans from the area if they were 'habitually unemployed', or did not 'possess of the means of honest livelihood', or led an 'idle, dissolute or disorderly life' (Davenport, 1970: 78).

In 1930 the 1923 Act was amended and among the new provisions was a restriction on the right of African women to enter an urban area unless 'in possession of a certificate, issued by the urban local authority ... that accommodation was available'. The Act also allowed an urban authority to 'prohibit the entry of non-residents into locations' (Davenport, 1970: 81, 83).

Influx control measures were further tightened with the **Native Laws Amendment Act of 1937** which allowed Africans seeking employment in the urban areas a maximum of only fourteen days in an urban area (this was reduced to three days in 1945), there-after, if unsuccessful, they were compelled to return to the rural area whence they had come. Urban authorities were also compelled to keep a record of all Africans living in their area and if the African population exceeded the labour requirements of the area the Minister of Native Affairs could expel the excess numbers. In 1945 a further restriction was added with **Section 10 of the Natives (Urban Areas) Consolidation Act** which allowed an African to claim permanent residence in an urban area only if he had resided there continuously since birth, had lawfully resided there for fifteen years, or had worked there for the same employer for ten years. (This measure only became mandatory in 1952.) (Davenport, 1969: 102; Lemon, 1991: 5-6)

APPENDIX B

THOMAS MANDLA SHABALALA OF LINDELANI

Thomas Shabalala is representative of the urban warlords who control the numerous informal squatter settlements and shacklands ringing the city of Durban. He is in fact the foremost warlord in Durban being the self-styled community councillor and self-proclaimed Inkatha mayor of the squatter settlement Lindelani. He was born 48 years ago in Ekuphumuleni near Ladysmith but was moved from the area by the Group Areas Act and his family took up residence in Newlands West near Durban but were again moved and ended up in KwaMashu. He left school in Standard 9 since his father was ill and he had to support his family. Around 1982/3 he moved to Lindelani because his parents' four-roomed house had become too small to accommodate his own family. He was one of the first squatters in the area. According to Shabalala the Lindelani squatters were at first harassed by the police who told them to leave but they stayed since they had nowhere else to go. Apparently the KwaZulu government then gave them numbers to their sites. Eventually at a residents' meeting in 1984 Shabalala was elected spokesman for the people of Lindelani. He also became the chairman of the local Inkatha branch and later the KwaZulu Legislative Assembly (KLA) MP for Lindelani and eventually an Inkatha Central Committee member (*Natal Mercury*, 24.4.1991).

Shabalala has been dogged by controversy throughout his brief career. He has faced periodic interdicts, been charged with murder (for which he was acquitted in August 1989 but some of his employees were found guilty) and blamed for much of the mayhem in Durban's townships. He has also been accused of running a private army (with reputed criminal links since some of his first vigilante force were alleged members of the '26ers Gang') and funding his unofficial administration from tithes less than freely given. In a number of interviews he projects an image of conservatism being proud of his Zuluness and his support of the Zulu king, Zwelithini. When he moved in 1983 into the area which later became known as Lindelani he instituted what he called his 'community guard force' since there were no street lights or police station in the area. Each household was charged R3 to pay for the salaries of the guards. According to Shabalala this charge, due to the hard economic times had been brought down to R1 from the beginning of 1991. Shabalala organised that most of the guard force had licensed weapons. Shabalala also started youth groups in Lindelani whose members are expected to attend meetings in the community hall every Monday, Wednesday and Friday where the 'youth leaders ... teach them how to behave' (*Sunday Tribune*, 28 January 1990).

At present, although Shabalala still has a large private 'army', he is more restrained in his actions having become wealthy and now is trying to become respectable (Aitchison, interview: 13.5.1991).

APPENDIX C

AFFIDAVIT: SIBUSISO NKABINDE

My name is Sibusiso Nkabinde, age 29. I am self-employed as a herbalist and have been living at Lindelani since 1984 in a two-roomed house with my wife Jabu Muchunu, who was at the farm in Greytown with my three children when this happened. I lived in Greytown before coming here in search of my mother.

On Saturday May 20 1989 about 8 pm, I heard a knock at the door. I went to answer it but asked first who was knocking. I heard the voices of a couple of people talking quietly together and then a man answered, "Open up, it's us." I asked the man outside to identify himself. They said, "Open up, it's us, we are the police." On hearing that it was the police, I opened the door. Two people quickly rushed into the house and said, "Yes, we've been looking for you."

I recognised these men. One has the surname Tsanibe and the other has the surname Shandu. Tsanibe is the block chairman and the head of all the indunas in Lindelani. Shandu is one of the indunas. He is the induna for unit B, facing Igugalabasha High School, next to the red electricity substation.

These men said, "Come on, follow us." I asked them where they were going. They replied, "We are going to Mshengu's place (that is Mandla Shabalala's office)." I asked them what was the matter. Tsanibe slapped me on the face. They told me to come with them and called me a snake and alleged that I was involved in the bombing of Shandu's house. They claimed that it was bombed. It was not bombed. Shandu is my neighbour, I know very well that the house was not bombed. I told them that I was still cooking chicken in the kitchen but these people simply dragged me out of the house.

They asked me to produce my Inkatha card. I told them I did not have one. The only thing I had was a very old Inkatha card from 1986/87 but they said they did not want that one, they wanted a new Inkatha card. I bought the card because it is not safe otherwise but I cannot afford to buy a new card every year. It costs R5 and I have three children to take care of. In addition, they ask for the receipts to show that I paid R10 a year for school funds and R3 a year for security guard and R10 a month for the site rental and R2 for each child to pay their teacher every month. All this goes to Shabalala.

At the time, we were advancing towards Shabalala's office. Both men slapped me on the face with their open hands all the way. Nobody saw this because it was at night. There were plus/minus 50 people outside Shabalala's office who were fully armed with *qwashas* [short riding crop type whips], knobkieries, bushknives, *isizenze* [a kind of spear/axe], sticks and spears. Some of the men were wearing badges with the head of the Chief Minister, Gatsha Buthelezi. Others were wearing UWUSA T-shirts. They called me a snake. When I was brought into the office, Shabalala and men known as Mzolo and Sithole and Khumalo were there. Shandu and Tsanibe said, "Ah! here is the person we have long been looking for."

There were these six people with a person who appeared to have been incarcerated by the

impis for some reason. He is Andile Masina, a neighbour who lives three houses away from me. He was also suspected of bombing Shandu's house.

Shandu and Tsanibe addressed Shabalala, saying, "Mshengu, we have brought this man and he is the person we have been looking for." And Shabalala responded by saying, "Whatever decision is taken against a UDF supporter, I will support that decision." I felt that he was giving them the green light to do whatever they wanted with me. After that, Shabalala thanked the two men and said he wanted to be excused because he was sleepy. He left me alone with these men.

Tsanibe and Shandu started interrogating me. They asked me why I had bombed Shandu's house and I responded that I had never done that nor even intended doing such a thing. These people said, "This is not what we asked you." They slapped my face with their open hands. I kept emphasizing that I had never had any quarrel or argument with Shandu but they kept saying that I was the leader of the comrades in my area.

They proceeded and said, "You must not think you are too clever because today we are going to put you in jail and show you what is done to a UDF supporter." They asked me whether I knew a student from matric at Igugalabasha High School by the name of Da. I did - but I told them that I did not. (I later learnt that the vigilantes had chased Da out of Lindelani on the same night.) From there onwards, they carried on slapping me on the face, punching me, kicking me. Tsanibe said a number of things, like "this comrade is meant only to be killed and nothing else." After the beating, they took me outside and all the armed people followed behind the three of us to my house.

On the way, we met Shabalala. He was wearing a long coat and carrying a long rifle. He had a balaclava on over his head but it did not cover all his face, so I recognised him from that and from his build. Shabalala came closer to the indunas and said "I want to show all the people what should be done to the UDF" and we proceeded to the house.

As we were going forward, Shabalala was behind me. He kept pricking me in the base of my skull with his rifle and calling me a snake. Shabalala said "I used to trust you but because you now show signs of turning against me I am going to make you speak. You will pinpoint all the people with whom you spread pamphlets in the area."

The same people who were in the office came inside my house: Shabalala, Sithole, Mzolo, Khumalo, Shandu, Tsanibe. Shabalala told the remainder of the people to stay outside the house, Shabalala asked me to explain why I had been travelling around the area in a car pinpointing the indunas. I denied that allegation. Shabalala carried on and asked why I travelled around in Mavuso's red combi pointing out indunas so that they can be killed. I told Shabalala that I had been inside Mavuso's combi because Mavuso needed a battery and I was directing him to someone who could sell him a car battery. That was the only reason that I was in Mavuso's car. Tsanibe slapped me on the face and asked me why I was denying this, because they had all seen me inside Mavuso's combi.

After that these people put out the candles in the house and started beating me up. After beating me up they lit the candles and told me to collect whatever I wanted from the house and leave. Tsanibe told the people outside to keep an eye on me while I was collecting my

stuff. While I was still collecting my goods, these outside people kept coming inside one by one and beating me up, kicking me, punching me and hauling me around by my shirtfront as an encouragement to hurry up. This happened four or five times.

I overheard the people saying that they were supposed to shoot me and throw my body somewhere in the veld. They also said that they needed to buy some petrol with which to burn me. They said that they wanted to leave the container with a little bit of petrol beside my corpse so that the police would think that the UDF did it. I also overheard the crowd discussing collecting Da from his home.

I was terrified. I pushed through the crowd and ran away with them chasing after me. The crowd was too busy discussing the petrol and it was dark, so I succeeded. I ran through some houses and came to a tarred road leading to a double-storeyed house where my captors started shooting at me. I kept on running until I reached a friend's house in another part of Lindelani. While I was trying to explain what was happening to my friend, a car came speeding towards me so I ran away towards the Madafane River. These people from the car behind started shooting at me and I crossed the river.

After crossing the river, I disappeared between the houses. I encountered my attackers about five times more that evening and escaped between the densely packed houses.

The last time I saw these people was at 3 am, about 7 hours after this whole thing started. From that time until late dawn, say about 6 am, I was walking from Lindelani to Nozaza in Ntuzuma, where somebody gave me R2 to go report the incidents at the police station. I reported the matter to the KwaMashu police station. The police said they could not help me because they have to get an authorisation letter from Ntuzuma Court before they could investigate the issue. I was referred to Ntuzuma Court.

I did not go to Ntuzuma Court. I went to my uncle's place in M section, KwaMashu, who told me that he had driven past my house and found that it as well as my toilet had been burnt down by these hooligans.

The next day, Monday 22 May, I went to Ntuzuma Court. People in room 10 referred me to Whitehead Building at the corner of Smith and Stanger. They said all the squatter areas are under Whitehead Building administration.

I have not gone to that place because I do not have the money. I am not happy about my things which were burnt. The only things I own are those I was wearing at the time.

I have never had trouble with Shabalala before, except in the minor case of my owning Manchester City football club, which quarrelled with another football club and he quietened things.

(I hereby certify that the deponent has acknowledged that he knows and understands the contents of this affidavit which was signed and sworn to before met at Durban this 24th day of May 1989 the regulations contained in government notice R1258 of the 21st July, 1972, having been complied with.) (From the files of the Legal Resources Centre, Durban)

APPENDIX D

PRESS RELEASE: 'SHABALALA SUED'

Mr Mandla Shabalala, the self-appointed Inkatha mayor of the massive Lindelani squatter camp abutting Durban, has been sued for R52 650 in damages. Lawyer Roshan de Hall confirmed issuing the summons on May 18 [1989] in the Durban Supreme Court on behalf of a middle-aged UDF member now hiding in KwaMashu.

The lawyer declined to identify his client for fear that it would leave him open to vigilante attacks. Shabalala has to respond to the papers within ten days of receiving them. The court papers alleged that the man was stabbed and blinded in one eye by Shabalala in a December 12 1986 incident which left him unemployable and epileptic. The man was also allegedly publicly sjambokked, punched and kicked by eight of Shabalala's employees in June 1988, followed by a similar incident last September. In the last incident, Shabalala is accused of personally joining eleven of his employees in the assault.

An Inkatha spokeswoman confirmed that Mr Shabalala was a member of Inkatha but pointed out that he had been dropped from the Central Committee last year.
(From the files of the Legal Resources Centre, Durban)

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