

1. HISTORY OF THE ORGANISATION OF CIVIC RIGHTS (OCR)

OCR, previously known as the Durban Central Residents' Association, played a leading role during the 1980s and 1990s fighting apartheid evictions and co-ordinating national campaigns. The high profile activities and legal actions pressured De Klerk and the Police to "freeze" group areas evictions and actions against so-called mixed couples.

OCR's direct actions against criminals and drug dealers later led to convening and establishing community police forums in the late 1990s.

Post 1994, various partnership arrangements with government resulted in new legislation at national level and empowerment and community upgrade projects at local and provincial tiers of government.

OCR has strong international links and its Africa programme is gaining momentum through its vision encapsulated in "*Inthuthuko e-Africa – Iya Phambili i-Africa - Development in Africa – forward Africa*". Early 2008, OCR would be consolidating partnership with tenants' groups in Liberia, Nigeria, Tanzania and Kenya.

OCR, its research and activities are cited in many international publications. Professor Maharaj's papers dealt specially with the OCR: - :

Brij Maharaj (1999). The Integrated Community Apartheid could not destroy: the Warwick Avenue Triangle in Durban. *Journal of Southern African Studies*, Vol 25 No. 2, June 1999, p 249-266

Brij Maharaj (1994). The Erosion of Residential Segregation in South Africa: The 'Greying' of Albert Park in Durban. *Geoforum*, Vol 25 No 1 p 19-32

Brij Maharaj (1993). Civic Organisations in the Apartheid inner city: A case study of the Durban Central Residents' Association. The Albert Einstein Institution, South African Program, University of Witwatersrand.

1984 – The formation of the OCR

The OCR is a community organisation formed in 1984 to challenge Groups Areas evictions. The success of the apartheid evictions led to a total boycott by residents of Warwick Avenue of the Tricameral elections later that year.

1985-1992

Early 1985 OCR was tasked by residents to take up the plight of tenants in and around Durban. This was the induction into rent control and other tenant-landlord related legislation. In 1986 it successfully championed nationally the reintroduction of rent boards through the Mottamma Naidoo case. From 1987 the OCR took up the fight against drugs, gangs and other crime related issues and represented the homeless (pavement dwellers), street traders and informal settlements, establishing various forums, street and flat committees. The structure led to another national.

National and international networking structures and campaigns were formed around 1986 – 1992 through the second wave of nationwide Group Areas evictions and arrests of “mixed couples” and tenants’ issues.

National Programme: OCR’s tenants’ advice desk, website and national helpline. OCR would be launching its advice desk for tenants in Mpumalanga province at the AGM on August 25, 2007 and plans for further advice offices in Western Cape and Gauteng by end of this year. National workshops to be conducted for Migrant / Refugee tenants.

Internationally, OCR networks with and is affiliated to several progressive organisations such as the International Union Tenants (established 90 years ago- Sweden), member of Asia Pacific Network for Housing Research (APNHR- Japan) and supporter of Habitatjam.

Research, Media, Journals and Publications

OCR has participated in national and international forums, contributed to journals and media education especially on tenant-landlord matters; published various research surveys, articles and books.

2003 – 2007

OCR was appointed by the eThekweni Municipality to do Social facilitation 2003 – 2007. This involves rendering a professional service in respect of education, empowerment, capacity building and social engineering / entrepreneurial intervention in the upgrade of municipal housing, debt relief through the prepaid water and electricity meters, writing off rental arrears and the transfer of ownership to tenants. :-

2007 – 2009

Nationwide workshops are planned with tenants, particularly emigrant / Refugee tenants.

OCR is presently involved in: -

- Tenants rights
- Homeless
- Inner city redevelopment
- Anti-crime & other community issues
- Social facilitation

23 YEARS LATER, the OCR continues to work with the disadvantaged, the elderly, the poor and those suffering as a result of unjust socio-economic conditions and laws. The OCR,

- Provides a nation-wide service to tenants.
- Conducts workshops nation-wide to empower and educate tenants.
- Runs internship programmes with students from tertiary institutions.

- ❑ Provides placement for local and overseas post-graduate students
- ❑ Conducts research on the homeless community, tenants & crime issues.
- ❑ Establishing flat & street committees.

2. BACKGROUND OF PEOPLE INVOLVED IN THE PAST

Founding members and executive committee members include: -

Archbishop Denis Hurley	First patron archbishop emeritus of	the late most reverend Durban
Billy Nair	current OCR position previous OCR position [veteran trade unionist, imprisoned for 20 years two months after his release, members of the OCR]	Patron deputy chairperson ANC, SACP, member; on Robin Island – barely was one of the founding
Dr. Don Mattera	current OCR position [renowned poet / writer]	Patron
Archbishop Wilfrid Cardinal Napier OFM	current OCR position The most reverend	Patron Archbishop of Durban
Professor Fatima Meer	current OCR position Anti-apartheid activist World renowned sociologist and activists	Patron
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Sayed Iqbal Mohamed	current OCR position previous OCR positions [KZN UDF member, Metro Councillor member of the KZN member of Council]	chairperson executive member/ chairperson ANC member, Durban Rental Housing Tribunal of Canadian Administrative Tribunals]
Thembelani Adam Mncanywa	current OCR position [Religious scholar]	deputy chairperson
Angel Paulsen	current OCR position	general secretary

	previous OCR positions [Chatsworth forum &	executive member working group member assistant secretary Curries Fountain sports development]
David Jack	current OCR position previous OCR positions	treasurer executive member/ working group member
<u>Some of the previous members</u>		
Themba Cele	deceased previous OCR positions [informal settlement]	deputy chairperson
Theresa James	current OCR position previous OCR position	none working group member executive member
Beauty Linda	current OCR position previous OCR position [homeless]	none deputy chairperson executive member
Ayesha Williams	current OCR position previous OCR position	none / deceased working group member executive member
Geeta Narsi	current OCR position previous OCR positions	none general secretary working group member
Ebrahim Moolla	current OCR position previous OCR position [ANC, SACP]	working group member executive member
Lucille Sarkot	current OCR position previous OCR position	none executive member deputy chairperson

TRUSTEES:

~~Prof. Leonard Gering~~, Prof. Suleman Dangor, Adv. Tayob Nazeer Aboobaker, SC; Ms. Sibongile Doreen Khuzwayo, Krubashen Moodley, Sibonelo Trustworth Ngubane, Lionel Grewen

3 STRENGTHS AND OPPORTUNITIES

OCR is the leading civic organisation in KwaZulu Natal and in 1999 through nationwide workshops and meetings, is consolidating its strength as a **national voice for tenants**

In the KwaZulu Natal region, particularly in the inner city, OCR's anti-crime, research and the establishment of street and area structures has made the OCR a major stakeholder. OCR has played a major role in giving impetus to multi-million rand redevelopment programmes and participates on several development forums. Through its research on the homeless community of Durban and direct representative of the homeless on OCR's executive, OCR has made progress in housing the homeless and improving their living conditions.

International and **local researchers** continue to consult the OCR on its sustained and consistent involvement in community based issues, especially regarding tenants, the homeless, informal traders, anti-crime and re-development. **Tertiary institutions** continue to place post-graduate students as **internees** with the OCR.

The OCR therefore is of strategic importance in educating and empowering tenants nationally and the homeless community in Durban, in the development of strategic response to combating crime in the inner city, redevelopment projects and providing invaluable research information.

4 STAFF PROFILE

(a) **The OCR has three full time staff.**

The paralegal and projects manager, Dr. Sayed-Iqbal Mohamed is recognised nationally and internationally and holds several post-graduate degrees and certificates, including in estate agency, housing management and policy and has written journal articles for international organisations, e.g., HIC (United Nations), and has produced leading research reports. It is because of him that the late most reverend Archbishop Denis Hurley, Billy Nair and Don Mattera accepted to be OCR's patrons. The other staffs provide secretarial services, co-ordinate projects and together with the paralegal and projects manager, provide advice, representation and intervention regionally and nationally.

(b) **Voluntary Workers**

- (i) **Architects** - OCR has used the voluntary services of architects to assist in evaluating inner city redevelopment proposals. The project ultimately involves about R900 million.
- (ii) **Fieldworkers** - OCR's strength and growth regionally could not be possible without voluntary support of people at grassroots level. This support is directly linked to its relevance as a community based NGO with 23 years of experience and expertise. Professor Leonard Gering (another trustee) is one of many active volunteers.

5. MIGRANT / REFUGEE TENANTS is one of OCR's national projects
The Project Summary (2007–2009) Goals, Aims & Objectives

Migrant / refugee tenants are the latest victims at the hands of unscrupulous landlords and their agents. These are individuals and families mainly from:

Democratic Republic of Congo
Zimbabwe, Mozambique, Nigeria, Somalia, China

Brief Overview of the Challenges:

Nationally, it would appear there are about 10 million illegal immigrants (Crime in South Africa, Statistics Campaigns Articles 2010, 23 November 2006). Some of the information (World Fact, 19 June 2007) show the following in respect of refugees in South Africa:

Democratic Republic of Congo	10,609
Somalia	7,548
Angola	5,764

No stats per province of legal and illegal immigrants are available, although OCR has requested information from the government and await a response.

Some of the hardships experienced by refugees, asylum seekers and migrants are unaffordable rent increases, illegal lockouts, disconnection of services and evictions. Tenants are locked out and their belongings either illegally seized or thrown into the streets. OCR members have spent weekends counselling traumatised tenants, risking their own lives. The 2010 soccer world cup has witnessed an increase in evictions and rent hikes with migrant / refugee tenants as one of the most vulnerable group.

Case examples include: -

In Durban's Drummond House (below) 44 households (228 people) were evicted because the landlord converted the residential usage to student accommodation. Head of households: 19 South Africans; 17 Congolese; 2

Rwandans; 2 Angolans; 1 Zairian and 1 Burundian. Relocating presented various difficulties including children who were attending schools nearby.



In
Cape
Town

an informal interview in the suburb of Maitland (below) revealed appalling living conditions and exorbitant rentals. Tenants were unaware of their rights and the existence of the provincial Rental Housing Tribunal. High rental according to Abdallah (pictured right below) from Burundi forces families to live in one room and sublet the rest of the dwelling to supplement the payment of rental. Overcrowding is one of the outcomes of subletting; the other is the lack of privacy and independence. There is no assistance from the government.



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Ibrahim Ndejeje and two other tenants - Issa (Wao / Patrick) Omari and Lumvi Cubaka (from the Congo) found their main entrance door was forced open and later the front gate was locked at their flat at Inverallan, 36 Keswick Street, Morningside, Durban. Ibrahim Ndejeje (right) shows his blood stained T-shirt when he was assaulted for refusing to vacate his flat.



OCR hopes through the workshops to share skills, educate, empower and develop strategies

- ◆ for migrant / refugee tenants' rights
- ◆ identify aspects of the law to protect the rights of migrant / refugee tenants

- ◆ to establish committees for conflict resolution and support structures
- ◆ to provide advice, counselling and representation to migrant/refugee tenants

Overall Objective: Through workshops and meetings OCR hopes to educate and empower migrant / refugee tenants.
 Establish a lobbying group in each of the four provinces.
 Engage national and provincial governments to protect migrant / refugee tenants.
 Explore partnership with Kituo cha Sheria

Project Purpose: **Migrant / refugee tenants** would be empowered to enforce their rights as tenants.
 Tenants would be the main beneficiaries.
 Work with Kituo cha Sheria to exchange ideas and experiences to prepare for future programme with similar bodies in Africa.

Project Purpose: **partnership exchange programme with Kituo cha Sheria**

- OCR has chosen for its partnership exchange programme *Kituo Cha Sheria*, a non-governmental organisation based in Kenya that works with land and tenant related matters (as well as labour and governance).

Results: Migrant / refugee tenants would be better equipped to deal with landlord-tenant matters.

Lobbying Groups in each of the four provinces:

- to have legislation amended or introduced to protect rights
- address xenophobia to change negative public opinion

It is envisaged that through the partnership exchange programme, the following can be achieved regarding human rights, particularly in the area of tenant-landlord relationship: -

- information sharing of literature, experiences, legislation, lobbying techniques, intervention, empowerment and education of tenants

- assessment of the successes / shortcomings of the strategies used in enforcing the rights of tenants
- setting up a networking structure between the two organisations identifying and exploring possible networking groups in Africa with similar aims and objectives

Target: Estimated 5 000 to 8 000 Migrant / Refugee Tenants

6. LIST OF ACHIEVEMENTS SINCE OCR WAS FOUNDED.

VISION AND POLICY

The OCR as a community based NGO is committed to developing a better and just society by making a significant and distinctive contribution at regional, provincial and national levels through active grassroots involvement in improving

- (i) the condition of tenants and the homeless community
- (ii) the safety, security and health of residents.

These commitments are expressed through various programme interventions, advice, research, legal and paralegal intervention and representation, lobbying for positive changes, capacity building, education and empowerment.

SOME OF OCR'S ACHIEVEMENTS

- ◆ Organising, educating & empowering tenants, the homeless & residents.
- ◆ Founding member and co-ordinator of various anti-crime & redevelopment forums.
- ◆ Successful representations at rent board.
- ◆ Arbitration between landlord and tenants.
- ◆ Partnership: on going discussions at central, provincial & local governments.
- ◆ Networking with civics and other relevant groups regionally, nationally and internationally.
- ◆ A major stakeholder on new legislation for landlords & tenants.
- ◆ Various High Court actions resulting in the:
 - ◆ reintroduction of rent boards nationally (1986); rent control in Warwick Avenue (1993)
 - ◆ reinstatement of displaced tenants
 - ◆ reconnection of services
 - ◆ took up the plight of fleamarket traders, exposed corruption, had the market master and officials removed.
 - ◆ addressed the plight of "sweatshop" tenants.

AT NATIONAL GOVERNMENT LEVEL

1984–1989: OCR was in the forefront for the abolition of the Group Areas Act and stopped the harassment of “mixed” couples & forced evictions.

1995–1999: Brought about changes in the composition of rent boards: gender & ethnicity

1995–1999: OCR substantial contribution to landlord-tenant law (the Rental Housing Act 50 of 1999) and the provincial Rental Housing tribunals; served on the national task team to advise the Minister of Housing.

1998–1999 had the apartheid surcharge or levy imposed on Durban market traders abolished

2000–2006: Contributed to protecting the rights of sectional title owners (Local Government Property Rates Bill)

2003–2006: Social facilitation – multi-million rand upgrade of municipal housing; community sales facilitation.

Empowered tenants to respond to the enforcement of their rights and fulfilling their obligations and duties; respond to legal processes; representing tenants in legal proceedings, mediation with landlords. Organising tenants’ committees.

Motivated the formation of Warwick Junction Project and the Albert Park Redevelopment working group

Formed the Inner city community police forum and the Greater Great Street Redevelopment forum

As Social Facilitator Management and development of multimillion rand projects:

- ❑ Ensuring positive and successful progress
- ❑ Conflict resolution between stakeholders
- ❑ Attending to specific problems between the municipality, tenants & other stakeholders
- ❑ Conducting Meetings / Workshops
- ❑ Informing tenants / occupants of Rights, Duties and Responsibilities of prospective buyers / owners, tenants and the community
- ❑ Integrating community representatives into the project on a focussed timeline
- ❑ Getting tenants / owners to realising the principles of masakhane
- ❑ Co-ordinating the functions of all stakeholders into a cohesive project based focus
- ❑ Rendering the above within the context of a high standard of professionalism provided by any competent consultant on the open market

7. Research Surveys

Mohamed, S.I. (2003). An assessment of the socio-economic conditions, tenure preference, skills available and state of dwellings at Sydenham

Heights: Rebuilding a better future. Organisation of Civic Rights. Durban, South Africa.

Mohamed, S.I. & Naidoo, H (2001). *Rental Housing and Socio-Economic Survey of Marloth Gardens (Owned by Durban Metropolitan Unicity Council)*. Organisation of Civic Rights. Durban, South Africa ISBN 0-9584303-7-3

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Discussion Documents

Mohamed, S.I. (1996). *Preliminary Discussions on the Rights and Obligations of Tenants and Landlords*. Organisation of Civic Rights. Durban, South Africa. ISBN 0-9583886-4-4

Mohamed, S.I. (1994). *A Grassroots Perspective of Tenant's Rights in South Africa*. Organisation of Civic Rights. Durban, South Africa. ISBN 0-9583886-1-X

Journals

Mohamed, S.I. (2004). *The Rental Housing Act and Provincial Rental Housing Tribunals*. LexisNexis Butterworths Property Law Digest, Vol 8, Part 3, September 2004. Durban, South Africa. ISBN 0-9584303-3-0

Mohamed, S.I. (2004). *The Mkontwana Judgment – holding landlords liable*. LexisNexis Butterworths Property Law Digest, Vol 8, Part 4, December 2004. Durban, South Africa.

Mohamed, S.I. (1998). *Evictions, Displacements and Shelter Needs: The Case of Durban, South Africa*. In Popular strategies in Historic Urban Centres, Vol. 1: Latin America, Africa & Asia. Habitat International Coalition.

Mohamed, S.I. (1997). *Tenants and Tenure in Durban*. Environment and Urbanisation, Vol 9, No. 2 October 1997. United Kingdom: Russell Press.

Chairperson's Profile (Community / Public Viewpoints)

“Stalwart of human dignity” (Editor-Peter Davis, Sunday Tribune, 01:12:'96)

“Well known urban Activist” (Editorial, Natal Mercury, 10:09:'96)

“Well known community leader - known to be balanced and rational” (Natal Mercury, 22:11:'95)

Recognition by Minister of Justice as playing a role of uniting people (OCR's AGM, 03:06:'89)

“People's Champion” - Tireless campaigner for underprivileged (Natal Mercury, 16:05:'95)

Considered leading a Shadow City Council (David Baskin, Sunday Tribune - TODAY, 25:06:'89)