

Poor face daily battle to survive

Spotlight on International Housing Rights

Daily News Tuesday September 30 2008

THE collapse of some of the business giants makes front page stories and will dominate headlines as long as the market is unstable. The crises reverberate globally.

Shack fires and the ensuing fatalities fade from our memories, if they were ever part of it and usually fail to compete for space in our market economy.

Shack dwellers, off course, are not interested in seizing headline space; they are pre-occupied with survival in our democratic country that promised housing, employment, freedom and dignity.

We cannot criminalise a people who have been dispossessed of land over centuries. The poor see colonialism, imperialism, apartheid and democracy camouflaged to subjugate not to liberate. Dispossessing land from the majority of the people started with the Dutch farmers, pushing inland through the Great Trek of the 1800s.

The British waged land wars against the indigenous Africans in 1799, 1811, 1819 and 1834 with Shepstone introducing the reserve and location system in 1865. Cecil John Rhodes started residential segregation in 1870 and with his Glen Grey Act of 1894, made many Africans homeless and landless.

Rhodes made a strong case for pass laws and called for the adoption of a system of despotism similar to India.

Lord Carnarvon Shepstone, Selbourne and Milner were the pioneers of the Union of South Africa because of the need to unite against the “Native question”. The Natives Land Act of 1913 aimed to accumulate more land than the spoils of 200 years of Dutch and British land wars.

Hofmeyer, Botha and Smuts extended the structures built by the English liberals.

The apartheid government continued in the tradition of the Dutch and British colonialists in maintaining the dispossession of land through various legislations which included influx control pass laws, the Slums Act and the Prevention of Illegal Squatting Act.

Repeal

The repeal of these laws by the democratic government of South Africa was to address the rights of the homeless and the landless by subjecting these rights to fair treatment.

Instead, it aims to create exclusionary affluent zoning through spatial segregation of the poor. Shack settlements are razed with impunity. Women, men, the elderly and children are dumbstruck at the arrogance of our constitutional democrats.

Some of our democratic leaders are buried in the legislative quagmire that provides the tools to control.

What we need is a political system that gives us the right to remove the people who fail to deliver. What we need is to control the greed that feeds off the rights of the poor.

Land is spacious to serve everyone's need but greed leads to crafting of laws that are speciously appealing for the rebuilding our country.

Jajbhay J¹ encapsulates the plight of the poor in his discussion of the concept of *ubuntu*:

"In South Africa the culture of *ubuntu* is the capacity to express compassion, justice, reciprocity, dignity, harmony and humanity in the interests of building, maintaining and strengthening the community.

"*Ubuntu* speaks to our inter-connectedness, our common humanity and the responsibility to each that flows from our connection.

This in turn must be interpreted to mean that in the establishment of our constitutional values we must not allow urbanisation and the accumulation of wealth and material possessions to rob us of our warmth, hospitality and genuine interests in each other as human beings.

Status

"*Ubuntu* is a culture which places some emphasis on the commonality and on the interdependence of the members of the community. It recognises a person's status as a human being, entitled to unconditional respect, dignity, value and acceptance from the members of the community, that such a person may be apart of.

"In South Africa, *ubuntu* must become a notion with particular resonance in the building of our constitutional democracy. The absence of adequate housing for the Respondents and any subsequent eviction, will drive them in a vicious circle, to the

deprivation of their employment, their livelihood, and therefore their right to dignity, perhaps even their right to life.

"The right to work is one of the most precious liberties that an individual possesses. An individual has as much right to work as the individual has to live, to be free and to own property. To work means to eat and consequently to live.

"This constitutes an encompassing view of humanity. The Applicant's suggestion that the Respondents be relocated to an informal settlement flies in the face of the concept that a "person is a person through persons" (*Ubuntu*). "Recent experience has shown that this alternative is fundamentally skewed. Occupiers of shacks in these informal settlements have not only lost their possessions through floods and fire but also their lives."

The first Monday in October is International Housing Rights Day and perhaps on this day (Monday 6), those in government ought to reflect on and evaluate their performance, actions and their commitment against the judge's statements above.

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¹ City of Johannesburg v Rand Properties (Pty) Ltd and Others 2006 (6) BLCR 728 (W).