



The Bredell land invasion

Why did this happen, and what can we learn from it?

This debate, organised by the Centre for Development and Enterprise, took place on 8 October 2001. The speakers were Sankie Mthembu-Mahanyele, minister of housing; Paul Maseko, city manager of the Ekurhuleni metropolitan council; Rose Molokoane, national chair of the South African Homeless People's Federation; and Cedric de Beer, CEO of the National Urban Reconstruction and Housing Agency (NURCHA). The debate was chaired by Prof Siphso Seepe, principal of Vista University's Sebokeng campus.

What the speakers had to say ...

Minister Sankie Mthembu-Mahanyele opened the debate by noting that incidents such as the Bredell invasion had to be understood primarily in terms of housing issues and access to secure tenure in urban areas. It would be extremely misleading to make comparisons with Zimbabwe-style land invasions.

She then outlined government's achievements in distributing land for human settlement and agricultural development, and addressing South Africa's housing needs.

On the housing front, upon assuming office in 1994 the government had set itself a target of one million units in five years. By March 1999 a total of 745 717 units had either been completed or were under construction, which was not far short of the million units promised. In comparing South Africa to the very best housing success stories internationally over the past 30 years, it was widely recognised that this delivery rate was an outstanding achievement.

Reconstruction and Development Programme (RDP) housing was a package involving secure tenure, land, a

top structure, and the supply of water, sanitation and electricity. But the government also provided cheaper housing. When the United Nations' global campaign for secure settlement was launched in Durban two years previously, the South African government had already put in place a rapid land release programme for which a housing subsidy was not a prerequisite. This involved the provision of a plot with a title deed and services while applications for housing subsidies were still being processed. The rapid release programme built partnerships between the state and the people, relieved pressure on land, made for planned settlement, and accelerated delivery. Under this scheme Gauteng, for example, had provided 15 000 sites for settlement, with a commitment to the provision of 30 000 annually; and the Eastern Cape had transferred 23 742 such sites.

Government's policy for the provision of shelter was multipronged. Apart from the subsidy and rapid land release programmes, it included rental programmes, hostel redevelopment, and the establishment of housing asso-

ciations to help beneficiaries gain access to housing, and to develop management and maintenance programmes.

Government's formal housing programme was currently providing 200 000 subsidies a year, and had now delivered 1,2 million units, giving shelter to five million people. Between two million and three million units still had to be provided, but the state's efforts had to be judged in the context of available resources and the competing demands of other departments, including education and social development (welfare). In practice the subsidy for top structure could not be isolated from infrastructural and other costs.

To clear South Africa of informal settlements in 10 years would require 400 000 subsidies a year, or 300 000 subsidies a year over 25 years. The latter would require a 50% increase in the annual housing budget, raising it to R6,6 billion. If basic infrastructure were to be provided for all, this would cost the state an additional R38 billion. So far a total of R3,3 billion had been released for the consolidated infrastructure programme.

Turning to the recent land invasion at Bredell on the East Rand, the minister said that people renting shacks had been promised plots by members of 'a political organisation' (a reference to the Pan Africanist Congress). They paid money to representatives of the organisation, and were given 'receipts'. Because this was an illegal occupation the police moved in. They found that the invaders included housing subsidy applicants who were 'jumping the queue', people from nearby townships trying to find rent-free accommodation, and entrepreneurs looking for new business opportunities – but there were also political opportunists, crooks who wanted to make easy money, and foreigners.

Paul Maseko noted that every citizen had a constitutional right to adequate housing, and no one could be evicted without a court order. Some of the land invaded at Bredell was privately owned, some owned by the state. When the landowners and national government took legal action to evict the squatters, the High Court established that portions of the land had been illegally 'sold' for R25, and that people had been unlawfully organised to occupy it. The court did not prescribe that the landowners should provide alternative accommodation.

Currently there were some 40 informal settlements in Ekurhuleni. While the Ekurhuleni metropolitan council had recognised that land issues were important well before the Bredell invasion, it had not made this its top priority. One of the lessons from Bredell was that a housing strategy, coupled with rapid land release, was the council's most urgent task. The Ekurhuleni metro

council was now approaching landowners such as ERPM and negotiating for land. Together with the Gauteng premier and the provincial government, it was intent on increasing the pace of delivery. A further lesson was that the metropolitan council had not communicated its intentions or actions effectively. Desperate people were vulnerable to exploitation. The council needed to educate communities to be suspicious of unscrupulous land-grabbers. It also had to ensure that it stayed in touch with people on the waiting-list for housing, to give them hope and to make them aware that they could and should take their frustrations and problems to their ward councillors. There were lessons here not only for Ekurhuleni but for every municipality in the country.

The Homeless People's Federation, **Rose Molokoane** said, aimed to organise homeless and landless people and to help develop South Africa in co-operation with government. It did not support any political organisation as such but had established good relationships with the departments of land

affairs and housing. Its purpose was to organise poor people – for example, by helping them to form savings groups – and it provided a support network for its 100 000 members across the country. The federation had received R10 million from the land affairs department for land acquisition; and it had been instrumental in building some 10 000 houses, 35% of which had received subsidies.

It had to be said that government's land reform system was too bureaucratic, and was taking too long to achieve what was needed. The federation certainly did not encourage land invasions, but when they occurred they presented opportunities for negotiation. The federation would establish who owned the land and then enter into negotiations with the landowners; and it had successfully negotiated land for 10 communities under such circumstances.

While it was not entirely clear what had happened at Bredell, it was important to stress that homeless people everywhere needed to know where and how they could make themselves heard, so that they did not 'hit their heads against a wall'. Negotiation around needs was the only positive way forward.

Cedric de Beer began by sketching the historical background to the Bredell invasion. In the late 1970s, the Surplus People's Project established that as many as three million black people had been forcibly removed under apartheid measures like the Group Areas Act, 'black spot removals' and the eviction of labour tenants from farms. For 30 years, from the 1950s onwards, housing was systematically destroyed and the apartheid state did not

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Land invasions in South Africa since 1994

The land invasion at Bredell near Kempton Park in July 2001 attracted a great deal of interest, but was by no means the first of its kind. CDE's research shows there have been more than 50 reported land invasions in South Africa since 1994, and at least ten occurred in the year before July 2001. Nor did High Court eviction orders and demoli-

tion teams make their first appearance at Bredell. The government has, in fact, established a record of dealing quite firmly with illegal land occupations.

Most land invasions have been in urban areas. It is noteworthy that where the slowdown in housing delivery has been most pronounced, that is around Johannesburg and Cape

Town, land invasions have been most frequent.

Many, if not most, of the Bredell 'invaders' moved there from nearby townships. In the main, people were attracted to Bredell not because they were literally homeless, but because they were finding it difficult to pay rent, or because their previous accommodation was overcrowded.

build houses for blacks in 'white' urban areas. Against this background, one should not think that the problems could be solved in the space of five or 10 years.

Settlement had to take place within the framework of the law, and government was paying serious attention to the country's housing needs. However, within that context, people should be given scope to use their own creative energies. As a Johannesburg council official in the early 1990s, de Beer had to try to convince people not to jump housing queues, to respect the rule of law, and that government would provide houses. The consistent message he received was: 'We can't afford formal housing. Give us land and we will build for ourselves.' Homeless South Africans had a great deal of energy and entrepreneurial skill that should be harnessed to build houses and to look after themselves.

It was undoubtedly true that some agitation and organisation lay behind the land invasion at Bredell. The much-publicised case of the 80-year-old woman whose shack had been removed made this clear. She had not built the shack; others had moved her there – and she had been used shamefully for propaganda purposes. But the underlying message from Bredell was clear: 'Give our people land.'

Against the background of apartheid policies, it would not have been politically realistic six years ago for the government to say it would provide sites, rather than building houses. But now it was clear that people were ready for a different strategy. Government was moving towards a position where people could contribute to their own housing through 'sweat equity'. This could go a considerable way towards easing the housing backlog.

During open discussion ...

Before questions from the floor, the PAC's chief whip in the Gauteng legislature, **Mosebjane Malatsi**, was given an opportunity to make a statement clarifying his party's position. He said that in terms of PAC policy, South Africa's land could not be bought and sold, as the liberation struggle had been about the return of land removed from indigenous people under colonialism and apartheid. While 1913 was the cut-off date for land claims in terms of the government's restitution programme, the land had already been taken away long before that from the indigenous people. He appealed to the ANC to change the constitution to bring about a proper reappportionment of the land, saying that representatives of the PAC and the Azanian People's Organisation in parliament would help it to obtain the necessary parliamentary majority. There was no moral justification for paying compensation for land that was simply being restored to its rightful owners.

During the open discussion there were sharp exchanges between PAC members, who attended the debate in some numbers, and minister Mthembu-Mahanyele.

When a PAC councillor from Ekurhuleni denied his party's involvement in the Bredell invasion, the minister said he was guilty of 'opportunism' and of 'not dealing in the truth'. On visiting Bredell, she had spoken to people who had receipts for land stamped by the Benoni branch of the PAC – and she pointed out that PAC leaders such as Patricia de Lille and Stanley Mokgoba had found it necessary to distance themselves from the actions of certain party members.

In response to a counter-accusation by a PAC member that ANC councillors had been involved in selling public land to poor people, the minister said that if any ANC members were involved in selling land that did not belong to them, they would feel the full might of the law.



Some questions from the floor ...

- Isn't there a risk of Zimbabwe-style land invasions if homeless and landless people lose confidence because of the slow pace of government programmes?
- The Constitution gave government the power to expropriate land. Given the land needs of the black majority, why have no expropriations taken place? Is this because government is intent on placating whites? Can white landowners be relied on to co-operate with government's 'willing seller, willing buyer' policy?
- Why is the ANC so inconsistent in its response to land invasions? Its strong reaction at Bredell was in marked contrast to some other cases, where incidents of this kind had been tolerated or ignored.
- How can liveable communities be created when government is building 'boxes' in an effort to clear the housing backlog? Given the poor quality of some government housing, are construction standards being enforced? Why are upgrading programmes targeted at existing townships, rather than informal settlements?
- Why doesn't government revert to site and service schemes – 'the only good idea (former National Party premier) Hendrik Verwoerd ever had'? Has the Bredell invasion forced a shift in the policy of government – and particularly the Gauteng government – away from RDP housing to a more affordable approach?
- In the light of the Bredell invasions, isn't the government's emphasis on providing housing in rural areas misplaced?
- Is government doing enough to communicate its achievements on housing and land to the people?

Responding to these questions, **Minister Mthembu-Mahanyele** rejected the suggestion that Zimbabwe and South Africa were comparable. Zimbabweans wanted land for agricultural purposes; in South Africa people generally wanted to live close to the cities, which offer employment.

The pace of housing delivery in South Africa since 1994 had no precedent anywhere else in the world according to the United Nations. The government recognised housing and access to land as fundamental rights, but the really challenging issue was how to assure these in practice. If government had the resources about 400 000 housing units could be delivered each year and the backlog cleared in five years. However, that would mean using capital-intensive construction, doing away with a people-centred approach, and ignoring the need for job creation. Rather than making populist statements, critics should seriously debate the problems facing government.

On whether whites were willing to co-operate with land reform, the minister said that one could not 'bundle everyone into one bag'. For example, she had dealt successfully with white Afrikaner farmers in the Free State, who had given land for development; and some traditional leaders had also provided free land.

Government was working on the creation of 'liveable' environments for housing beneficiaries. Pilot projects had been undertaken, for example, in the Johannesburg suburb of Newtown, in KwaZulu-Natal and in the Eastern Cape with a view to providing amenities beyond shelter and basic services. However, government's ability to do this depended on the availability of resources. Through the people's housing process, beneficiaries were involved in designing their own houses and using their own savings to add value to the government subsidy. It was important that upgrading should take place in proclaimed townships because, among other things, this ensured that people did not build on unsafe land.

While some houses were very basic there were none as small as the 90m² houses that had been built under apartheid. Some subsidised housing was admittedly of poor quality, but a government audit showed that only 3% of the stock fell short of the required standards. Developers who provided sub-standard housing were required to redo the work; and if they could not, were removed from government's register of approved contractors.

The minister insisted that government's new emphasis on self-help housing was very different from apartheid-era site and service schemes. Beneficiaries were now being assisted by government through rapid land-release programmes, and were relocated to acceptable sites, with secure and permanent tenure.

In the period 1994-1998 the emphasis had been predominantly on urban housing. Delivery in rural areas needed attention. There had been no policy shift away from RDP housing. However, government was looking at various ways of stepping up delivery and, in particular, it wanted to accelerate the release of land for development.

Both **Cedric De Beer** and **Rose Molokoane** expressed concern that the interests of poor people were

WHAT ARE THE CDE DEBATES?

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What happened at Bredell?

The Bredell invasion attracted far more media interest than other similar incidents. This is probably best explained by an incorrect sense in the local and international media that Bredell was the South African equivalent of the contemporary Zimbabwean farm invasions.

The events at Bredell were also marked by bitter denunciations and political mudslinging between the ANC and PAC. While the precise nature of the PAC's role at Bredell is under dispute, it seems likely that local PAC activists were deeply involved in organising the invasion and some of the PAC's national leaders certainly interpreted the motives and articulated the needs of the invaders in radical ways.

Bredell is near Kempton Park, in Ekurhuleni (formerly the East Rand). The land that was occupied consists of 32 hectares of 'vacant government land' (owned by the former Transvaal Provincial Administration), Eskom, Transnet and two farmers.

On 3 July 2001 *The Star* broke the news that the PAC was 'selling' plots for R25 at Bredell and that thousands of people, mostly from Tembisa, were queuing to buy land.¹ A PAC spokesman estimated that up to 22 000 people had paid their 'fees' since late June and 2 000 people had already been settled.² By 4 July, the number of people settled was estimated by police at 5 000, but various newspapers put the number at 10 000.³ On 5 July, the PAC said R179 000 had been collected (this would represent 7 160 plots at R25 each) and the number of shacks was put at 5 000.⁴

Several previous attempts in recent years to move onto land at Bredell had been met with evictions by farmers and the police. It has been claimed that after appealing unsuccessfully to the ANC, squatters then turned to the PAC when 'they saw that settlements started by the PAC in Daveyton and Etwatwa through land occupation were successful.'⁵ In March 2001, one person was shot when police evicted people from the area. An organisation calling itself the African Renaissance Civic Movement began registering people 'in pursuit of starting [an] informal settlement.'⁶ PAC general secretary Thami ka Platjie denied that the PAC was collecting money, and that 'it was [the squatters'] own decision to contribute the amount to a community fund'. He also denied that the PAC had orchestrated the occupation, saying they had been invited to help by the African Renaissance Civil Movement.

Despite being caught off guard initially, government

reaction was swift and decisive. The ministers of Land Affairs (Thoko Didiza), Housing (Sankie Mthembu-Mahanyele) and Safety and Security (Steve Tshwete) castigated the PAC's 'opportunism' in strong terms, and warned that the occupants would be legally evicted.

Within 48 hours, Didiza had stopped new people 'acquiring' land and acted swiftly to convey a message to the world: 'This will not be tolerated'.⁷ She applied for an eviction order from the Pretoria High Court.

On Thursday 5 July, about 200 squatters were arrested; 110 were subsequently charged with trespassing and three for preventing evictions. They were later released on R50 bail.⁸ *The New York Times* described these events as taking place amid 'scenes reminiscent of the apartheid era.'⁹ Ministers Didiza and Tshwete retreated from Bredell in the face of angry mobs. Some of the new Bredell 'land owners' threatened violence if evicted.

The court heard the government's application to evict on Friday 6 July. On 10 July, a week after the first reports of the invasions, Pretoria High Court Judge Carel Rabie ruled that the squatters had to leave the land within 48 hours, that there had been 'intentional trespass' and that the rule of law must be upheld.¹⁰ Didiza said the court order was not an occasion for 'gloating or celebrating.'¹¹

Many squatters were defiant and vowed not to move. Amidst extravagant attention from the media, the National Land Committee appealed to President Mbeki and minister Didiza for 'a stay of eviction on humanitarian grounds'¹² while the South African Council of Churches indicated its availability to mediate. However, by 13 July the shacks were being demolished, and most of the illegal occupants were evicted within a few days.

Government subsequently indicated its intention to amend the Prevention of Illegal Eviction and Unlawful Occupation of Land Act of 1998, to curb future land grabs.¹³

However, in December government did an about turn on plans for a more aggressive law, with the cabinet rejecting the proposed amendments. It was announced that these had been "put on ice" until more work could be done on developing and improving policy on land invasions, and that more attention would have to be given to the provision of alternative land. In addition to the housing ministry, state law advisors and officials of the departments of land affairs, safety and security and justice would now be involved in developing the new policy.¹⁴

1 *The Star*, 3 July 2001

2 SAPA, 3 July 2001

3 NEWS24, 4 July 2001.

4 ZA*Now, Daily Mail and Guardian, 5 July 2001.

5 *The Star*, 6 July 2001.

6 *The Star*, 6 July 2001.

7 NEWS24, 5 July 2001.

8 *Sowetan*, 6 July 2001.

9 *The New York Times*, 5 July 2001.

10 *Business Day*, 11 July 2001.

11 IOL, 11 July 2001.

12 *Pretoria News*, 12 July 2001.

13 *Business Day*, 14 August 2001.

14 *Business Day*, 12 December 2001.



being submerged in a battle between political parties. Poor people found it difficult to get a clear picture of government policies and were being used by politicians, Molokoane said, adding that it was ‘disappointing to see our leaders pointing fingers at each other’.

De Beer noted that there was a tension between the pace of housing development and its quality. Given the shortage of about three million houses, it would cost government R350 billion to provide quality housing for all. This was simply unrealistic. Everyone would like the housing budget to be bigger, but South Africa was a developing country in a globalising world economy. It had to look at a variety of solutions, including ‘sweat equity’. ‘Let’s mobilise for what’s possible,’ he said. There

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were significant achievements and many positive initiatives on the housing front by government, non-governmental organisations and agencies like his own, which financed low-income housing.

Minister Sankie Mthembu-Mahanyele said frustrations on the ground had to be seen against the background ‘of where we have come from’. In many ways, government was trying to do the impossible. However, government needed to communicate more effectively with ordinary people. Part of the problem lay with politicians and parliamentarians who did not go back to their constituencies and explain what had been achieved, what was being done, what the problems were, and what resources were available to tackle them.

Concluding remarks from the chair

Closing the debate, **Sipho Seepe** said the events at Bredell were simultaneously highly particular and general in their implications. Some of the invaders were genuinely seeking housing – they were on waiting lists, but their patience had been exhausted; others were illegal immigrants, people in search of quick profits, and crooks. Despite evidence of political opportunism at work, the invasion was a wake-up call for South Africans and for government. The courts could not allow unlawful occupation of land – but the underlying issues had to be addressed by different means. ‘Housing delivery must be accelerated; the land

release programme must be implemented effectively,’ he said. Government also needed to take a hard and critical look at its communication strategies.

Bredell had highlighted the need to be vigilant about what was happening in local communities. Government at every level had to ensure responsiveness to people’s needs and should develop multi-pronged strategies to address them. Society, not just government, had to come up with solutions – hence the importance of Rose Molokoane’s emphasis on partnerships between government and the people.



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