SERI’s Community Practice Notes reflect on the socio-economic struggles of social movements and community-based networks in different contexts in South Africa.

Inner City Federation: Fighting for Decent Housing in Inner-City Johannesburg
Social Movements Series

SERI’s fifth Community Practice Notes series examines different social movements and community-based networks advocating for socio-economic development for poor and vulnerable people in different contexts in South Africa. In the series we assess how social movements and community-based networks in South Africa have organised and mobilised to advocate for decent, well-located housing, and protect and strengthen the tenure rights of low-income people.

The series examines the strategies and tactics of social movements and community-based networks working on land and housing rights in various locations throughout South Africa, including the City of Johannesburg’s inner-city (Gauteng), the City of Cape Town (Western Cape) and Durban (KwaZulu-Natal). The series documents and analyses the relationship between housing rights, local politics, collective organisation and mobilisation, protest and the use of courts.

*Inner City Federation: Fighting for Decent Housing in Inner-City Johannesburg* is the first Community Practice Note in the series.

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Inner City Federation: Fighting for Decent Housing in Inner-City Johannesburg

Inner City Federation: Fighting for Decent Housing in Inner-City Johannesburg is the first in SERI’s Social Movement Series of community practice notes. The note examines the strategies and tactics of the Inner-City Federation (ICF), a self-organising coalition of tenants and unlawful occupiers\(^1\) from over 40 buildings in inner-city Johannesburg that advocates for housing and basic services and challenges the stigma associated with low-income inner-city residents. The ICF is the first self-organised group of low-income residents grounded in Johannesburg’s so-called ‘bad buildings’ that is challenging the lack of decent, affordable housing in the inner city in over a decade.

The note provides a brief background to the challenges facing low-income tenants and unlawful occupiers in inner-city Johannesburg. It also summarises the key events in the struggles of poor inner-city residents to resist evictions, harassment and displacement; establish and maintain effective self-management structures in dilapidated inner-city buildings; collectively mobilise residents; and advocate for decent housing.

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\(^1\) An unlawful occupier is a person who occupies a building without the consent of the owner or without any other legal right to live there (for example, a valid lease agreement). This includes a person who initially had the owner’s consent or a legal right to occupy, but whose consent lapsed at a later stage (for example, a former tenant whose lease was cancelled). See Ndlovu v Ngcobo; Bekker v Jika 2003 (1) SA 113 (SCA).
# Abbreviations and Acronyms

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<tr>
<td>ANC</td>
<td>African National Congress</td>
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<tr>
<td>CBO</td>
<td>Community Based Organisation</td>
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<td>DA</td>
<td>Democratic Alliance</td>
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<td>DPUM</td>
<td>Johannesburg's Department of Planning and Urban Management</td>
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One of the biggest challenges confronting low-income people in South Africa’s urban centres is the acute lack of decent, affordable housing. This is particularly clear in inner-city Johannesburg, where evictions remain prevalent as poor people living with precarious, or without, legal tenure are frequently displaced as a result of state-run urban regeneration initiatives and gentrification.

Like many other cities, the City of Johannesburg (the City) has experienced a dramatic decline and regeneration over the past 50 years. While the story of urban decline in Johannesburg is complex and multi-faceted, most commentators trace the inner-city’s urban decline to two interlinked migrations in the 1970s and 1980s. At this time, buildings in the inner-city were increasingly occupied by coloured, Indian and black South Africans from townships and small rural towns as the apartheid government’s racial segregation and influx control regulations were lifted. This resulted in the so-called ‘white flight’ of middle- to upper-class families from the inner-city to the northern suburbs, together with businesses (including the large banks and law firms).

These two migrations resulted in a hollowed out inner-city, with many inner-city buildings that were left vacant or abandoned being occupied by black, coloured and Indian households. While these households were initially affluent, the high rents in the inner-city meant that many were forced to sublet part of their apartments. This caused over-crowding.

The poor relationships between tenants and landlords in the late 1980s and early 1990s resulted in non-payment of rents and services, driving many landlords and/or managing agents to abandon their properties altogether or, in some cases, to refuse to pass on the rates and service payments they received to the City. This, in turn, led to unmanaged and unmaintained buildings. The City failed to act on the non-payment of rates and services, resulting in properties that still carry debts of millions of Rands (often well above the value of the properties themselves). The City responded to the non-payment of rates and services by cutting off the public services of non-paying buildings, including
water, sanitation and refuse removal.\textsuperscript{2} Ironically, this move punished the tenants and occupiers rather than the non-paying owners and exacerbated the precarity of the urban poor. With no access to basic services, the quality of the housing in inner-city buildings declined leaving many living in slum-like conditions. By the late 1990s and early 2000s, the perception of the inner-city was one of ‘crime and grime’, urban decay and anarchy.

To address the perception of urban blight, the City embarked on a series of ambitious urban regeneration initiatives that were focused on reversing urban decay and promoting economic growth by enticing property investors back to the inner-city and promising that the benefits would ‘trickle down’ to the poor.\textsuperscript{3} In essence, these programmes tried to encourage commercial property developers to take control of urban slum buildings, evict the occupiers and refurbish them for occupation at much higher rents.

Since the early 2000s, thousands of people have been forcibly evicted from so-called ‘bad buildings’, initially under health and safety grounds and later in terms of regular eviction proceedings. The evictions have, unsurprisingly, been met with resistance from the occupiers of these buildings who have challenged the evictions in court, giving rise to a number of high profile court judgments, including the \textit{Olivia Road, Blue Moonlight} and \textit{Occupiers of Erven 87 & 88 Berea} cases in the Constitutional Court. These cases have placed an obligation on the City to provide temporary accommodation to anyone left homeless as a result of state- or private-led evictions.

Throughout this time, the high demand for decent, low-income rental housing in the inner-city (and throughout Johannesburg) has remained unmet by the private sector and the state. On various occasions, the City tried to encourage the private sector to develop affordable rental housing to meet the demand for housing that was created by evictions and urbanisation. However, the private sector rentals that have been developed are unaffordable to low-income residents and the rental housing that has been supplied by the state is insufficient and oversubscribed.\textsuperscript{4} Ongoing evictions, spurred on by property speculators and gentrification, have exacerbated the demand for low-income rental housing.

According to the 2011 Census, approximately 50\% of the households living in the inner-city earn less than R3 200 a month.\textsuperscript{5} As a substantial number of inner-city residents are very poor, with many being dependent “on low-wage employment, either [informal] trading

\textsuperscript{3} Housing Development Agency (HDA) and the National Association of Social Housing Organisations (NASHO), “Reviving Our Inner-Cities: Social Housing and Urban Regeneration in South Africa” (2013), p. 14.
\textsuperscript{5} Ibid.
or domestic work” and with many of their incomes being reliant on their location in the inner-city, many low-income families have been forced to live in inner-city ‘bad buildings’ in slum-like and often dangerous conditions or, if they are evicted, have lived for long periods in the City’s temporary emergency accommodation.

It is in this context that a group of low-income tenants and unlawful occupiers from inner-city buildings who experienced evictions or were threatened with evictions formed the Inner City Federation (ICF) in 2015. This community practice note documents the strategies and tactics that the ICF has used to resist evictions, establish and maintain effective self-management structures in dilapidated inner-city buildings, collectively mobilise residents, and advocate for decent, affordable housing.

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6 eProp, “Johannesburg inner city restoration shows steady progress” (2012).
Members of the Inner-City Federation protest for better living conditions in the City of Johannesburg, 2018.

© Edward Molopi
In 2015, a group of low-income inner-city residents represented by the Socio-Economic Rights Institute (SERI) came together to form the Inner City Federation (ICF) with the aim of challenging and addressing housing issues affecting poor people in inner-city Johannesburg. The ICF is a coalition of low-income tenants and unlawful occupiers in inner-city Johannesburg, who have either been forcibly evicted or live under the threat of eviction. Ultimately, the ICF serves as a support structure assisting tenants and unlawful occupiers in developing collaborative strategies for dealing with internal building problems and facilitating the creation and strengthening of building committees. The ICF allows inner-city residents to share their experiences, build unity and solidarity, and functions as a platform for knowledge sharing. ICF members are mainly residents of the inner city who have either experienced an eviction or live under the threat of eviction and are engaged in litigation challenging these evictions. While initiated by SERI clients, the ICF is open to tenants and unlawful occupiers of any inner-city building, in particular so-called ‘bad-buildings’. Since its formation, the number of tenants and unlawful occupiers who are affiliated with the ICF has grown to include over 40 buildings who jointly represent over 2 000 inner-city residents. This includes two members from each building or building committee and over a dozen individuals living in occupied buildings who attend ICF meetings in their personal capacity and do not represent a particular community or building.
Members of the Inner City Federation protest for decent, affordable housing in the City of Johannesburg, 2018.
The following figure summarises the key events in the ICF’s struggle against urban displacement and push for decent, affordable housing.

1970s to 1990s
Demographic shift in inner-city Johannesburg: Indian, coloured and black households move into the inner-city as middle-class white households and businesses move to the northern suburbs.
Landlords escalate rent and evict through service cessation. Many landlords abandon their properties. The properties accumulate large debts and fall into disrepair.

Mid to late 2000s
City launches urban regeneration efforts, forcibly evicting poor and low-income households from so-called “bad buildings”. Building occupiers resist and challenge the evictions in court.
City’s ‘Inner City Roadmap’ incorporates the development of decent, affordable housing but in practice focuses on bylaw enforcement and ‘eliminating bad buildings’.

June 2018
City offers 71 inner-city buildings to private developers to tender to provide residential housing, including to a small proportion of upper low-income earners.

March 2018
ICF protests with tenants and unlawful occupiers and presents a memorandum of grievances to the City Council.
City introduces “military style” campaign to clear unlawfully occupied buildings, plans to apply “shock and awe” to reclaim “hijacked” buildings.

February 2017

SAPS, JMPD, DoHA and CoJ conduct 39 raids on 11 unlawfully occupied buildings between 30 June 2017 and 3 May 2018.

June 2017

ICF is established. It builds a coalition with other occupiers and makes links with other social movements and CBOs. Management committees are established in various buildings.

2015

City introduces ICHIP to address the lack of decent, affordable housing for low-income households. ICF says the plan is insufficient and recommends that it make provision for rent-to-buy housing options and include a moratorium on evictions in the inner-city.

April – July 2016

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As a result of the growing political instability and the economic recession in South Africa, the apartheid state is no longer financially able to build houses in the areas designated for coloured, Indian and black people in terms of the Group Areas Act. At the same time, the supply of rental housing stock in inner-city Johannesburg begins to exceed the demands of the white minority population. The oversupply in the inner city and the chronic shortage of housing in coloured, Indian and black neighbourhoods prompts coloured and Indian households (and later also black households) to seek accommodation in the inner city.\(^7\)

The City reacts to the demographic shift in the inner-city with indifference as it views this shift as a solution to the housing crisis.\(^8\)

However, the influx of coloured and Indian households (and later also black households) leads many middle class white households and businesses to leave the inner city and opt for the northern suburbs.\(^9\) The withdrawal of investment from the inner city leaves a number of industrial and residential buildings abandoned and vacant.

In 1978, this exodus is further fuelled by the lifting of the Rent Control Act of 1976. While new tenants are no longer subject to rent control, the policy continues to apply to units where the original tenants remain. To circumvent these protections, many inner-city landlords employ covert tactics to ‘persuade’ protected tenants to vacate their apartments by terminating their buildings’ maintenance contracts.\(^10\)

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\(^8\) Ibid, p. 313.


In doing so, landlords hope to fill vacant apartments at increased rents that are “‘considerably more than the going rate’ to illegal, under the Group Areas Act, Coloured and Indian (and later African tenants) who [are] desperate to find accommodation, albeit in poorly maintained buildings”.\textsuperscript{11} As a result of white flight and the lifting of the Rent Control Act, “between 1978 and 1982, the racial composition of [the inner-city is] altered”.\textsuperscript{12}

As the apartheid government’s racial segregation and influx control regulations, such as the Influx Control Act (and later also the Group Areas Act), collapse,\textsuperscript{13} more black households move from the townships and small rural towns into inner-city Johannesburg. This is primarily motivated by the intensification of political violence in black townships and households seeking better economic opportunities in the urban core.\textsuperscript{14}

As landlords begin to recognise that many black households in the inner-city are desperately in need of accommodation, they escalate rents significantly and in some cases the rents “more than double”.\textsuperscript{15} In order to afford these rents, many households have to sublet parts of their apartments to other households. This causes overcrowding and puts pressure on the infrastructure and services in already poorly maintained buildings.\textsuperscript{16}


\textsuperscript{12} Morris, “The Desegregation of Hillbrow”, p. 821.

\textsuperscript{13} The Influx Control Act was scrapped in the mid-1980s, allowing black South Africans to move freely between urban centres. The Group Areas Act was only abolished in 1990.


The City fails to match the influx of poor people with the provision or maintenance of adequate housing, contributing to the buildings that are available becoming overcrowded.

**1990s & early 2000s**

In the 1990s, poor relationships between tenants and landlords result in non-payment of rents and services. This drives many landlords and/or managing agents to abandon their properties altogether or, in some cases, to refuse to pass on the rates and service payments they received to the City.\(^{17}\) Non-payment of property rates and services by the owners who had left, or by managing agents who do not pass on the payments, leads to unmanaged and increasingly unmaintained buildings. The City fails to act on the non-payment of rates and services, resulting in properties that carry debts of millions of Rands (often well above the value of the properties themselves). When the City does respond to the non-payment of rates and services, it cuts off the public services of non-paying buildings, including water, sanitation and refuse removal.\(^{18}\) Ironically, this move only punishes the tenants and occupiers rather than the non-paying owners and exacerbates the precarity of the urban poor. With no access to basic services, the quality of the housing in inner-city buildings rapidly declines leaving many living in ‘slum’-like conditions.

By the late 1990s and early 2000s, the perception of the inner-city is one of ‘crime and grime’, urban decay and anarchy.\(^{19}\) As a result, the City embarks on a series of ambitious urban regeneration initiatives that are focused on reversing urban decay and promoting economic growth by enticing property investors back to the inner city and promising that the benefits would ‘trickle down’ to poor and low-income households.\(^{20}\) These programmes include the Seven Buildings Programme (1997 to 2002), the Bad / Better Buildings Programme (1998 to 2007), the Inner-City Regeneration Strategy (2003 to 2007), the Inner-City Regeneration Charter and Inner-City Housing Action Plan (2007), and the Inner-City Property Scheme (2007 to 2013).\(^{21}\) In essence, these programmes try to encourage commercial property developers to take control of urban buildings, evict the occupiers and refurbish them for occupation at much higher rents.

\(^{17}\) Wilson, “Litigating Housing Rights”, p. 132.


\(^{19}\) Tissington, *Minding the Gap*, p. 31.


\(^{21}\) For more on these regeneration initiatives, see Tissington, *Minding the Gap*, pp. 30-46.
Mid to late 2000s

Thousands of poor and low-income households with varying degrees of tenure in relation to the buildings they inhabit are forcibly evicted from so-called ‘bad buildings’ under the auspices of the City’s urban regeneration initiatives. Initially the evictions are based on health and safety grounds and later eviction proceedings are brought in terms of the Prevention of Illegal Evictions, and Unlawful Occupation of Land, Act of 1998 (the PIE Act). Some landlords, bolstered by the evictions under regeneration programmes, illegally evict tenants and unlawful occupiers.

The evictions are met with resistance from the occupiers of inner-city buildings who challenge the evictions in court, giving rise to a number of high profile court judgments, including the Olivia Road\(^{22}\) and Blue Moonlight\(^{23}\) cases in the Constitutional Court. These cases cement an obligation on the City to provide temporary emergency accommodation to anyone left homeless as a result of state- or private-led evictions.\(^{24}\)

\(^{22}\) Olivia Road was an eviction case which affected over 300 unlawful occupiers living in two buildings in inner-city Johannesburg. One of the buildings, San José, was a sixteen-storey apartment building, which had already been earmarked for refurbishment by a property developer. In 2006 the City tried to evict the residents relying on notices that were issued under the provisions of the National Building Regulations and Building Standards Act of 1977. The City argued that it had the right to order residents to vacate a building by notice if it is necessary for their safety. The residents challenged the eviction up to the highest court in the country, where the Constitutional Court gave an order for the municipality to “meaningfully engage” with the occupiers regarding their right to alternative accommodation on the inner city. See Occupiers of 51 Olivia Road, Berea Township and 197 Main Street Johannesburg v City of Johannesburg (Olivia Road) 2008 (3) SA 208 (CC).

\(^{23}\) In the Blue Moonlight case, 86 people faced eviction from a disused set of factory buildings and warehouses on Saratoga Avenue in Berea, Johannesburg. The company that owned the buildings, Blue Moonlight Properties, purchased the buildings in the hope of evicting the occupiers in order to develop the properties for a higher-income market. The occupiers resisted the eviction, fearing that an eviction would lead to them becoming homeless if no alternative accommodation was provided to them. In court, the City argued that it did not have a duty to provide alternative accommodation to people evicted from private properties (even if these people would otherwise be rendered homeless as a result of the eviction). In 2012, the Constitutional Court ruled that the City had an obligation to provide alternative accommodation for those who will be rendered homeless by the eviction irrespective of whether the City or a private property owner seeks the eviction, and declared the City’s housing policy “unreasonable” to the extent that it failed to provide alternative accommodation to those evicted from private property, noting that “[t]o the extent that eviction may result in homelessness, it is of little relevance whether removal from one’s home is at the instance of the City or a private property owner”. See City of Johannesburg v Blue Moonlight (Blue Moonlight) 2012 (2) SA 104 (CC).

The City publishes the final version of its Inner-City Transformation Roadmap (Inner City Roadmap), which is the City’s “statement of intent to transform the inner city of Johannesburg”. The Inner-City Roadmap recognises that a core component of the urban regeneration in the inner city is dependent on the development of decent, affordable housing for very poor households: “The demand for accommodation in the inner city continues to outstrip supply. Although the residential sector has seen significant investment, much of this new housing stock has been directed at low- to middle income households, rather than at very poor households. The shortage of accommodation for poor people feeds so-called slumlord developments and bad buildings in the inner city. The challenge for the City is to promote regeneration and upgrading in ways that are not exclusionary.”

The Inner City Roadmap is aimed at “eliminating bad buildings” through a coordinated “high level strategy” involving the City’s legal department, the Johannesburg Metropolitan Police Department (JMPD), Environmental Management, the Department of Planning and Urban Management (DPUM) and the Housing Department. Ultimately, the plan acknowledges that ‘bad buildings’ are “fundamentally driven by housing needs” and that the Housing Department needs to “create conditions that poor and vulnerable households can access decent accommodation”. However, the City struggles to implement the Roadmap, focusing more on the enforcement of by-laws than the proactive provision of decent, affordable housing.

On 22 March 2015, SERI hosts a workshop for tenants and unlawful occupiers living in 14 inner-city buildings, including Ingelosi House, 54 Soper Road, Ekuthuleni, Jeanwell Court and Koch Mansions (in each of these buildings the residents face eviction or other issues associated with housing or building management).
workshop offers participants the opportunity to share their experiences with one another and discuss how they can collectively mobilise around shared challenges.

At the workshop, the Inner City Federation (ICF) is established as a coalition of tenants and unlawful occupiers living in buildings in inner-city Johannesburg to jointly organise around challenges related to housing and basic services.29

**AUGUST**

The ICF conducts its first building visits to give advice and practical assistance to the tenants and unlawful occupiers living in 1 Delvers Street (in the inner city) and the Walpert building (in Jeppestown), two industrial buildings that were informally converted into residential buildings by their residents. Some of the residents in these buildings had tried to encourage the residents to cooperate in various self-management activities, including regularly cleaning the buildings’ communal spaces, but had struggled to get all the residents to participate in these activities.

The ICF gathers the residents of the building together and facilitates the election of building committees for each building. The ICF sees the establishment of building committees and other democratic local management systems as a critical component of their work and a way to address the issues facing tenants and unlawful occupiers in the inner-city. These committees are able to assist residents in resolving tenant disputes, addressing tenant rights issues, organising self-management activities in inner-city buildings (for example, cleaning the communal areas of the building, or collectively repairing, replacing or improving damaged infrastructure like broken toilets), and mobilising residents if they are threatened with eviction.

The ICF also advises each committee on how to strengthen their legitimacy and encourage participation in self-management activities.

**SEPTEMBER TO NOVEMBER**

To increase capacity and knowledge among tenants and unlawful occupiers, the ICF hosts three tenant-rights workshops (in collaboration with SERI). The workshops ensure that residents who are affiliated with the ICF are aware of the laws governing rental housing relationships and the remedies available to tenants and unlawful occupiers.30

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29 SERI, “Newsletter” (September 2015): http://newsletters.intothelimelight.co.za/public/messages/view-online/LjezNLNjcMFLh4s4/fmLNxtmDGBzIrR.

The ICF also gets tenants and unlawful occupiers from inner-city buildings to attend court hearings dealing with evictions and rental housing disputes, to show solidarity with their members who are facing evictions. The ICF’s attendance builds support systems for tenants or unlawful occupiers facing eviction and highlights the commonality of the struggles faced by low-income inner-city residents. In addition, the ICF believes that having a considerable presence in the courtroom will indicate to a judge that his or her decision will impact a significant number of people.

The ICF is invited to the Urban Land Justice Colloquium, an annual event hosted by SERI and Ndifuna Ukwazi in Braamfontein, Johannesburg. It provides an opportunity for the ICF to meet and engage with members of other social movements, community-based organisations (CBOs) and non-governmental organisations (NGOs) working on land and housing rights issues.

The ICF meets with the Inner-City Resource Centre (ICRC), a CBO that assists low-income communities in inner-city Johannesburg with issues regarding housing and human rights violations, to discuss potential ways in which they can collaborate. The ICRC shares its experiences of mobilising in the inner-city and discusses the clean-up campaigns that the ICRC conducts in inner-city buildings (these campaigns consist of tenants and unlawful occupiers cleaning the communal spaces in their buildings on designated days, usually Sundays).

The ICF conducts building visits to two additional buildings in which tenants and unlawful occupiers face the threat of eviction, Ingelosi House (a former office building in Hillbrow occupied by approximately 20 poor households, comprising of approximately 80 people) and Primrose Terrace’s “White House” building (a double storey residential building that was abandoned by its owner and is occupied by approximately 30 people). The ICF were invited to the building to advise residents on how to address building management issues.

The ICF also assists residents in two inner-city building in electing new residents’ committees to contribute to the management of the buildings.

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31 For more information on the ICRC, see their website: http://icrc.org.za.
32 A building on Janie Road (a former industrial building in Jeppestown that has been informally subdivided and used for residential purposes) and the St Georges building (a former church building).
The ICF and its members continue to illustrate their solidarity with tenants and unlawful occupiers facing the threat of eviction by attending court appearances in the Rental Housing Tribunal, Magistrates’ Court and High Court.

**APRIL TO JULY**

As part of the Inner-City Roadmap, the City publishes the Inner City Housing Implementation Plan (ICHIP) for public comment. ICHIP is a “housing strategy and implementation plan that takes into account all sectors of the housing market and the needs of all income groups with an emphasis on the poor”. ICHIP aims to address the challenges posed by inner-city slum buildings, rehabilitate failed sectional title schemes, address the critical lack of formal and social housing opportunities for low-income residents, and ensure better temporary emergency accommodation for residents who are rendered homeless as a result of evictions or other emergencies.

As part of the public consultation process, the ICF invites Simon Mayson, the assistant director on the Inner City Transformation Roadmap in the City, to present ICHIP to ICF members in July 2016. During the consultation, the ICF raises concerns about the plan’s failure to adequately address the issue of affordability of inner-city housing. According to Siyabonga Mahlangu, the ICF’s General Secretary, the plan “did not cover poor people”. The ICF also recommends that the plan make provision for rent-to-buy housing options and include a moratorium on evictions in the inner-city. Although the ICF’s submissions are not included in the final plan, the ICF believes that this public consultation is critical to ensuring that the City takes account of the collective concerns of the tenants and unlawful occupiers who live in the buildings that are affiliated with the ICF.

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34 Ibid.

35 This position is based in the Office of the City Manager of the City of Johannesburg.

36 The lowest rental prices on the plan are in the region of R750 to R1 000 per month, which excludes utilities like electricity and water. By any estimate, the cost of rental will be more than R1 000 when utility charges are added to the living expenses. The ICF feels that this figure is too high and unaffordable for many of the urban poor who reside in the inner city. Research done by SERI indicates that about 50% of households in the inner city earn below R3 200 per month. With housing affordability generally assumed at 25% of monthly income, this means 50% of inner city residents cannot afford to spend more than R800 per month on housing. Furthermore, 32% earn less than R1 600 per month. These households can at most afford to spend only R400 per month on housing. For more on this research, see: Tissington, *Minding the Gap*.

37 Interview with Siyabonga Mahlangu, the ICF’s General Secretary, in Braamfontein, Johannesburg (8 November 2018).
AUGUST

Local government elections take place across the country. The African National Congress (ANC) wins 44.5% of the seats in the City of Johannesburg (the largest number of seats but not an outright majority). The Democratic Alliance (DA) wins 38.4% of the seats, while the Economic Freedom Fighters (EFF) wins 11.1% of the seats. The election results enable the DA to establish a DA-led coalition government with the EFF. DA mayoral candidate, Herman Mashaba, is elected mayor of Johannesburg.

SEPTEMBER TO DECEMBER

The ICF provides ad hoc assistance to tenants, unlawful occupiers and building committees where they are able to do so. By assisting tenants, unlawful occupiers and building committees in resolving some of the unique problems that directly affect them, the ICF is able to gain support from a large number of buildings and individuals. The ICF’s reputation grows as tenants and unlawful occupiers in inner-city buildings that are not represented by SERI begin to seek out the ICF’s assistance and advice.

However, some tenants, unlawful occupiers and building committees struggle to actively participate in the ICF’s work and activities in the face of their own internal building challenges or the persistent threat of eviction. The ICF therefore carefully tries to balance the urgent needs or emergencies faced by individual communities with the more long-term work of building capacity and advocating as a collective, as well as how to keep people involved in the struggle after their own immediate and pressing issues have been solved.

The ICF tries to strike this balance by reassuring tenants, unlawful occupiers and building committees of their commitment to assisting individual buildings and working collectively by conducting door-knocking activities in all the buildings it has a presence. In this way, the ICF encourages tenants, unlawful occupiers and building committees to actively participate in the work of the ICF.

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On 6 February 2017, the City’s regulatory, compliance and special investigations unit presents a new plan to clear unlawfully occupied buildings in the inner-city through a “military style” campaign to the City-convened Inner-City Partnership Forum. The plan aims to “return ‘hijacked properties’ to their owners or have them forfeited to the state”. It provides that the forensic unit “will adopt the ‘shock and awe’ doctrine”, a military strategy used by United States forces in Iraq based “on the use of overwhelming power and spectacular display of force to paralyse the enemy’s perception of the battlefield and destroy its will to fight”. The plan signals a drastic, forceful and dehumanising shift in approach to dealing with unlawfully occupied inner-city buildings, and low-income households living in the inner city more generally.

The City comes under considerable criticism when the plan is leaked to the media and publicised in the Business Day, a national newspaper. Mayor Mashaba, denies that the plan was adopted. However, the frequent police raids conducted by the South African Police Services (SAPS) and the Johannesburg Metropolitan Police Department (JMPD) on unlawfully occupied inner-city buildings later in 2017 seem undeniably to echo the “shock and awe” doctrine.

The ICF continues to provide assistance to tenants, unlawful occupiers and building committees in the inner city through capacity building on self-management strategies and advice on how to deal with common housing-related issues. In addition, the ICF tries to increase awareness of the tenure insecurity and inadequate living conditions that many tenants and unlawful occupiers in inner-city Johannesburg face. Siyabonga Mahlangu, the ICF’s General Secretary, and Edward Molopi, a researcher at SERI, write an opinion piece on the need for the City to provide decent temporary emergency accommodation to residents who are rendered homeless as a result of an eviction or other emergency, which is published in the Business Day.

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42 Ibid.
43 Ibid.
The Constitutional Court delivers a landmark judgment on the law governing housing and evictions in *Occupiers of Erven 87 & 88 Berea v De Wet (Occupiers of Erven 87 & 88 Berea)*. The *Occupiers of Erven 87 & 88 Berea* case is a rescission application brought by 184 residents of an apartment building called Kiribilly (situated at Erven 87 and 88 in Berea, Johannesburg) against an eviction order granted against them by the Johannesburg High Court in 2013. The owner of the building claimed that the residents had agreed to be evicted, but the occupiers said that they had not been advised of their rights to defend the case, and would be left on the streets if they had to vacate their homes. The residents’ challenge to the eviction ultimately reaches the Constitutional Court. In its judgment, the Court finds that evictions that lead to homelessness are unlawful, even if they are agreed to by all of the residents who stand to be evicted. The Court declares that judges hearing eviction proceedings must make sure that people under the threat of eviction are properly informed of their rights to contest eviction proceedings and claim alternative accommodation. In addition, judges must proactively investigate the circumstances of all the residents facing eviction in order to properly assess the impact that an eviction will have on their lives and living circumstances. This is a significant victory for the residents of the Kiribilly building (who are active members of the ICF) and, more broadly, for tenants and unlawful occupiers living under the threat of eviction throughout South Africa.

The SAPS, JMPD, Department of Home Affairs and City of Johannesburg begin conducting a series of police raids of unlawfully occupied buildings in inner-city Johannesburg, at the behest of Mayor Mashaba. During the raids, officials force the residents out of buildings and onto the streets, where the residents are searched, finger-printed and commanded to produce copies of their identity documents, passports or asylum seekers’ permits. Anyone who is unable to produce their identity document is detained. Some South African citizens who cannot produce their identity documents on command are arrested because, according to one official, they “look too dark” to be South African. The majority of those that are arrested are never charged but are rather released after a day or

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47 Ibid.

48 Ibid.


50 *Residents of Industry House and Others v Minister of Police and Others*, South Gauteng High Court, Founding Affidavit of Nomzamo Zondo (11 May 2018), para. 36.
It is not immediately apparent under what legal authority these police raids are conducted.\(^5\)

The residents of at least 11 of the buildings that are raided by the police are involved in court proceedings against the City where the residents seek temporary emergency housing from the City (so that they will not be rendered homeless as a result of evictions).\(^5\) During some of the raids, residents are told that they should “get out” of the building or face eviction.\(^5\) In some cases, those playing a leading role in obtaining legal representation to challenge evictions are targeted and arrested as “building hijackers”.\(^5\)

Between 30 June 2017 and 3 May 2018, over 39 police raids are conducted in approximately 11 inner-city buildings.\(^5\) Some buildings are raided repeatedly.

**JULY**

On 5 July 2017, a fire kills 7 people and injures 7 others at the Cape York building, a dilapidated former office building in the inner city occupied by desperately poor unlawful occupiers.\(^5\) The fire highlights the dangerous living conditions in many dilapidated and overcrowded buildings in inner-city Johannesburg. In response to the fire, Mayor Mashaba says that these fires are “bound to happen” given the unsafe conditions in many inner-city buildings and indicates that he intends to condemn unsafe buildings and “get people out”.\(^5\) However, he says that the City will refuse to provide emergency accommodation to those it evicts, stating that anyone removed from an unsafe building would not be allowed to “jump the housing queue”.\(^5\) Mashaba makes these statements in spite of the legal duty on municipalities to provide temporary emergency accommodation to anyone rendered homeless as a result of an eviction or other emergency (as set out in the *Olivia Road, Blue Moonlight* and *Occupiers of Erven 87 & 88 Berea* cases).\(^5\)

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\(^{51}\) Ibid.

\(^{52}\) Later the police claim that the majority of the raids were authorised in terms of section 13(7) of the South African Police Services Act of 1995 (the SAPS Act), which gives the police authority to “cordon off” an area to “restore public order or ensure the safety of the public”. However, at least two raids were not conducted in terms of any authorisation.


\(^{54}\) Ibid.

\(^{55}\) Ibid.

\(^{56}\) SERI, “Inner-City Residents Challenge the Constitutionality of Police Raids”;


\(^{58}\) N Nyoka, I Pijoos and J Etheridge, “This fire was bound to happen – Herman Mashaba”, *News 24* (5 July 2018).

\(^{59}\) Ibid.

\(^{60}\) Royston et al, “‘Bad buildings’ – the law is not the problem”.

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The ICF are invited to attend a workshop on forced evictions and urban displacement organised by the Ford Foundation. The workshop brings together 33 participants from 17 cities across 5 countries, and consists of a series of dialogues on the common challenges of forced evictions and urban displacement across a range of contexts. The workshop offers the ICF an opportunity to build a strong international network with NGOs, CBOs and social movements working in land and housing rights.

**AUGUST**

By August, it becomes clear that the City has adopted its proposed “shock and awe” tactics in its pursuit of urban regeneration as Mashaba announces his intention to evict undocumented foreign nationals from inner-city buildings. Mashaba blames Johannesburg’s housing crisis on the influx of migrants from other parts of South Africa and undocumented foreign nationals moving to South Africa for economic opportunities. His use of inflammatory rhetoric and his willingness to blame the situation in the inner city on foreign nationals in the wake of xenophobic violence in 2008 and 2015, draws heavy criticism from civil society and human rights groups including SERI, the South African Human Rights Commission (SAHRC) and Amnesty International.

The ICF participates in the Tshisimani Centre for Activist Education and Social Justice Coalition (SJC)’s “Political Training for Urban Activists Workshop”, held in Khayelitsha. The workshop participants include urban activists from Johannesburg, Cape Town and Durban. Through the workshop, the ICF is able to connect with housing rights activists from different cities, learn about the struggles of other CBOs and lay the foundation for future collaboration. In particular, the ICF uses the workshop to explore the practical tools and political strategies that other organisations have used and consider their usefulness in the context of inner-city Johannesburg.

**NOVEMBER**

On 16 November 2017, the police conduct a raid on the Kiribilly building (the residents in the Kiribilly building are active members of the ICF). Two occupiers are arrested and detained overnight, but no criminal charges are pursued.

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62 D Paul, “Hijacked buildings and ‘shock and awe’ tactics in Johannesburg’s low-income black neighborhoods”, *CityLimits.Org* (1 May 2018); Mkokeli, “Herman Mashaba is pressing on with ‘shock and awe’ plan”.
On 24 January and 15 February, the police conduct two more raids on the Kiribilly building. The ICF believes that the police raids are aimed at harassing, intimidating and threatening the poor tenants and unlawful occupiers living in inner-city buildings by making their lives unbearable. They believe that the raids are a tactic that the City and/or private property developers are using to force people to vacate the buildings that they have often occupied for decades.

On 27 March 2018 the ICF organise a peaceful protest march of tenants and unlawful occupiers living in the inner city to the City of Johannesburg’s municipal council. The protest comes after numerous failed attempts by the ICF to meet with the mayor or senior officials to voice their frustrations and grievances. According to Mahlangu, “[w]e are marching to demand dialogue with the city officials.

Raymond Arendse, a representative of City of Johannesburg’s Speaker of Council receives a memorandum from inner-city residents led by the ICF General Secretary, 2018.

63 Interview with ICF executive members Sifiso Zuma and Siboniso Ntshangase in Braamfonten, Johannesburg (8 October 2018).
64 Ibid.
To demand basic services like water and electricity. We want public and social housing within the City, not in the townships.”

During the protest, the ICF presents a memorandum of their grievances to Raymond Arendse, a representative of the City of Johannesburg’s Speaker of Council. The memorandum closes with this statement: “Our local government does not provide the residents of the inner city with public and social housing, they only talk of evicting non-documented people and taking away basic municipal services from the inner city residents. They act like they were voted in to criticize poor people, abuse them and ignore their right to dignity”.

MAY

The residents of 11 inner-city buildings, represented by SERI and some of whom are part of the ICF, launch an application challenging the lawfulness and constitutionality of over 20 police raids of their homes conducted at the behest of the Mayor Mashaba between 30 June 2017 and 3 May 2018.

The application is based on the legal requirement that any police search and seizure of a person’s home must be authorised by a search warrant, issued by a court. However, none of the raids that are subject to the application were conducted in terms of a warrant: Two of the raids were conducted without any legal authorisation, while the other raids were authorised in terms of section 13(7) of the South African Police Services Act of 1995 (SAPS Act). This provision allows the police to “cordon-off” an area to “restore public order or ensure the safety of the public”. The application challenges the constitutionality of section 13(7) to the extent that it allows for a person’s home to be searched without a warrant issued by a court. The residents also claim compensation for the breach of their rights to privacy and human dignity.

JUNE TO OCTOBER

On 22 June 2018, the City Council proposes to put 71 buildings to tender for redevelopment by private property developers. The City claims that private developers will provide affordable accommodation in the inner city, as well as rental space for small businesses. The prospectus indicates that developers will be required to reserve 20% of the development for low-income earners with rents

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65 Paul, “Hijacked buildings and ‘shock and awe’ tactics”.
66 Ibid.
67 SERI, “Inner-City Residents Challenge the Constitutionality of Police Raids”.
69 Ibid.
capped at R900 per month (excluding utilities). However, the ICF is sceptical of the City’s promises given Mayor Mashaba’s history of intimidation and harassment of low-income households through his ongoing police raids and his criminalisation of unlawful occupiers (by characterising them as ‘building hijackers’).

These 71 buildings seem to only be the beginning. According to the City, it has identified 500 “hijacked or abandoned buildings” in the inner-city that it wants to empty out and tender off to private property developers.

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Members of a low-income household in their living room in the Stensby Court building in the inner-city of Johannesburg, 2018.

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70 Ibid.
71 Ibid.
72 Ibid.
For the last three years, the ICF has assisted poor inner-city residents to resist eviction, harassment and displacement; established and maintained effective self-management structures in dilapidated inner-city buildings; collectively mobilised residents; and advocated for decent housing. Although the ICF is still a relatively young community-based network, it has grown to include tenants, unlawful occupiers and building committees in over 40 buildings.

Prior to 2015, tenants and unlawful occupiers in inner-city buildings were isolated, with each building struggling to address their own unique challenges, finding ways to access basic services, and resisting eviction and displacement as a result of state-run regeneration programmes and gentrification. Moreover, despite years of successful litigation against the City of Johannesburg and private property owners through multiple high-profile court cases relating to housing in the inner city, the City was yet to develop and adopt a policy to address affordable housing in the inner city. When tenant and unlawful occupier groups were brought together, however, they recognised that they could be stronger working together to address the key issues that they share. As Mahlangu states, “[t]he Federation was formed when we found that there were many people suffering like us.”\(^73\) Working as a coalition enabled the ICF to integrate the concerted advocacy efforts of different groupings who are adversely affected by the housing situation in the inner city, thereby applying pressure from different angles and maximising their collective impact.

The acknowledgement that the struggles of different tenant and occupier groups are interrelated and linked has resulted in a powerful

\(^73\) Paul, “Hijacked buildings and ‘shock and awe’ tactics”.
solidarity among the tenants and unlawful occupiers in the inner city. This sense of community and unity is further strengthened by the simplicity of the ICF’s shared aims. As Bheki Vilakazi, the ICF’s chairperson, puts it:

“All we want is to keep the community together. Our primary goal is to get reasonable rents to keep living in the city. We want to stop being evicted from our homes.”74

By structuring their demands clearly, the ICF had garnered support from a large number of tenants and unlawful occupiers in the inner city.

The ICF plays a number of roles. The ICF

“act[s] as both a support group for beleaguered residents to share their experiences of life in the inner city and their struggles for basic services and against eviction, as well as an umbrella organization for the residents for over 40 buildings in the inner-city area to mobilize under as a single, unified whole during protests and important court hearings.”75

The ICF thus has both an internal and external focus. Internally, the ICF provides support to tenants and unlawful occupiers facing tenant disputes, building management challenges, or the threat of eviction or displacement. Externally, the ICF mobilises collectively to ensure that the City cooperates in bringing water, sanitation and electricity to inner-city buildings and advocates for progressive changes to be made to housing policy in the City.

74 Ibid.
75 Ibid.
In performing these dual roles, the ICF’s uses a unique repertoire of strategies and tactics. In particular, the ICF’s reliance on tenant self-management techniques has been a powerful tool in addressing the unsafe and inadequate living conditions in many inner-city buildings. Some examples of tenant self-management that buildings affiliated with the ICF perform include:

- **ORGANISING** regular building-wide clean-up campaigns where residents clean their building’s communal areas;
- **MAINTAINING**, replacing or improving communal infrastructure (for example repairing broken toilets or fixing lighting in passages);
- **STRENGTHENING** security in buildings (for example getting residents to act as security guards for a building by stationing them at the front door to monitor who comes through the building); and
- **ADDRESSING** tenant disputes through discussion and mediation.

The ICF’s self-management practices echo similar self-help strategies that have been employed by squatters’ movements in New York City (referred to as “sweat equity urban homesteading” in the Lower East Side), West Berlin (the “rehab-squatters movement”) and, closer to home, by the shack-dwellers’ social movement Abahlali baseMjondolo (who refer to land occupations as “urban planning from below”).

Tenant self-management activities often have the effect of immediately improving the living conditions of tenants and unlawful occupiers (even if only in small ways), while also proving to tenants and unlawful occupiers that they are capable of altering their conditions and addressing their challenges. In this way, the ICF’s involvement often results in an immediate impact on the lives of tenants and unlawful occupiers thereby fostering a strong relationship of trust and mutual respect. In addition, the ICF’s self-management strategies also grant low-income tenants and unlawful occupiers living in dilapidated buildings a

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77 Ibid.
level of legitimacy. By occupying, using, cleaning and maintaining these buildings (to whatever extent the occupiers are capable given their limited financial resources), the occupiers are performing the roles that the property owners or the state have failed or refused to perform. Self-management is therefore often seen as a democratic claim to space through its occupation, use and maintenance. As Katz and Mayer write:

“Self-help not only represents a means to solve material needs, but also contains themes of autonomy, self-organization and the self-definition of needs. That is, self-help represents an essentially democratic critique of the state organization of labour power and increasing tendencies towards the marginalization of economically superfluous and socially disruptive strata.”79

Another key tactic of the ICF is to assist tenants or unlawful occupiers to establish new building committees or strengthen existing building committees. The ICF sees building committees as strong and enduring democratic structures that assume the roles left void by the lack of formalised building management systems attending to the maintenance and upkeep of the buildings, including ensuring that the building is kept clean and safe, and are therefore key to tenant self-management. Building committees also assist in addressing residents’ collective affairs and act on behalf of the communities that they serve. To ensure that all of the buildings that are affiliated with the ICF have strong, functional and legitimate committees, the ICF provides advice and support to existing building committees and facilitates democratic elections of building committees.

The core function of the ICF, however, is to act as a platform to facilitate the sharing of knowledge and experience among tenants and unlawful occupiers living in inner-city Johannesburg. In this sense, the ICF enables building committees to learn from one another, receive advice on how to address their pressing housing challenges from more experienced building committees, and develop shared analyses of the challenges they face as low-income inner-city residents. The ICF also acts as a support network, with vulnerable groupings supporting each

other’s struggles. For example, the ICF and its members illustrate their solidarity with tenants and unlawful occupiers facing the threat of eviction by attending court hearings in the Rental Housing Tribunal, Magistrates’ Court and High Court.

One of the main challenges facing the ICF is the continued and active participation of their members in the face of their internal building challenges, the persistent threats of eviction, and ongoing harassment and intimidation at the hands of the police and the City. The ICF therefore faces an all-too-common issue among community-based networks and social movements, namely how to balance the urgent needs or emergencies faced by individual communities with the more long-term work of building capacity and advocating as a collective. As Gibbons writes (in the context of tenant organising in Los Angeles in the United States):

“The poor and working class are constantly under attack on multiple fronts ranging from obscure changes in legislation that will have far-reaching negative impacts, to criminalization of daily activities and the emptying of entire buildings and neighborhoods. It is a world of constant emergency where doing anything but immediately reacting is hard. And there is always the balance between doing anything possible to quickly stop something terrible, and building capacity through longer processes that often move more slowly and involve more risk that an orchestrated campaign following traditional organizing models.”

This situation has been exacerbated by the inflammatory rhetoric and ‘shock and awe’ tactics that have been employed by the City under Herman Mashaba’s administration. The City and the mayor’s actions have essentially criminalised low-income tenants and unlawful occupiers in the inner city by conflating them with “property hijackers” and “criminal elements”. In this way, the City has sought to delegitimise low-income residents, rendering them subject to threats, intimidation and harassment at the hands of the police. Wilson has criticised the City’s characterisation of low-income tenants and unlawful occupiers, stating that this is

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80 Gibbons, “Driven from Below”.

An inner-city resident protests for decent housing, 2018.
“an extremely inappropriate way of criminalising desperately poor people who occupy buildings that have been left completely fallow by their former owners and have nowhere else to go... [These characterisations] play into the City of Johannesburg’s efforts to paint [poor] people as criminals and not as people who the City and the state generally has failed.”

The City’s prolonged criminalisation of low-income inner-city residents has also soured the relationship with the police. According to the ICF, the police have been politicised in the sense that they serve private interests (specifically those of the City and/or private property developers) rather than fulfilling their statutory duties to protect and serve all South African. This is most apparent in the repeated police raids and arbitrary arrests of unlawful occupiers as “property hijackers”.

The conflation of low-income tenants and many unlawful occupiers living in the inner-city with “property hijackers” is particularly inappropriate as these groups are often willing to pay affordable rental amounts and utilities provided that the buildings in which they live are properly managed and are kept clean, safe and secure. However, in spite of these challenges, the ICF remains steadfast in resisting the City’s attempts to remove low-income households from the inner-city and challenging the stigma associated with low-income residents. As Mahlangu declared at a workshop in Khayelitsha:

“We need to fight for what is rightfully ours. We should be able to go and stay in cities where we work. Our government fought for their freedom not ours. We need to fight for ourselves now. We cannot afford to be scared to die.”

Over the years the ICF has engaged with a number of different partners in their struggle for decent, affordable housing in inner-city Johannesburg and against eviction and displacement. In addition to the City, the ICF has engaged and built relationships with activist

82 Interview with ICF executive members, Sifiso Zuma and Siboniso Ntshangase in Braamfontein, Johannesburg (8 October 2018).
organisations, CBOs, NGOs, journalists and public interest lawyers. The latter includes an enduring relationship with SERI (this is unsurprising given that many of the buildings that founded the ICF were represented by SERI at some point).

The ICF has informally engaged with Abahlali baseMjondolo, the ICRC and the Tshisimani Centre for Activist Education. It has also worked closely with a number NGOs and CBOs from abroad under the umbrella of the Forced Evictions and Urban Displacement Network (FEUD), a network of organisations resisting evictions and urban displacement as a result of gentrification. These relationships have allowed the ICF to learn from, and build on, the strategies and tactics of others organisations working to promote land and housing rights.
Conclusion

This community practice note documents the struggle of low-income tenants and unlawful occupiers under the auspices of the Inner City Federation (ICF) for decent, affordable housing in inner-city Johannesburg, in the context of overwhelming harassment and intimidation from the police, private property developers and the City. It paints a portrait of a well-organised and politically-connected coalition that is advocating for progressive policy changes and fighting the pervasive stigmas associated with low-income inner-city residents.

It also shows that the coalition has, since its foundation, been consistently under attack from the City and police. The City’s criminalisation of low-income residents as “building hijackers” and “criminal elements” is particularly disturbing, and raises serious questions about the state’s political will to provide housing and essential services to very poor communities.

On a positive note, the ICF is the first self-organised group of low-income residents grounded in Johannesburg’s so-called ‘bad buildings’ in over a decade and represents a consistent (and growing) collective advocating for better, more affordable housing in the urban centres.
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ICF members attend a media training workshop aimed at strengthening the organisation’s media engagement and advocacy skills in Braamfontein, Johannesburg, 2018. Photographs: Edward Molopi