Informal Settlement Upgrading in Cape Town's Hangberg:
Local Government, Urban Governance and the 'Right to the City'

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Thesis presented in fulfilment of the requirements for the degree of
Master of Philosophy in Sustainable Development Planning and Management
in the Faculty of Economics and Management Sciences
at Stellenbosch University

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December 2011

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Abstract

Integrating the poor into the fibre of the city is an important theme in housing and urban policies in post-apartheid South Africa. In other words, the need for making place for the 'black' majority in urban spaces previously reserved for 'whites' is premised on notions of equity and social change in a democratic political dispensation. However, these potentially transformative thrusts have been eclipsed by more conservative, neoliberal developmental trajectories. Failure to transform apartheid spatialities has worsened income distribution, intensified suburban sprawl, and increased the daily livelihood costs of the poor. After a decade of unintended consequences, new policy directives on informal settlements were initiated through *Breaking New Ground* (DoH 2004b). Local governments have nevertheless been slow to implement this new instrument despite more participatory, flexible, integrated and situational responsive policies contained therein. The City of Cape Town was one of the first applicants for *Upgrading of Informal Settlements Programme* (DoH 2004a, DHS 2009) funding in upgrading Hangberg's informal settlement after effective lobbying by local civic *Hout Bay Civic Association* (HBCA) assisted by the Cape Town-based NGO, *Development Action Group* (DAG). However, in September 2010 the upgrading project came to a standstill when Metropolitan Police clashed violently with community members who allegedly broke a key agreement when building informal structures on the Sentinel Mountain firebreak.

Using the case study research methodology, the study seeks to unravel the governance complexities elicited by this potentially progressive planning intervention. Four theoretical prisms are used to probe and investigate the primary case study (Hangberg) due to the different ways of 'seeing and grappling' and 'narrating' a complex tale. This is characterised by the dialectics of power and powerlessness; regime stabilisation and destabilisation; formalisation and informalisation; continuity and discontinuity. These prisms are: urban informality, urban governance, deepening democracy, and socio-spatial justice. By utilising these four theoretical prisms, the study found the Hangberg case to be atypical of development trajectories, on the one hand, and conforming to the enduring neoliberal governance logics, on the other. In the concluding chapter, the study critically engages prospects of realising post-apartheid spatialities by considering recent policy shifts and programmes with the potential of realising the poor's 'right to the city'.

Keywords: informal settlement upgrading, UISP, development planning, sustainable human settlements, neoliberalism, urban governance, right to the city

Opsomming

'n Belangrike tema in post-apartheid behuising- en stedelike beleide is die integrasie van arm mense in die weefsel van die stad. Anders gestel, die nodigheid om plek te maak vir die 'swart' meerderheid in stedelike spasies wat voorheen vir 'wittes' uitgesonder is, is gebaseer op die uitgangspunt van regverdigheid en sosiale verandering in 'n demokratiese bedeling. Hierdie potensiële hervormings-nosies is egter verduister deur meer konserwatiewe, neo-liberale ontwikkelings-trajekte. Die mislukte pogings om apartheids-ruimtes te omvorm, beteken dat inkomsteverdeling vererger is, wydstrekkende verstedeliking in meer intensiewe vorms voorkom, en die daaglikse lewenskoste van die armes verhoog het. Na 'n dekade van onopsetlike gevolge is nuwe beleids-riglyne vir informele nedersettings voorgestel deur *Breaking New Ground* (DoH 2004a). Plaaslike owerhede was egter tot dusver traag om hierdie nuwe instrument te implementeer, ten spyte daarvan dat meer deelnemende, buigsame, geïntegreerde en situasioneel-aanpasbare beleide daarin vervat is. Die Stad Kaapstad was een van die eerste applikante vir *Upgrading of Informal Settlements Programme* (DoH 2004b, DHS 2009) befondsing om Hangberg se informele nedersetting te opgradeer, nadat effektiewe druk uitgeoefen is deur die *Hout Bay Civic Association* (HBCA), met ondersteuning van die NRO, *Development Action Group* (DAG), wat in Kaapstad gebaseer is. Maar in September 2010 het die opgradering-projek tot stilstand gekom nadat die Metropolitaanse Polisie gewelddadig met gemeenskapslede gebots het, omdat die gemeenskap na bewering 'n belangrike ooreenkoms gebreek het deur informele strukture op die brandstrook te bou.

Deur van die gevalstudie navorsing-metodologie gebruik te maak, beoog hierdie studie om die bestuurskompleksiteite te ontrafel wat deur hierdie potensiële omvormde beplannings-intervensie uitgelok is. Vier teoretiese prismas word gebruik om die primêre geval (Hangberg) te ondersoek in die lig van die verskillende maniere waarop hierdie komplekse narratief gesien kan word. Dit word gekenmerk deur die dialekte van mag en magteloosheid; stabilisasie en destabilisasie van die staatsbestel; formalisering en deformalisering; samehangendheid en onsamehangendheid. Die prismas is: stedelike informaliteit, stedelike bestuur, verdieping van demokrasie en sosio-ruimtelike regverdigheid. Deur van hierdie vier prismas gebruik te maak, wys die studie tot watter mate die Hangberg geval aan die een kant atipies tot ontwikkelings-trajekte is, en aan die ander kant konformeer tot die voortdurende neo-liberale bestuurslogika. In die slothoofstuk, is die studie krities bemoei met die vooruitsig om die post-apartheid-stad te realiseer deur huidige beleidsveranderinge en programme te ondersoek met die vergrootglas op hul potensiaal vir transformasie en om die armes se 'reg tot die stad' te bevorder.

Sluitelwoorde: informele nedersetting opgradering, UISP, ontwikkelingsbeplanning, volhoubare menslike nedersettings, neoliberalisme, stedelike bestuur, reg tot die stad

Acknowledgements

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List of acronyms and abbreviations

AEC	Anti-Eviction Campaign
ANC	African National Congress
Asgi-SA	Accelerated and Shared Growth Initiative for South Africa
BESG	Built Environment Support Group
BNG	Breaking New Ground: A Comprehensive Plan for the Development of Sustainable Human Settlements
CBD	Central Business District
CID	City Improvement District
CMC	Cape Metropolitan Council
CoCT	City of Cape Town
COHRE	Centre on Housing Rights and Evictions
Cosatu	Congress of South African Trade Unions
CPF	Community Policing Forum
CPT	Communicative Planning Theory
DA	Democratic Alliance
DAG	Development Action Group
DFA	Development Facilitation Act
DoH	National Department of Housing
DHS	National Department of Human Settlements
DPME	Department of Performance Monitoring and Evaluation
du/ha	dwelling units/hectare
ESIS	Emergency Servicing of Informal Settlements
GAA	Group Areas Act
GCST	Global Campaign for Security of Tenure
GCUG	Global Campaign on Urban Governance
GEAR	Growth, Employment and Redistribution Strategy
GGLN	Good Governance Learning Network
GNU	Government of National Unity
HBCA	Hout Bay Civic Association
HBNW	Hout Bay Neighbourhood Watch
HCPMF	Hangberg Community Peace and Mediation Forum
HDI	Human Development Index
HiDA	Hangberg in situ Development Association
IDP	Integrated Development Plan
IDT	Independent Development Trust
IJR	Institute for Justice and Reconciliation
IMF	International Monetary Fund
LA21	Local Agenda 21
MAYCO	Mayoral Executive Committee
MDG	Millennium Development Goal
MEC	Member of the Executive Committee
MPA	Marine Protected Area
MPRA	Local Government: Municipal Property Rates Act
MSA	Local Government: Municipal Systems Act

NGO	Non-Governmental Organisation
NHF	National Housing Forum
NHSS	National Housing Subsidiary Scheme
NPM	New Public Management
NSDP	National Spatial Development Perspective
NUSP	National Upgrading Support Programme
OECD	Organisation for Economic Co-Operation and Development
PHP	People's Housing Process
PIE Act	Prevention of Illegal Eviction From and Unlawful Occupation of Land Act
PRSP	Poverty Reduction Strategy Paper
RDP	Reconstruction and Development Programme
SACN	South African Cities Network
SACP	South African Communist Party
SAN Parks	South African National Parks
SANCO	South African National Civics Organisation
SAP	Structural Adjustment Programme
SDF	Spatial Development Framework
SDI	Slum/Shack Dwellers International
UCT	University of Cape Town
UDF	United Democratic Front
UDF	Urban Development Framework
UF	Urban Foundation
UISP	Upgrading of Informal Settlements Programme
UN-Habitat	United Nations Centre for Human Settlements
UNFPA	United Nations Population Fund
VOC	Voice of the Cape FM

1   Introduction

1.1   Background to the study

> Through a combination of brute force, dispossession and expropriation, and the imposition of negative laws and sanction … [t]he right of blacks to live in the city was constantly under threat, if not denied in full … This is why most social struggle of the post-apartheid era can be read as attempts to reconquer the right to be urban (Mbembe 2004:391).
>
> … the *right to the city* is like a cry and a demand … It can only be formulated as a transformed and renewed *right to urban life* (Lefebvre 1967/1996:158).

Readings in South African urban historiography point to the use of urban policy and planning instruments in creating highly fragmented and segregated urban space (e.g. Maylam 1995; Robinson 1996; Mabin & Smit 1997; Royston 1998; Angelini 2003). The apartheid state maintained its rule through the 'organisation of urban space into racially segregated living areas' via deploying 'spatial technologies of power which emerged in the arena of state intervention in the city' (Robinson 1996:1). The relaxing of influx controls during the late 1980s witnessed rapid urbanisation, often resulting in land invasions of private or public ground, which arguably 'undermine[d] the apartheid patterning of the city' (Robinson 1997:378; also see Oelofse & Dodson 1997; Huchzermeyer 2003, 2004a).

Informal settlements in the nine major cities of South Africa have grown from about 300 in 1994 to more than 2,700 currently, housing approximately 1.2 million households (growing at 2 – 6% per annum across different councils) (DPME 2010b; Topham 2010). According to Part 3 of the National Housing Code (DHS 2009), informal settlements are characterised by illegality, inappropriate locations, limited public or private sector investment, poverty and vulnerability, and social stress (such as crime, social fragmentation, substance abuse). The intentions of urban spatial policy and housing policy in the post-apartheid era is characterised by the notions of integrating, compacting and reconstructing these fragmented spatialities. In other words, integrating the poor (mostly 'blacks') into the fibre of the city (previously reserved for whites) is an important theme in policy deliberations dictated by the need for equity and social change in the new democratic dispensation (Adebayo 2010). However, these potentially transformative thrusts have been eclipsed by more conservative, neoliberal developmental trajectories. The failure to transform apartheid spatialities has worsened income distribution, intensified suburban sprawl, and increased the daily reproductive costs of the poor (e.g. Bond 2000, 2003; Williams 2000; Seekings 2000; Watson 2002, 2009a; Charlton & Kihato 2006; Todes 2006; Harrison et al. 2008; Pillay 2008; Pieterse 2009).

New policy directives on informal settlements were initiated through *Breaking New Ground: A Comprehensive Plan for the Development of Sustainable Human Settlements* (DoH 2004a)

(hereafter BNG) and the National Housing Code (2004b) after more than a decade of adverse 'unintended consequences' in housing delivery. Whilst more participatory, flexible, integrated and situational responsive upgrade policies are enshrined in Part 3 of the National Housing Code (DHS 2009) – *Upgrading of Informal Settlements Programme (UISP)* – and BNG, scholars (e.g. Huchzermeyer 2006a, 2006b; Dewar 2008; Pithouse 2009) and reports (Misselhorn 2008; Topham 2010) have argued that local governments have been slow to implement these new instruments. Informal settlement upgrading, rather than 'eradication' and relocation to site-and-serviced greenfields development[1], can be seen as advancing the poor's 'right to the city' through contending for spatial centrality and long term habitation of the city; the right to access to central decision-making; and the right to the creative (re)making of public spaces (Huchzermeyer forthcoming: Chapter 11; see Addendum 1).

1.1.1   Informal Settlement Upgrading in Hangberg

Cape Town is one of the most unequal cities in South Africa[2] (UN-Habitat 2010b), and in the world (UN-Habitat 2010a). It has a history of spatial engineering on a grand scale, strict migration controls and severe racial segregation. In Hout Bay, once a fishing village on the Atlantic Seaboard, the implementation of the Group Areas Act (1950) in 1956 allocated a mere two percent of land to the original 'coloured' fishing community in the vicinity of Hout Bay Harbour, later know as Hangberg. Froestad (2005) notes that 'the increased exploitation of Coloured and African fishing labour after the Second World War created an extremely poor and dependent labour force, incapable of ensuring its own housing needs' (2005:338). Moreover, the local state's reluctance to house 'non-whites' in the exclusive Hout Bay village translated into a housing crisis (Sowman & Gawith 1994; Oelofse & Dodson 1997). With the expansion of fishing activities spurred by the construction of the harbour in the 1950s, the local council built residential flats, also called hostels, for coloured labourers in the local fishing industry in the 1970s. This was followed by brick row houses in the 1980s as the population grew and demand for labour increased (Rubin & Royston 2008; Macgregor 2010). However, the housing stock was inadequate, resulting in the proliferation of backyard dwellings. Since 1994, an informal settlement at the foot of Sentinel Mountain was formed. The spread of the informal settlement happened under the auspices of the City Council who provided each household with a letter of consent, thus granting *de facto* security of tenure.

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[1] Meeting the housing backlog of 1.2m households (and growing steadily) through the standard RDP package (40m^2 unit, 250m^2 serviced freehold stand plus 30% land for roads and amenities), would require:

•   40 000 ha, plus bulk and connector infrastructure
•   Around R92.4bn, equivalent to over 70% of the projected national housing budget 2009-2015 (Topham 2010)

[2] Gini-coefficient is a measure of income or consumption inequality where a rating of 0 denotes perfect equality and 1 absolute inequality. Spatial, economic and social polarisation of South African cities has increased in the post-apartheid era. These stand at gini-coefficients (income, not consumption, based) of: Johannesburg (0.75), East London (0.75), Bloemfontein (0.74), East Rand (0.74), Pietermaritzburg (0.73), Pretoria (0.72), Port Elizabeth (0.72), Durban (0.72) and Cape Town (0.67) (UN-Habitat 2010b).

The conditions attached to this arrangement meant that residents were only allowed to build dwellings with non-permanent materials, e.g. corrugated iron, rock and timber, and that dwelling size was restricted to two-room structures (Rubin & Royston 2008). However, limited forward planning and regulation by the council resulted in high levels of variability in plot size, ranging from a minimum of 20m^2 to a maximum of 350m^2 (Macgregor 2010). Likewise, the informal settlement has a mixed household income spread, with monthly incomes ranging from R7,500 to a low of R346, with the average being R2,600 (Kapembe et al. 2007). The housing typology of Hout Bay Harbour area is composed of three groups: a wealthy, mostly white, community living on the 'Heights'; a relatively poor, mostly coloured, community living in the flats and row houses (and backyarders); and an informal settlement at the foot of Sentinel Mountain (Rubin & Royston 2008) (see Figure 1.1).

Fig 1.1 Satellite image of Hangberg in the vicinity of the Hout Bay Harbour (Source: Google Earth)

The informal settlement received rudimentary services in 2001 and 2004, but residents were generally unhappy about the level of services (a total of 39 flush toilets and 37 water standpipes was provided for a population of 400 households) (Kapembe et al. 2007). The community took it upon themselves to provide better services and as a result, one third of households have provided their own (illegal) water and sanitation infrastructure connections to individual homes (such as toilets, taps and basins, and baths). Moreover, the perceived *de facto* security of tenure enabled some households to incrementally upgrade their dwellings with permanent materials subsequently overcoming the geotechnical constraints of the steep slope (building on stilts, effective stormwater channelling, soil stabilisation, etc). This

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community-initiated incremental development has no direct correlation to income, but rather points to strong social networks and/or networking among the residents (DAG 2006; Macgregor 2010). The growth of the informal settlement, paired with growing frustration around deteriorating facilities, livelihoods and increased vulnerability – largely due to illegal poaching spurred by increased regulation of small scale fishing through the Table Mountain Nature Park Marine Protected Area (MPA) (Omari 2006; Hauck 2008; Sowman et al. 2011) – prompted the community to engage the City of Cape Town in negotiating informal settlement upgrading. The envisioned outcome of the upgrade has been compared with a mix between affluent Clifton and Brazil's *favelas* (CoCT 2008a).

After extensive lobbying by the Hout Bay Civic Association (HBCA) aided by Cape Town based NGO, Development Action Group (DAG), who acted as capacity-builder and later as development facilitator, the City of Cape Town in March 2007 applied for the country's first *in situ* upgrade via the *Upgrading of Informal Settlements Programme* (Pithouse 2009; Macgregor 2010; Huchzermeyer 2010b). The City's utilisation of the UISP is highly significant considering the lack of this housing instrument's promotion or application (Misselhorn 2008; Topham 2010). The UISP route is preferred to project-linked subsidised housing because of the need to protect high levels of community-initiated development, allocation for innovative tenure options and engineering intervention, and leadership capacity building (CoCT 2008a). Moreover, independent studies (Kapembe et al. 2007; Bastani 2007; Ackelman & Andersson 2008; Rubin & Royston 2008) have made explicit reference to the relatively closed, socially-bound community with strong historical ties, social/livelihood networks and capable leadership and civic structures, which are essential in negotiating the complex process of the upgrade. Hangberg is also one of the few townships in the southern suburbs that did not experience forced evictions during the 1980s. A historical analysis of the apartheid land allocation in Cape Town southern suburbs has led Professor Alan Mabin, a renowned planner and geographer, to conclude that 'through the actions of squatters, support groups and even officials in places such as Hout Bay[3] and Noordhoek in the Cape … there are prospects that the apartheid land allocation pattern may at last begin to break down' (Mabin 1992:22).

The planning of this upgrade went through several stages of negotiations between the HBCA, DAG and the City of Cape Town. The formal application for funding by means of a business plan (Phase 1) and pre-planning (Phase 2) has been completed. In order to maintain feasibility of the upgrading project, a moratorium was signed limiting the scope of the project to 302 housing opportunities on approximately 3.7 hectares, i.e. a manageable density of approximately 120 dwelling units per hectare. However, the City made no special arrangements to enforce the moratorium, creating new power dynamics in the informal settlement between the qualifiers and non-qualifiers of the proposed development. This 'insider-outsider' phenomenon, aggravated by external threats of evictions and market-driven displacement (through gentrification), as well as the desperate housing situation in

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[3] Mabin's (1992) analysis largely includes the African informal settlement called Imizamo Yethu (established in 1991/2) which is mentioned in the unfolding narrative of the Hangberg case

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Hangberg, resulted in continued illegal construction of bungalows (mainly by backyarders of the wider Hangberg community). The (ongoing) process has been remarkably complex and members of the community supposedly broke a key agreement (the moratorium) when they built structures on the firebreak. After a public meeting about the housing solutions broke down on 17 September 2010, Ms. Helen Zille, Premier of the Western Cape, authorised the Metropolitan Police to dismantle 'unoccupied' structures on the firebreak. The confrontation between the police and the locals on September 21st left a lasting scar on the community. While the City's press releases and senior politicians' statements portrayed the incident as violent local opposition led by a small group of 'Rastafarian druglords' operating as a 'crime cartel', human rights activists were outraged by the police brutality (Underhill, *Mail and Guardian,* 08/10/2010; Kaganof & Valley 2010). The ongoing development project, now a peacefully mediated process by an external party as per court case outcome, became a theatre of political culpability and promise-making in the lead up to May 2011 local elections. Hence, the Hangberg case is riddled with political complexity, which in turn has implications for the governance of informal settlement upgrading.

1.1.2 Problem statement and rationale

After prolonged civic struggles against iniquitous socio-economic and geopolitical conditions, South Africa's transition to a democratic dispensation has been characterised by a political settlement founded on a progressive rights-based Constitution and on the *Reconstruction and Development Programme* (ANC 1994) ideals of civic and liberal nationalism, i.e. 'that 'all people' are considered part of the nation regardless of their ethnic, racial, religious or geographic origins' (Chipkin 2007 cited in Kagwanja 2009:xvii). However, such 'nationalist consensus' is under contestation, and close to collapsing, giving rise to more intensified, non-conventional forms of political participation such as mass protests (Geyer & Jenkins 2009; Alexander 2010; Kondlo & Maserumule 2010; GGLN 2011; Kimemia 2011; SACN 2011). The post-apartheid city has emerged as a theatre of political contestation and citizenship claims. Similar experiences have been noted in the global South, where the concepts and constructions of democracy are under contestation, 'faced by a series of democratic deficits which are calling its very vitality and meaning into question' (Gaventa 2006:8). Capital accumulation by dispossession and displacement – included here the 'eradication', 'clearance' and 'sweeping away' of informal settlements, often in the pursuit of 'world city' status – has resulted in the systematic violation of housing and human rights (Harvey 2005; COHRE 2009a; Mayer 2009). Moreover, Huchzermeyer (forthcoming) has shown how governments in the global South have misunderstood Millennium Development Goal (MDG) seven, Target 11[4], with the official slogan, *Cities Without Slums*. Huchzermeyer contends that the misreading of the *Cities Without Slums* campaign 'is a great utility for any city wishing to attract global investment' (Ibid: chapter 2) and that 'the reluctance to understand and confront the real drivers of informal settlements may be traced to a realisation that such knowledge would undermine the legitimacy of the dominant global economic system

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[4] Target 11 seeks to 'have achieved by 2020 a significant improvement in the lives of at least 100 million slum dwellers'

and the function that cities increasingly play within this system' (Ibid: chapter 1). Urban inequality has perpetuated the 'urban divide', said to be the 'face of injustice and a symptom of systemic dysfunction' (UN-Habitat 2010b:ix). Urban social movements championing the social use (as opposed to the exchange value) of the city and mobilising around recurring fault lines of neoliberal urban development – such as the commodification/privatisation of the public sphere, the dismantling of the welfare state, and socio-spatial reconfiguration of globalisation (Mayer 2009) – have acted as vehicles for deepening democratic engagement, and in many cases, tilted the balance in the favour of the poor. The effect of neoliberal reforms – a 'politically guided intensification of market rule and commodification' (Brenner et al. 2010: 184) – have been likened to a process of creative-destruction, which not only 'underscore(s) the contradictory, destructive character of neoliberal policies, but also … highlight[s] the ways in which neoliberal ideology systematically misrepresents the real effects of such policies on the macro-institutional structures and evolutionary trajectories of capitalism' (Brenner & Theodore 2002:353).

In this light, the study is premised on the transformative potential of implementing progressive planning instruments premised on socio-spatial[5] justice. Realising a more radical rights-based urban agenda, in general, and 'the right to the city' – here understood to mean the increased social control over the 'production of space' through the right to appropriation and participation, empowering the inhabitant to exercise control over the decisions that shape the everyday lived space (Lefebvre 1991; see Addendum 1) – has implications for perceived citizenship and governance (e.g. Pieterse & Parnell 2010). Such prospects are complicated when institutional stability is compromised through neoliberal reforms where the 'destructive and creative moments of institutional change within actually existing neoliberalism are intimately, inextricably interconnected in practice' (Brenner & Theodore 2002:365).

Roy (2005) argues that informality at present operates as a state of exception and that understanding informality implicates confrontation with the 'apparatus of planning [that] produces the unplanned and the unplannable' (2005:156). Policy makers' failure to address core urban problems, aggravated by modernist planning systems (Watson 2009a), is often glazed over by political rhetoric. Moreover, the ascendancy of development 'buzzwords',

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[5] The relationship between spatiality and social relations is often discussed in the social sciences. The socio-spatial approach is an approach in Marxist spatial analysis that considers the stages of capitalist urban development related to the changes of the political economy of society (Gottdiener & Budd 2006:140; see Addendum 1). It is often contrasted with the 'human ecology' paradigm of the pre-1960s Chicago School that saw the relationship between social and spatial processes in a biologically based metaphor borrowed from the animal and plant kingdoms, denoting Darwinst 'natural selection' of space, in which 'dominant social groups competitively secure beneficial spatial positions' (Spinks 2001:6). This literature is voluminous and very complex. In this study, socio-spatial justice is perceived through the lens of redistributive justice, i.e. the allocation of wealth, services and opportunities for historically marginalised persons. Brenner et al. (2008) argue that socio-spatial theory is the most powerful when it refers to a) 'historically specific geographies of social relations' and b) 'explores contextual and historical variation in the structural coupling, strategic orientation and forms of interconnection among the different dimensions of the latter' (Ibid:392). My intention is to point to a more nuanced, contextual analysis of the process of neoliberalisation.

such as 'participation', 'empowerment' and 'social capital', derive their (contradictory) ideological architecture from a dominant neoliberal paradigm, blunting their transformative potentials (e.g. Cooke & Kothari 2001; Miraftab 2004; Cornwall & Brock 2005; Roy 2005; Leal 2007). This leads to a growing disenfranchisement as the poor's agency is misrepresented by the neoliberal state, ever advancing on its agenda of privatisation and commodification; processes that inherently exclude the poor.

This study considered the upgrading of Hangberg informal settlement as a step in the right direction in terms of realising the poor's right to the city. Although the practice of informal settlement upgrading is new and requires additional knowledge and capacity, which is briefly discussed in Chapter 6, the unfolding narrative exposed contradictions in the governance of the upgrading project. Against this backdrop, the study utilised four theoretical prisms to explore the case study, namely: urban informality (Chapter 2), urban governance (Chapter 3), deepening democracy (Chapter 4), and socio-spatial justice and the right to the city (Chapter 5). The design of these prisms is discussed shortly.

1.2   Research questions and objectives

1.2.1 Research Questions

The study pivots on interrogating the following interrelated questions:
- Why did the potentially transformative and progressive planning intervention of upgrading Hangberg's informal settlement, characterised by strong community leadership and NGO assistance, elicit such socially erosive and damaging governance complexities and power struggles?
- In what ways do the complexities of the Hangberg case allude to wider developmental challenges in the context of neoliberal reforms and governance regimes?
- What measures could possibly assist in ameliorating, or more radically transiting, the enduring exclusionary trajectories of (neoliberal) urban development?

1.2.2 Research objectives

To answer the above research questions, four theoretical prisms were utilised to critically engage an array of neoliberal reform outcomes and subsequent contradictions and misrepresentations. A more nuanced reading, potentially resulting in a paradigm shift, is therefore necessary to focus the attention of policy makers on the creation of egalitarian urban futures[6]. This needs to happen in the face of external forces that work against the realisation of such a progressive agenda. Taking this into consideration, the theoretical

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[6] In mind are a wide range of theorisations of the city. The theoretical underpinnings of 'the just city' (Fainstein 1997; Smith 2005; Marcuse et al. 2009), and the 'post-colonial' city (Short 2006; Robinson 2006), among others, are relevant. These promote spatial justice, the (political) empowerment of the poor through participation, deepening democracy, and pro-poor development agendas.

prisms (spanning Chapter 2 to Chapter 5) sought to capture the complexity of the upgrade project. The final Chapter ties up the research questions and returns to the heart of the study by pointing to recent policy shifts. These policy shifts might hold the potential to realise such progressive planning ideals premised on notions of socio-spatial justice and inclusive urban governance.

1.2.3 Impact of the study

The study is important in that it identifies areas of improvement in building sustainable communities through informal settlement upgrading and thereby realising the right to the city. No study of this sort has been conducted on the programme breakdown in Hangberg, an incident that was/is frequently referenced in inter-party politicking in the highly contested Cape Town City Council (especially prior to the recent local elections of May 2011 – Boyle, *Cape Times,* 03/04/2011). While the study borrows from previous research that identified strong leadership and governance structures in the Hangberg community, its impact lies in expounding on the wider developmental challenges of fostering inclusive urban governance. Other reports on Hangberg have largely focussed on the technical issues of upgrading, which this study steers clear of. The literature search highlighted two peer-reviewed journal articles that make a fleeting reference to the Hangberg informal settlement upgrade project (Pithouse 2009; Huchzermeyer 2010b). These articles reference the prospects of local innovation by effective lobbying and campaigning for UISP in the context of failed housing policy. However, these were published prior to the programme breakdown in September 2010. Therefore the need to expound on questions relating to the governance of informal settlement upgrading is required.

1.3   Approach, strategy, and epistemology

1.3.1 Methodology and unit of analysis

The case study research methodology was adopted in this study. Stake (1995) draws on Louis Smith, one of the first educational ethnographers, to illustrate that a 'case' should be seen as a 'bounded system' with a boundary and working parts that operate as an object rather than a process. Following this, he differentiates between an intrinsic and an instrumental case study. An intrinsic study entails a given case where the researcher is curious, for example, about understanding a particular agency or taking the responsibility of evaluating a programme. Hence, the findings are bound to the case at hand. In an instrumental case study, the researcher has a research question, a puzzlement, or a need for greater understanding and applies investigation to a particular (primary) case. Yin (2009), a prominent writer on this method of research, points to a more nuanced reading when he defines the case study approach as 'an empirical inquiry that investigates a contemporary phenomenon, within its real-life context especially when the boundaries between phenomenon and the context [in which the phenomena occur] are not clearly evident' (2009:23). Moreover, Yin (2009) promotes this type of research approach when the

empirical enquiry's procedural characteristics include: 'Many variables of interest, multiple sources of evidence, [and/or] theoretical propositions [utilised] to guide the collection and analysis of data' (Ibid:26). Critics of the case study approach have argued that the study of a small number of cases does not generate reliability and generality of findings and that the intense exposure to the case biases findings (as reviewed by Soy 1997). Some dismiss case study research as only useful as an explanatory tool (Ibid). According to the conventional[7] view of case study research, '… a case cannot be of value in and of themselves; they need to be linked to hypothesis, following the well-known hypothetical-deductive model of explanation' (Flyvbjerg 2006:220). However, Flyvbjerg (2006) argues that context-dependent knowledge generation is important for the 'development of a more nuanced view of reality, including the view that human behaviour cannot be meaningfully understood as simply the rule-governed acts found at the lowest levels of the learning process and in much theory' (2006:223). He debunks these misunderstandings by arguing that the sole preoccupation with generating 'rule-based knowledge' is regressive and that there is a need for both approaches, i.e. generating context-independent 'rule-based' knowledge premised on generalised findings, and experienced-based, context-dependent knowledge.

This study utilised the case study research methodology/unit of analysis where the case at hand was probed by theoretical prisms/instruments within a 'real-life context especially when the boundaries between phenomenon and the context [were] not clearly visible' (Yin 2009:23). The study is therefore an instrumental case study where the context-dependent knowledge helps to understand the 'phenomena or relationships in it' (Stake 1995:77). In this sense, the issues identified in the problem statement and research questions guided the development of the theoretical prisms, consisting of various units of embedded analyses, which in turn were used as instruments to probe the primary case at hand (Hangberg).

1.3.2 Research strategy/Mode of observation

Soy (1997) notes that the design of the research strategy should be well constructed to ensure internal validity (establish a coherent chain of evidence forward and backwards) and reliability (stability, accuracy, and precision of measurement). Soy (1997) further observes that 'because case study research generates a large amount of data from multiple sources,

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[7] Flyvbjerg (2006) argues that conventional wisdom about case research can be summarised in five misunderstandings or simplifications. These are:

1) general, theoretical (context-independent) knowledge is more valuable than concrete, practical (context-dependent) knowledge;
2) one cannot generalise on the basis of an individual case; therefore, the case study cannot contribute to scientific development;
3) the case study is most useful for generating hypotheses; that is, in the first stage of a total research process, whereas other methods are more suitable for hypotheses testing and theory building;
4) the case study contains a bias toward verification, that is, a tendency to confirm the researcher's preconceived notions; and
5) it is often difficult to summarise and develop general propositions and theories on the basis of specific case studies.

systematic organisation of the data is important to prevent the researcher from becoming overwhelmed by the amount of data and to prevent the researcher from losing sight of the original research purpose and questions' (1997:3). The four theoretical prisms assisted the process of revealing the complex layers of the case, which in turn allowed for careful observation in order to identify causal factors. In this sense, the circular research strategy departed from the problem statement, meandered through theoretical and policy deliberations, probed the primary case and returned to the research question.

The mode of observation into the empirical inquiry drew on existing data and 'grey literature'[8]. These comprised research and consulting reports, project proposals and reports, minutes of meetings, journalism accounts, community radio features[9], and eyewitness accounts captured in a documentary film[10] - all of which narrated the case from different angles. Semi-structured and structured interviews with key city officials, community leaders, a church leader, and DAG staff were conducted. Moreover, I made contact with representatives from Development Action Group (DAG) at their National Conference *Re-Imagining the City: A New Urban Order* (11 – 13 October 2010). At this three day conference I was exposed to their position on land and property rights, democratic governance, land value capture, and medium density housing. These topics were presented by international and local experts, who contextualised their arguments, making occasional reference to the Hangberg upgrade.

I therefore had a relatively high degree of control over the data (Mouton 2009:145). By revealing the layers of the case at hand, I employed the epistemological and theoretical frameworks explained below. Also, referencing and analysing textual data required textual analysis techniques such as critical discourse analysis.

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[8] Grey literature is a term that refers to a body of materials that cannot be easily found through conventional channels such as publishers, but remain highly original.

[9] The Voice of the Cape (VOC), a community radio station based in Cape Town, did a five-piece audio journal report on Hangberg. VOC journalists Faatimah Hendricks and Dorianne Arendse were nominated for the Taco Kuiper Award for Investigative Journalism, the most prestigious award of its kind. VOC did not win, but Anton Harber, senior Wits journalism professor and ex-Mail & Guardian chief editor, said of the new entries: 'Perhaps the latter [VOC] was the most refreshing: a series of five pieces on the battle of Hangberg in Hout Bay, when police and squatters came to blows. It was a rare piece of in-depth storytelling from the community radio sector, evidence again that good reporting is not driven by huge resources, but by a journalistic determination and a culture of probing and questioning' (see http://www.businessday.co.za/Articles/Content.aspx?id=140074; accessed on 30/07/2011).

[10] Aryan Kaganof (writer, actor, film director) and Dylan Valley (film maker and director of acclaimed *Afrikaaps* stage production (based on documentary film)) produced a 90-minute documentary, *The Uprising of Hangberg* (2010), of eyewitness accounts of the confrontation with police on September 21st. Although this documentary is limited in its scope for academic inquiry, it has received considerable media attention.

1.3.3 Epistemology and theory

The study drew from a varied spectrum of theoretical disciplines. Aligning the study to progressive discourses, it is framed as a 'critical' study. In particular, seeing that the discourses surrounding the 'right to the city' play a major role in investigating the case (see Addendum 1), *critical urban theory* entails a rejection of the 'inherited disciplinary divisions of labour and statist, technocratic, market-driven and market-oriented forms of urban knowledge' and has an 'antagonistic relationship not only to inherited urban knowledges, but more generally, to existing urban formations' (Brenner 2009:198). The study drew from the Frankfurt School of social philosophers, albeit not exclusively, which is essentially at odds with 'mainstream' urban theory as devised by the conservative Chicago School. According to Brenner (2009:198), this conjunction of knowledge built up by radical urban scholars such as Henri Lefebvre (1992, 1996), David Harvey (1973, 2005, 2010), Manual Castells (1972), Peter Marcuse (2009), Edward Soja (2000) and those who follow them, form a rich tapestry of 'critique of ideology (including social–scientific ideologies) and the critique of power, inequality, injustice and exploitation, at once within and among cities'. However, critical urban theory needs to move past mere critique to an exposition, proposition and politicising of an action-based agenda that works toward the implementation of the demand for 'the right to the city' (Marcuse 2009). Planning theory shares with critical urban theory

> … an orientation toward normative political questions and a "politics of the possible" … [and has] a lot to say about organised resistance by already constituted, marginalised social groups, and, in the case of planning theory, about the need for advocacy on their behalf or inclusionary, participatory processes that interject their demands and interests into planning processes (Rankin 2009:219, 223).

The study was strongly influenced by the ideological positions of:
- Marxism and neo-Marxism: to uncover the structural sources of power and class struggle in post-industrial cities (Harvey 1973, 1989, 2005, 2007, 2010; Castells 1972; Soja 2000; Brenner 2000, 2009; Brenner & Theodore 2002; Jessop et al. 2008; Marcuse 2009; Atkinson 2009);
- Postmodernism: with its emphases on deconstruction and discursive analysis, micro-narratives and multiple 'rationalities' (e.g. Robinson 1996, 1997, 2006; Harrison 2002; Allmendinger & Tewdwr-Jones 2002; Simone 2004; Robins 2003, 2008);
- Post-development theory: with its critique of Western/Northern homogenisation of the rest of the world, especially through (neoliberal) globalisation (e.g. Held & McGrew 2002; Nederveen Pieterse 2001; 2004a, 2004b); and
- studies on the contradictory nature of power through the work of Foucauldian-inspired urban theorists (e.g. Huxley 2000; Allmendinger & Tewdwr-Jones 2002) who question the neutrality, *inter alia*, of Habermasian communicative rationality scholars, generally regarded as mainstream contemporary planning theory (e.g. Healy 1992; Forester 1989).

By combining these various epistemologies with interdisciplinary theories, the study is one of *realpolitik* operating at various levels of reality (ontology).

1.4   Structure of the study

In preceding sections, I referred to the four theoretical prisms that act as instruments to penetrate the primary case (Hangberg). In doing so, the design of these 'prisms' is crucial in understanding the flow of the argument. The structure of each chapter follows the same format, i.e. a short literature review (x.1)[11] is followed by a localised narrative (x.2), which has influence on the Hangberg case study (x.3)[12]. The different theoretical prisms overlap significantly and therefore introductions and syntheses are provided to orientate the reader. The prisms should not be seen as distinct and independent, but rather as following a narrative at from various perspectives. From this vantage point, the research questions can be answered as a whole (in Chapter 6).

1.4.1 Outline of chapters

In the 'background' section of Chapter 1, I briefly contextualised and periodized the evolution of the settlement of Hangberg in the light (and darkness) of the present conjuncture. Highlighted through this quick insertion into its history, development and dynamics are different ways of 'seeing and grappling' and 'narrating' a complex tale of the dialectics of power and powerlessness; regime stabilisation and destabilisation; formalisation and informalisation; continuity and discontinuity. In what follows, I refract these dialectics through four theoretical prisms presented in following chapters.

Chapter 2 sets off on a theoretical journey to discover the causal drivers of urban informality in a time of rapid urbanisation and the urbanisation of poverty. Scholars have pointed to the liberalisation and restructuring of democracies in a neoliberal era as perpetuating the persistent reality of urban informality. Moreover the responses of the state indicate a regulatory logic that routinely victimises, criminalises and displaces the urban poor, often in pursuit of 'world city' status. Potentially transformative notions in post-apartheid urban spatial and housing policies have been eclipsed by more conservative, neoliberal development trajectories, resulting in the entrenchment of the spatially skewed apartheid city. New policy directives under Breaking New Ground (BNG) are discussed. It is argued that the informal settlements of Hangberg and Imizamo Yethu represent a break in the historical apartheid land allocation pattern and the dialectics around housing and livelihood challenges are introduced that influence later sections of the study.

Building on Chapter 2, Chapter 3 considers the outcomes of neoliberal urban governance and entrepreneurialism, which often misrepresent the intentions and outcomes of neoliberal reforms. From this perspective, urban space is intensely contested while the institutional landscape continually conforms to the dictates of the elite through capital

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[11] 'x' indicates the Chapter number

[12] With a view to easing the task of navigating the chronology of the Hangberg narrative spanning Chapter 2 to Chapter 5, a timeline has been attached to the study to further orientate the reader (see Addendum 4).

accumulation and consolidation. These points are illustrated by the City Improvement District (urban policy) and N2 Gateway (housing policy) projects in Cape Town. In Hangberg, the preliminary servicing of the informal settlement (2004) is discussed with special attention to the contradictions in political support for incremental upgrading interventions, what end such interventions served, and the impact on re-negotiated governance arrangements. Such contradictions are evident again in the genesis of the UISP upgrading project (2007), but this time new power dynamics are elicited through the contradictory governance of the enforcement of the moratorium.

Chapter 4 considers the crisis of democracy and representation in the global South. Efforts at deepening democratic engagement, constituting potentially transformative notions, are often incorporated in the contradictory lexicon of neoliberal policy making. The agency of the social movements of the urban poor, many times acting as 'critical planning agents' when advocating for alternative urban futures (de Souza 2006b), is often misrepresented as criminal and transgressive, leading to deeper crises of disenfranchisement. This 'encroachment of the ordinary' practices a politics of redress that contests the current trajectories of capitalist urban development. The state often responds with the 'policing' of these grassroots political practices (Bayat 1997, 2000). A climax was reached in September 2010 when Hangberg residents and Metropolitan Police violently clashed. Again, the pertinent issues of 'insider-outsider' complex, power struggles elicited by the development prospects, and the lack of an actively involved state renders an alternative reading of the unfolding events (versus the criminalising discourses used by the political elite).

Chapter 5 explores the notions of social justice and inclusive urban development, realised through the right to the city. If the right to the city can be seen as crafting alternative citizenship forms, what are the main obstacles in realising the right to the city? Literature suggests that exclusive urban spaces entrench the 'urban divide' by consolidating capitalistic interests. NIMBYism is a wicked problem[13] that barricades the prospect of achieving social justice in an unequal city as Cape Town. Meanwhile, a court appeal in the Hangberg case has meant that the development process is kick started again, this time through a facilitated peace and mediation process. This new political forum can be seen as an 'invented' space and its transformative potentials are evaluated, albeit with very limited evidence (due to its recent inception). The construction of a dividing wall between the informal settlement and the middle class Hangberg ratepayers is deemed especially problematic for future development prospects.

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[13] Wicked complexes/problems, also called social messes or untamed problems, are found in many disciplines and denote the 'dynamically complex, ill-structured and elusive problems' that concern the public. Batie (2008) notes that 'the causes and effects of the problem are extremely difficult to identify and model; wicked problems tend to be intractable and elusive because they are influenced by many dynamic social and political factors as well as biophysical complexities' (2008:1176). Not In My Backyard (NIMBY) can be considered a wicked complex and the different ways of seeing and grappling with the problem by various stakeholders are underscored (Batie 2008:1176). Discussed in more detail on page 41.

In the final chapter I draw together the threads with a single needle and proceed to piece together the tapestry of *realpolitik* with a different stitch. This time around the question asked is; 'What measures could possibly assist in ameliorating, or more radically transiting, the enduring exclusionary trajectories of (neoliberal) urban development?' Spotlighted here is the need (at the very least) to use existing (and proposed) planning and regulatory instruments more effectively.

2   Urban Informality in an Era of Restructuring and Liberalisation

2.1   Introduction

This Chapter takes a critical look at the mainstream agendas in meeting the *challenge of slums* (cf Addendum 2) and the perceived causal drivers of such a compelling phenomenon through the lenses of critical urban theory and planning theory. It is argued that informality should rather be evaluated by the particular (rationalist/structuralist/positivist) regulatory logics the state adopts (often in pursuit of 'world city' status) than the mode of urbanisation *per se* (Roy & AlSayyad 2004; Roy 2005). The perpetuation of urban informality under the paradigms of state restructuring and liberalisation is problematised when the neoliberal state often converges on policies that discriminate and criminalises the urban poor. In considering the South African experience, rapid urbanisation, in the wake of the demise of the apartheid state, presented the possibility of realising an alternative urban order premised on integration and spatial justice. However, overwhelming evidence seems to suggest that the effect of urban spatial and housing policies have led to the entrenchment of spatial divides. Nevertheless, land invasions in post-apartheid South Africa 'undermine[d] the apartheid patterning of the city' (Robinson 1997:378; also see Oelofse & Dodson 1997; Huchzermeyer 2003, 2004a) and *in situ* upgrading, rather than eradication and relocation of informal settlements, has the potential of realising the poor's right to the city. In Hout Bay, the dialectical exclusion of an 'imposed' urbanity of the 'other' is juxtaposed with the activism of squatters in breaking down apartheid spatial divides. The historically enforced housing and livelihood crises is perpetuated by the post-apartheid state's negligence to play a proactive role in recognising informality in previously exclusive urban spaces.

2.1.1 Informal settlements: a new urban order?

According to UN-Habitat's Global Report on Human Settlements titled *The Challenge of Slums* (2003), the first global analysis of 'slums', a third of the global urban population in 2002/2003 (924 million) were slum dwellers. The patterning of this 'new urban order' is attributed to rapid urbanisation and the urbanisation of poverty. The UN Population Fund's *State of the World Population* report (2007) states that since 2008, more than half of the world population (3.3 billion) live in urban areas. The rapid urbanisation brought about by the 'second wave of urbanisation'[14] will reshape the nature of cities in Africa and Asia (where the urban population will double by 2030). Moreover, this urbanisation is characterised by the 'urbanisation of poverty', a mutually reinforcing process, as the locus of

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[14] The 'second wave of urbanisation' will see to a global urban population, mainly in the global South, increase from 309 million in 1950 to 3.9 billion in 2030 (18% to 56% urban). Industrialisation in North America and Europe during 1750-1950 was linked to the 'first wave of urbanisation' which saw to an urban population increase from 15 to 423 million (10% to 52% urban). The second wave differs from the first wave in its sheer speed and scale, placing tremendous strain on urban infrastructure (UNFPA 2007:7).

poverty moves from rural to urban areas (UN Habitat 2003:28). While different conceptions and definitions of slums have been proposed, considering the complexity in identifying structural causes of 'slums' (Roy & AlSayyad 2004; Gilbert 2004, 2007; Roy 2005, 2009; Davis 2006; Pieterse 2008), an operational definition – coined by a UN Expert Group Meeting in 2002 –

> … combines, to various extents, the following characteristics (restricted to the physical and legal characteristics of the settlement and excluding the more difficult social dimensions): (i) inadequate access to safe water; (ii) inadequate access to sanitation and other infrastructure; (iii) poor structural quality of housing; (iv) overcrowding; and (v) insecure residential status (cited in UN-Habitat 2003).

The UN Millennium Declaration echoes the concern for cities of the global South and its Millennium Development Goal (MDG) seven, target 11, aims to 'achieve a significant improvement in the lives of least 100 million slum dwellers by 2020'. However, the achievement of this target, officially named *Cities without Slums* (referencing the Cities Alliance's action plan), will only address 6% of the slum population in 2020 (Durand-Lesserve 2006b). UN-Habitat's twin track advocacy campaign – 1) The Global Campaign for Urban Governance (GCUG) and 2) the Global Campaign for Security of Tenure (GCST) – is said to give operational guidance to meeting this bourgeoning urban crisis through more 'inclusive cities' (see Addendum 2). On the bright side, the official target relating to improvement of slum dwellers' conditions was met by more than 2.2 times in 2010, 10 years ahead of the agreed 2020 deadline (UN-Habitat 2010b). This is by and large due to the massive poverty reduction in Asia (particularly in China and India)[15]. However, the proportion of 'slums' and informal settlements[16] in the rest of the world is growing in absolute numbers (UN-Habitat 2010a).

However, the recurrence of such language as 'slums', with all its negative historical import[17] (Gilbert 2007; Holston & Caldeira 2008:18), and the superficial symptom-orientated approach to urban poverty – often through the MDG approach (e.g. Huchzermeyer 2005, 2010b, forthcoming; Roy 2005; Pieterse 2008) – have been highly criticised and problematised. Moreover, governments have perceived high rates of urbanisation as

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[15] Between 2000 and 2010, 227 million people were 'lifted from slum conditions'. Asia represents 72% (172 million) of this achievement with China and India (together 125 million) making the most drastic strides (UN-Habitat 2010b).

[16] The *Challenge of Slums* report states that 'informal or unplanned settlements are often regarded as being synonymous with slums' (2003:11). A closer reading reveals that informal settlements constitute a characteristic of the broader definition of 'slum' and particularly emphasises the lack of security of tenure, non-compliance to formally planned settlements and land use, and illegality, often through land invasions and occupation. Slums in a broader sense, constitute such characteristics of lack of basic services, substandard/inadequate housing structures, overcrowding, unhealthy living conditions, poverty, social exclusion, and so on.

[17] Gilbert (2007) argues that the UN has deployed this word in order to raise the seriousness of urban problems and improve its ability to raise funds. However, the resurgence of the historical import of this term, associated with crime and grime, disease, immorality, and other homogenising negative associations, risks associated policy frames being subjugated, criminalised, nullified and marginalised (among other).

problematic and have shied away from formulating comprehensive urban policies, deepening the legacy of colonial urban development in the process (e.g. Tostensen et al. 2001; Murray & Myers 2006; Martine et al. 2008).

The oversimplification of urbanisation dynamics also holds true for a recent clique of 'apocalyptic' literature such as *Planet of Slums* (2006) by the distinguished geographer Mike Davis and (to a lesser extent), certainly providing a more optimistic view is *Shadow Cities* (2004) by journalist Robert Neuwirth. Davis provides a challenging analysis that contests the inherited conceptions of modernity that threatens to undermine the sustainability and longevity of the developing world's cities. Modelled on the core findings of the *Challenge of Slums* report (Davis 2006:20), Davis sketches the dynamics of a world urbanising at a much faster pace than was expected where city life is characterised by poverty, informality, radical religious groups, criminal activity, and weakening, and even collapsing, infrastructure. Woven through the stark realities of 'the urbanisation of poverty', a golden thread of criticism of the Structural Adjustment Programmes (SAP) of the IMF reminds the reader that 'the brutal tectonics of neoliberal globalisation since 1978 are analogous to the catastrophic processes that shaped a 'third world' in the first place during the era of late Victorian imperialism (1870-1900)' (Davis 2006:174). The power of Davis's account lies in the 'flattening out of differences in both history and socio-spatial form' that spotlights the distinctive elements of a historic class struggle (Cunningham 2007). However, Davis's popular account has been criticised as being homogenous, and even anti-urban and neoliberal (against which he rails[18]). Amongst others, a serious omission in Davis's account is the lack of recognition of the political life of the urban poor (Pithouse 2008). The heroic struggle of the urban poor's grassroots social movements, well developed in some countries, has altered the terms of engagement with the poor and potentially prefigures a new urban politics (Angotti 2006).

2.1.2 Planning and Informality

Groundbreaking studies on informal housing and land markets in Latin America in the 1970s and 1980s dismissed the notion of informal settlements depicting a 'culture of poverty' and 'marginality'. Instead, informality was situated in a broader discussion on the politics of populist mobilisations, state power and economic dependency (Roy & AlSayyad 2004). Among the new 'brand' of political scientists, anthropologists, and sociologists conveying these studies, Janice Perlman, an undergraduate anthropology student at the time (1968-69), lived in three low-income communities in Rio de Janeiro where she interviewed 750

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[18] Angotti (2006) highlights Davis's depictions of the *slum cities* of our times; Mexico City as a 'giant amoeba', Lagos is exploding like a 'supernova'. The assessment can rather be seen as a moral outrage, than a serious analysis. Moreover, Davis plays into the hands of neoliberalism, against which he rails, in that his moral outrage at the ungovernability of the cities of global south is much akin to anti-urban theories that globally 'justify government austerity, the further isolation of poor neighbourhoods, massive clearance programs, and elite urban planning experiments' (2006:963). Such anti-urban and neoliberal attitudes were engrained through IMF structural adjustments that were opposed to urbanisation by discouraging investment in urban services.

people and documented their urban experience. Her hypothesis resulted in her best-selling book *The Myth of Marginality: Urban Poverty and Politics in Rio de Janeiro* (1979) where she argued that 'prevailing "myths" about social, cultural, political, and economic marginality in *favelas* were empirically false, analytically misleading, and insidious in their policy implications' (Perlman 1979). She further asserted that the inhabitants of the *favelas* did not display the characteristics of marginal people but were well organised, culturally optimistic and economically hard working. Her work was a 'profound critique of the then-prevailing paradigms used to explain the urban poor and the irregular settlements in which they lived' (Perlman 2004:120). Manuel Castells and Asef Bayat called attention to the terms on which the poor were integrated into the formal economy, often resulting in economic exploitation, political repression, social stigmatization, and cultural exclusion (reviewed by AlSayyad 2004).

Thirty years later, Perlman returned to Rio to reassess her work and found that economic and political shifts in Brazil had led to the improvement of the quality of life for many *favelados.* The major *Favela-Bairro* Upgrading Programme, said to be one of the biggest informal settlement-upgrading programmes in the world (Perlman 2005), reached hundreds of *favelas* with the intention of integration with surrounding neighbourhoods. This was to be achieved by such improvements as street paving, plazas, and individual household connections to water, sewerage, and electricity. However, she concluded 'that there is still no doubt in anyone's mind where the *morro* [hill] ends and the *asfalto* [asphalt] begins' (Perlman 2005:17). During the past few decades, 'the concept of marginality has been debunked, deconstructed, dismissed, and then rediscovered and reconstructed over the past decades' (Perlman 2005:15). However, even with such large scale projects, the transformations and contextual changes of the Brazilian economy saw widening income inequality spurred by structural adjustments. She identified a transition from "myth of marginality" to "reality of marginality" in the *favelas* of Brazil (Perlman 2004:22).

In many ways, Perlman's observations are a telling story of the new geographies that globalisation and liberalisation have triggered. AlSayyad (2004:9) notes that 'whether they [informal inhabitants] are today called "urban marginals", "urban disenfranchised", or "urban poor" (and these terms are often used interchangeably), the current era of global restructuring has greatly increased the number of such people, and has led to an explosion in the range of their activities'. Mehrotra (2010) argues that in today's (postmodern) world, varied conceptions of urbanism (e.g. new urbanism, several forms of indigenous urbanism) co-exist in the same spaces and actually collapse into one another, creating a kaleidoscopic impression of city life. The multifaceted conceptions of urbanisms take on bizarre forms in the cities of Latin America, Asia and Africa where

> … disparate levels of economic development complicate the already schizophrenic landscape of the contemporary city. In these urban conditions, the physical manifestations of the city are reversed and, here, the 'static' or formal city is most often situated in the temporal landscape of the 'kinetic' or informal city (Ibid: xi).

Roy (2005:149) argues that in this sense, informality can be understood to be what the Italian philosopher Giorgio Agamben (1998:18) calls the 'situation that results from' the suspension 'of order'. And this suspension of order becomes a new order in itself. Nezar AlSayyad (2004:26) shows that

> 'urban informality does not simply consist of the activities of the poor, or a particular status of labor, or marginality. Rather, it is an organising logic which emerges under a paradigm of liberalisation by governments who often resort to the slogan of "urban governance" while involved simultaneously with liberalising and informalising' (cited in Huchzermeyer 2010b).

This considered, policy makers often resort to isolating the 'kinetic' city from the 'static' city, which often leads to the criminalisation of the urban poor. Ananya Roy (2005) debunks this fallacy when she shows how intimately the informal interfaces with the formal: street traders making products for global markets, the importance of informal housing markets to the middle class and even the elite, and the deepening of inequality in land titling. Hence, informality should be regarded as a 'series of transactions that connect economies and spaces to one another' (Roy 2005:148 cited in Huchzermeyer 2010b). The case in point in defining informality is therefore not the mode of urbanisation *per se*, but the particular regulatory logics that the state adopts through its planning and legal apparatuses that determine what is informal and what is not. Hence, to deal with informality therefore 'partly means confronting how the apparatus of planning produces the unplanned and the unplannable' (Roy 2005:156).

Modernist planning systems in the global South have (by and large) been inherited from well-developed systems in the global North, historically through colonialism and the contemporary socio-spatial restructuring of globalisation. The 2009 UN-Habitat State of World's Cities Report, *Planning Sustainable Cities,* has called attention to the role of planning in bringing about transformation of urban areas in the global South through an effective engagement with informality by (i) recognising the informal sector's positive contributions to housing and employment; (ii) changing policies to formalise and regulate, rather than evict, settlements; and (iii) extend the reach and legitimacy of forward planning (UN-Habitat 2009:53-54). However, the modernist urban planning system is now generally considered as adding to the urban crisis. Watson (2009a) argues that modernist planning systems, with its contextual setting of the global North, have not been concerned with urbanisation, poverty, and environmental sustainability. These powerful ideals[19] often translate into policies that are not suited for lower-income cities, often 'sweeping away the poor'. Watson (2009a) further suggests that zoning ordinances/land use regulations and

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[19] Watson (2009a) recalls Le Corbusier's modernist ideal of Paris in 1920s and 30s where slums, narrow streets and mixed use areas were demolished for the preferred high rise residential tower blocks and flowing boulevards for the bourgeoisie (2009a:172). Le Corbusier famously posed the question, 'Architecture or Revolution?' and offered the answer, 'Revolution can be avoided' (Le Corbusier 1923).

building regulations are some of the most telling aspects of planning systems that indirectly excludes the poor and reinforces informality.

The scope for re-dreaming the city has been a research topic of keen interest for urban theorists from different persuasions. Jennifer Robinson's book *Ordinary Cities: Between Development and Modernity* (2006) is premised on post-colonial theory and offers a critique on the 'world city' hypothesis, arguing that cities should primarily be regarded as 'ordinary'; distinctive, diverse and contested. From Robinson's perspective, the habitual categorisation and divide in urban studies between modernity and development, North and South, innovation and imitation privileges exemplary cities of the global North over the 'dysfunctional' cities of the South. The inventive and innovative urbanisms in the cities of the global South are often interrupted because modernist conceptions of urbanity/cityness are preferred. Similar critiques from Marie Huchzermeyer's latest work contends that 'in the urban sector, the norm that cities must be competitive and the norms on how competitiveness is to be achieved are entirely at odds with a progressive definition of a right to the city' (forthcoming: chapter 2). Robinson and Huchzermeyer, and many others, spotlight the paradox existing in urban studies of contemporary times: while the majority of urban transformation is taking place in the developing world, the theories that should inform how these cities should function are devised in the developed world (Roy 2009; Beall & Fox 2009; Watson 2009b). Planning theory is evolving from the conservative Chicago School to the postmodern Los Angles School, yet none of these primarily inform the urbanisation dynamics of the mega cities of the future: Mexico City, Mumbai, Lagos, Nairobi, etc. The challenges posed by rapid urbanisation in cities of the South are bringing informality back on the urban planning and development agenda (discussion continued in Chapter 4).

2.1.3 Locating the Urban Transition: Restructuring and Liberalisation

It is widely acknowledged that globalisation, liberalisation and restructuring of democracies have produced new geographies of informality. However, it is more difficult to determine the 'relationship between globally driven liberalisation and locally based informality [which] is often ambiguous' (AlSayyad 2004:15). Many more urban scholars have argued that urban informality is ill-defined and under-researched (Roy & AlSayyad 2004; Gilbert 2004, 2007; Roy 2005, 2009; Robinson 2006; Pieterse 2008; Huchzermeyer forthcoming). Mike Davis argues that 'rapid urban growth in the context of structural adjustment … and state retrenchment has been an inevitable recipe for the mass production of slums' (2006: 17). Considering the complexity of the matter at hand, this section merely hints at possible causal drivers of the new geographies of informality.

2.1.3.1   <u>International Development and Restructuring: 'The politics of anti-politics'</u>

Mkandawire (2006) emphasises two simultaneous processes taking place in developing countries. One the one hand, countries are adopting orthodox macroeconomic policies, many times in the various incarnations of Structural Adjustment Policies (SAPs), in the face

of pervasive and persistent poverty, inequality and worsening Human Development Indices. On the other hand, the process of democratisation has led to the political empowerment of the hitherto excluded masses. SAPs, dominant in the 1980s and early 90s, required of developing countries (particularly when applying for funding) to operate under a prescribed set of conditions, formulated by the World Bank and International Monetary Fund (IMF) according to the Washington Consensus. This Consensus was largely characterised by a state with 'lean' managerial hierarchies that privatises and outsources public services and local government functions, liberalises and deregulates trade and financial markets, reduces government spending and promotes export led growth (Nederveen Pieterse 2004a).

Growing mainstream consensus suggests that SAPs 'are not pro-poor partly because it is not particularly pro-growth but also partly because it worsens income distribution' (Cornia 2000 cited in Mkandawire 2006:13). This often produces 'choiceless democracies'; states with eroded power having no other choice but to comply with global market forces or be marginalised (Mkandawire 2006:21). The *Challenge of Slums* (2003) report condemns structural adjustment as being fundamentally anti-urban. For example, in Africa 'the major impact of SAPs is to correct 'urban bias'[20] by removing protection from import-competing secondary industry in favour of rural exports' (UN Habitat 2003:46). Furthermore the Report states that neoliberalism has found its major expression through SAPs, which has required the retreat of the state from the urban scene, leading to the collapse of low-income housing projects in many countries (2003:xxvii).

Since 1999, SAPs have been replaced with Poverty Reduction Strategy Papers (PRSP) as per post-Washington Consensus, characterised by such terms as 'civil society', 'institution building', 'safety nets' and especially 'good governance', which is added to the old SAP lexicon of 'open markets', 'deregulation' and 'liberalisation'. In this sense, Jayasuriya (2002) argues the post-Washington Consensus should rather be seen as an attempt to develop a political institutional framework to embed the SAP than a new approach to reverse the effects of the SAP (Ibid:24). Others have welcomed the post-Washington Consensus as a particular shift in emphasis that spotlights the notions of inclusive governance and efforts at reversing the maldevelopment of the 1980s and early 1990s, often referred to as the 'lost decade of development' (Craig & Porter 2001).

The neglect of cities under the 'urban bias' thesis since the 1970s is not effectively countered by PRSP. Two reviews of PRSP show that 'all have a strong emphasis on the

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[20] Urban bias, said to have risen throughout the 1950s and 60s through mainstream development theory and practice, saw the political empowerment of an 'urban class' who, through industrial expansion, was able to pressure governments to protect their interests. It was believed that rural-urban migration could be prevented by policy interventions. Michael Lipton (and expanded by others) argued that such a bias was unfair and inefficient for several reasons: Firstly, rural and urban settlements exist on a continuum, rather than a dichotomous divide. Secondly, rural-urban linkages do not equate a policymaking 'zero-sum game'. And thirdly, intra-urban inequalities dismiss the notion of a distinct 'urban class' working to advance against a distinct 'rural class' (reviewed by Beall & Fox 2009:22, 24, 127).

relative importance of rural poverty and development while neglecting urban poverty altogether or demonstrating a generally poor understanding of urban poverty and development issues' (ComHabitat 2005; Mitlin 2004 as reviewed by Beall & Fox 2009:24). Primarily concerned with urbanisation in a neoliberal era, Atkinson (2009:99) calls into account the preliminary analysis done by the UN Commission on Trade and Development (UNCTD) which shows that PRSP do not challenge the continued promotion of liberal rules and procedures for the management of national economies. In this light, Jayasuriya (2002) argues that the rush to promote the legal reforms of the post-Washington Consensus has failed to question the underlying assumptions of these policies, giving rise to a new form of "anti-politics" which seek to 'cleanse the economic institutions of the assumed debilitating effects of political bargaining' (Ibid:25). It is premised on the 'assumption that 'politics' will muddy the clear waters of the market', and hence governance projects 'suggest a deeply antithetical attitude to politics as conflict or rational deliberation, substituting instead a version of politics as effective implementation of agreed technical procedures' (Ibid:25).

In the following subsection (2.1.3.2), a minor break is made with the narrative thread discussing urban informality in an era of restructuring and liberalisation. I intend to construct a theoretical point of reference by spotlighting the elusive nature of neoliberal reforms as an intended policy regime. As discussed above, the global South's introduction to neoliberal policies was highly influenced by restructuring of the state as per multilateral organisations' dictates. The intended outcomes, however, are often misrepresented and follow a path-dependent reform process.

2.1.3.2   The elusive phenomenon of the process of neoliberalisation

Peck and Tickell (1994) postulated that the evolution of neoliberalism as a regime of policy reform[21] happened in three stages: *proto-neoliberalism* (main ideas took shape between 1940 and 1970), *roll-back neoliberalism* (adoption into government policies in the 1980s) and *roll-out neoliberalism* (unfolding of a hegemonic project through multilateral institutions in the 1990s). These reforms, aggressively politicised by Ronald Reagan and Margaret Thatcher – the latter famously asserting 'there is no alternative' (TINA) – were soon rolled-out as a global project through the structural adjustment programmes of the IMF and World Bank in the 1980s and early 90s, legitimised by the Washington Consensus. *Neoliberal globalisation* produces a paradoxical development, politely referred to as 'policy incoherence'. This means that 'institutions matter, but governments are rolled back; capacity building is key, but existing public capabilities are defunded; accountability is essential, but privatisation eliminates accountability; the aim is "building democracy by strengthening civil society", but NGOs are professionalised and depoliticised' (Nederveen Pieterse 2004a:12). Moreover, the proliferation of financial markets and financial products, expansion of speculative assets at the expense of real activity, dominance of finance over

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[21] The revival of neoclassical macroeconomics and the anti-Keynesianism counterrevolution led by 'freshwater' (conservative) economists is not considered in this thesis (see e.g. Krugman 2009)

industry, the emergence of a class of rentiers, and credit-driven consumption – captured by the term 'financialisation' – add further to policy incoherence (Fine 2009:3-5).

Palma (2009) argues that from a Marxist perspective, the neoliberal project is Capital's attempt to regain power and control through a new form of legitimisation and more sophisticated technologies of dispossession. The fight around the time of the neo-classical revival/neo-liberal birth was between those backing the Keynesian welfare state and those wanting to dismantle it. He notes that 'it was an attempt by the so-called 'angry right' to reassert class power' (Ibid: 839). Seen from a Foucauldian perspective, the neo-liberal project could be seen as a reformulation of the 'social' and the 'political' after a long period of ineffective state interventions. This reformulation, with an emphasis on the technology of power, then became a way in which the rationality of the unregulated market was legitimised and government intervention was limited.

David Harvey, a prominent writer on the subject, sees neoliberalism as a process of 'creative destruction' whereby 'it has succeeded in channelling wealth from subordinate classes to dominant ones and from poorer to richer countries' in a process that entailed the 'dismantling of institutions and narratives that promoted more egalitarian distributive measures in the preceding era' (2007:22, 24). The neoliberal logic of political economic practices have achieved an exalted status through a project/agenda to 'restore class dominance to sectors that saw their fortunes threatened by the ascent of social democratic endeavours in the aftermath of the Second World War' (2007:22). Considering the above, neoliberalism has been defined as

> … a political rationality that tries to render the social domain economic and to link a reduction in (welfare) state services and security systems to the increasing call for "personal responsibility" and "self-care". In this way, we can decipher the neoliberal harmony in which not only the individual body, but also collective bodies and institutions (public administrations, universities, etc.), corporations and states have to be "lean", "fit", "flexible" and "autonomous": it is a technique of power (Lemke 2001 cited in Keil 2009:233 - 234).

Scholars have made sense of the *ipso facto* contradictory nature of this regime of policy reforms by referring to the process of 'neoliberalisation' – a 'politically guided intensification of market rule and commodification' (Brenner et al. 2010: 184) – in contrast to 'neoliberalism' (as an end-state of fully actualised policy regime). Interrogating neoliberalisation requires an adequate understanding of the historical and geographical reconstitution processes of the 'local neoliberalisms' that 'are embedded within wider networks and structures of neoliberalism' (Peck & Tickell 2002:380). Whilst the post-Washington consensus signifies a change in policy intent, and the possible return of (neo) Keynesian-like state building, others, notably David Harvey (2008, 2009), question such assumptions by alluding to the 'last 30 years [in which] an immense amount of the capital surplus has been absorbed into urbanisation: urban restructuring, expansion and

speculation'[22] (2009:3). The contradictory nature of neoliberalism has also warranted leading geographers, such as Noel Castree, to point to neoliberalism's evasive nature. He said, 'I suspect 'neoliberalism' will remain a necessary illusion for those on the … left: something that we know does not exist as such, but the idea of whose existence allows our 'local' research findings to connect to a much bigger and apparently important conversation' (Castree 2002 cited in Fine 2009:7).

From the perspective of 'neoliberalisation', the contradictory and paradoxical socio-spatial manifestations can be explained by 'actually existing neoliberalism'; a concept that not only 'underscores the contradictory, destructive character of neoliberal policies, but also to highlight the ways in which neoliberal ideology systematically misrepresents the real effects of such policies on the macro-institutional structures and evolutionary trajectories of capitalism' (Brenner & Theodore 2002:353). This concept addresses two particular issues misrepresented by neoliberalism: 1) economic relations are actually politically constructed, rather than the neoliberal doctrine that portrays 'state' and 'market' as diametrically opposed and 2) neoliberal reforms produce 'extraordinary variations […] within contextually specific institutional landscapes and policy environments', rather than the neoliberal doctrines that assume a 'one-size-fits-all' approach to policy implementation that assume identical results following these reforms (Ibid:353). Brenner and Theodore (2002) argue that 'actually existing neoliberalism' coincides with two dialectically intertwined 'moments' of reform: the (partial) 'destruction' of the ideological and institutional vestiges and political compromises of the previous (more redistributive) Keynesian regime; and the tangential 'creation' of new modes of neoliberal accumulation responding to ineffective state intervention of the previous 'moment'. This 'creative destruction' (cf Harvey 2007) is 'presented to describe the geographical uneven, socially regressive and politically volatile trajectories of institutional/spatial change that have been crystallising under these urban conditions' (2007:351). The centrality of cities as new nodes of production and consumption means that cities are the incubators of neoliberal governance and therefore the localised processes and 'paths' that such reforms follow, complicate and contradict neoliberal reforms.

2.1.3.3   Changing socio-spatial dynamics: Informality and liberalisation

The history of neoliberalism is well tracked by distinguished geographer, David Harvey, in his book *A Brief History of Neoliberalism* (2005). In the chapter, *Neoliberalism on Trial,* Harvey argues that the accumulation practices of late/advanced capitalism have led to the 'privatisation and commodification of land and the forceful expulsion of peasant populations [and] conversion of various property types … into exclusive property rights' (Ibid:159). In another place, Harvey (2008) argues

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[22] David Harvey developed these thoughts with his highly original and oft cited work, *Social Justice and the City (1973)*. He argued that urbanisation is a direct phenomenon caused by the investment of capital surplus and therefore cities have always been a class phenomenon where the rich benefit mostly from capital accumulation.

> … urbanisation … has played a crucial role in the absorption of capital surpluses, at ever increasing geographical scales, but at the price of burgeoning processes of creative destruction that have dispossessed the masses of any right to the city whatsoever. The planet as building site collides with the "planet of slums" (Harvey 2008:37 drawing on Davis 2006).

As mentioned before, the relationship between globalisation and informalisation is complex, ill-defined and under-researched (Roy & AlSayyad 2004; Gilbert 2004, 2007; Roy 2005, 2009; Pieterse 2008; Huchzermeyer forthcoming). Perhaps, as Huchzermeyer argues, 'the reluctance to understand and confront the real drivers of informal settlements may be traced to a realisation that such knowledge would undermine the legitimacy of the dominant global economic system and the function that cities increasingly play within this system' (forthcoming: chapter 1). There is, however, considerable evidence that (neoliberal) globalisation has created new forms of informality. Gilbert (2004) notes that if 'we are to move beyond the obvious statement that globalisation creates new forms of informality and reconstitutes old forms of formality and informality, we need a definition of informality' (Ibid:37). Nezar AlSayyad (2004) argues that the concept of 'urban' is highly differentiated and hence it is 'difficult to identify the urban through the presence of actual urban conditions as it is to identify the informal solely through the lens of liberalisation. However, liberalisation does offer a tool with which to understand shifts in the urban condition' (Ibid:26). Gilbert and AlSayyad's comments open up the discussion on the changing socio-spatial processes and governmentalities that (neoliberal) globalisation produces. There is also considerable evidence of 'globalisation from below' and the counter movements that advocate for alternative socio-political environments.

Harrison (2003) notes that an increasingly strong spatial theme can be traced in the work of critical geographers Saskia Sassen, Allen Scott, Edward Soja, and Manuel Castells. Their work points to the 'spatial outcomes of economic and social transformations, and have developed a new geographic vocabulary that includes terms such as 'world city', 'dual city', 'new production spaces', 'edge city', 'fractal city', 'carceral city' and 'postmetropolis' ' (Harrison 2003:14). These new spatial configurations pose considerable challenges to the homogenising discourses of the globalisation thesis. Other perspectives, such as the 'splintering urbanism' thesis (see Graham & Marvin 2001), have pointed to the increasing connection between the fragmented and polarised urban formation and the networks that traverse it. It is widely believed that neoliberal globalisation has caused urban fragmentation in spite of rapturous assertions about connectivity and integration that globalisation and its agents promise. These paradoxes are rife in the globalisation discourses (Nederveen Pieterse 2004b). For example, the most recent UN-Habitat State of the World's Cities 2010/11, *Bridging the Urban Divide,* argues that the forces of globalisation often exacerbate the urban divide, which 'is the face of injustice and a symptom of systemic dysfunction' (2010: ix, 90). In the cities of the developing world, 'the separation of uses and degrees of prosperity are so obvious that the rich live in well-serviced neighbourhoods, gated communities and well-built formal settlements, whereas the poor are confined to inner-city or peri-urban informal settlements and slums' (UN Habitat 2010:1; discussed in more detail in Chapter 5).

Moreover, urban expansion is often characterised by informality, illegality and unplanned settlements and this is entrenched by, and a by-product of, 'inefficient land and housing markets, ineffective financial mechanisms and poor urban planning' (Ibid:xiii).

Keyder's study (2005) on Istanbul – as a globalising city adopting neoliberal policies – points to the cultural impacts of the commodification of public land. Traditionally, informal entrepreneurs constructed illegal squatter housing (*gecekondus*) for migrants on public land. 'The entire illegal process of land occupation and allocation, indeed of construction, contributed to the strengthening of networks' (Ibid:125). That met the housing need, and bolstered social integration. Under neoliberalism, however, 'the moral economy of urban land use now seems to have reached its limits' and is excluding the poor from the city, which in turn fuels class struggles between the displaced and the economically favoured (Ibid:130, 133). In Manila, for example, incomes are rising across the board, but the shelter crisis is deepening due to uncontrolled property values. Hence, a paradox exists: while the poor have unprecedented access to televisions, washing machines, and other consumer products, they are excluded from the city due to a lack of well-located, affordable land (Shatgin 2004). Millennial Delhi has seen major slum clearance schemes between 1990 and 2003 where 51,461 houses were demolished. Bhan's (2009) analyses of courts' responses to the demolition schemes point to the erosion of the poor's right to the city, traditionally strongly derived from national citizenship, which is by and large due to the changing urban political landscape in the context of the pursuit to create a 'world (class) city'. This is often paired with efforts toward the 'aestheticization of poverty and urban space' (Bhan 2009:131), often resulting in 'world city'-driven demolition of slums and displacement of the poor. Beautification projects, many times linked to mega-events (such as sports and international conferences) and infrastructure development (COHRE 2009a), often present the poor as 'economically unviable, environmentally harmful and criminal, … they are recreated as a homogenous category inseparable from the built environments of the illegal "slums" that they inhabit' (Bhan 2009:141).

Nonetheless, the struggles of the poor, well advanced in many countries, have altered the terms of engagement. Baicchi and Checa (2010) points to scholarly debates in the late 1990s which argued that as the state "hollows out" under neoliberalism, it does not '"wither away" but its functions are displaced into newer or altered lower- or upper-level state institutions, where new dynamics of political contestation emerge' (Ibid:131). The city emerges as a new space for citizen claims. New horizons of political engagement, at the grassroots and the supranational, spotlight the struggles of the urban poor's social movements and places democracy in a new light. Jan Nederveen Pieterse (2001) argues that urban social movements, who bring new challenges to democratic and undemocratic states in the pursuit of improved political climates, are forced to adapt to the new global paradigm of collective action. Different strategies have emerged in coping with the new and emerging issues of global and differentiated modernities. Appadurai (2001) calls to attention the production of new geographies of governmentality/ies under globalisation. By drawing on the work of Manuel Castells, Saskia Sassen, David Held, Anthony McGrew and Anthony Giddens,

Appadurai shows how 'world cities' are increasingly operating as 'city states'; 'increasingly independent of regional and national mediation' (2001:25). Social movements of the urban poor 'represent efforts to reconstitute citizenship in cities' and become instruments of deep democracy (Ibid:25).

The efforts of the urban poor to reconstitute citizenship, in the context where cities are increasingly caught between global aspirations and local obligations (significantly to the poor and disenfranchised), have radically altered the terms of political engagement, and in many cases, tilted developmental trajectories in favour of the poor. As the city emerges as a new arena of political contestation, new opportunities to realise a renewed sense of urbanity and citizenship become the key points of contestation. In the following section, the South African experience is discussed.

2.2 Post-apartheid spatiality and urbanity: Efforts at realising spatial integration and transformation

The 'making' of South Africa's highly segregated cities via racial and class logics predates apartheid. Mabin and Smit (1997) argue that the emergence and formation of race-based planning evolved at several stages:

- after the 1903 Anglo-Boer war (English infrastructure reconstruction and removal of 'natives' from 'insanitary areas' to modern 'locations'/'townships');
- post-First World War and the depression of the 1930s (marked by interventionist state coupled with social urgency characterised by housing and urban (health) crisis in locations); and,
- explicit and optimistic reconstruction movement after the Second World War, culminating in apartheid spatial engineering characterised by two main planning themes: creating new planning apparatuses and racial restructuring.

Fig. 2.1 The model apartheid city (Harrison et al. 2008:28)
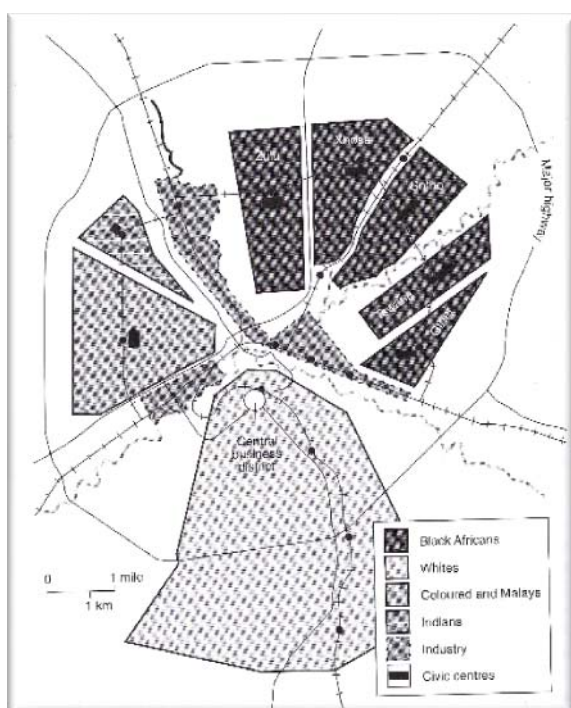
While the impact of such historical waves are important in understanding the roots of apartheid planning, where each 'wave' was characterised by more advanced spatial intervention, it was the 1948 Keynesian-like 'activist' apartheid state that used its modernist spatial technologies of repression and segregation most effectively (McDonald 2008). Jan Smuts's United Party (UP) failed to address and solve the issues of urban expansion and containment of 'natives' (such as the 1946 mineworker's strike). The *Herenigde Nasionale Party (HNP—'Purified National Party'),* led by then-Minister of Native Affairs, Dr. Hendrick F. Verwoerd, took power in 1948 based on an 'apartheid

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manifesto which made clear the party's commitment to compulsory urban segregation' (Mabin & Smit 1997:205).

Efforts to 'sanitise' South African cities through the Group Areas Act of 1950 (GAA), arguably the most important 'new' planning apparatus[23], 'explicitly designated geographic zones according to race – that is, induced compulsory urban segregation' (Angelini 2003:15; see Fig 2.1). One of the most telling impacts of the GAA was state violence through coerced and draconian forced removals from often accessible and well-located areas to established or newly created peripheral 'locations'/'townships' or shipped out to rural 'homelands'. The remainder of residents living in the informal settlements, backyard shacks, inner-city rented apartment and private housing, all outside the legally defined boundaries of these townships, were continuously threatened with evictions (see e.g. Maylam 1995; Robinson 1996; Mabin & Smit 1997; Royston 1998; Angelini 2003). In tandem with spatial engineering, the apartheid state also resorted to control 'black' urbanisation through various influx controls measures. Those permitted in urban areas to serve white capital were managed through a process of 'orderly urbanisation', especially since the social upheavals and the demise of the apartheid state in the late 1980s (see e.g. Dewar et al. 1985; Atkinson & Marais 2006; Boraine et al. 2006; Adebayo 2010). However, the rapid urbanisation, often resulting in land invasions of private or public ground, 'undermines the apartheid patterning of the city' (Robinson 1997:378; also see Oelofse & Dodson 1997; Huchzermeyer 2003, 2004a). These land invasions had limited permanent changes in spatial form as informal settlements were often adjacent to established townships and informal settlement interventions predominantly took/takes the form of elimination and relocation.

Whilst a bygone outpouring of scholarly work has concentrated on the historiography of urban South Africa (Maylam 1995), 'less recognised is that apartheid ideology was an extension of modernist urban planning, espousing a purely functionalist vision of the city shaped by central principles of residential segregation and single land-use zoning regulations' (Angelini 2003:13). Jennifer Robinson's work (e.g. 1996, 2006) is seminal in this regard. In her book, *The Power of Apartheid* (1996), she argues that the apartheid state organised urban space into racially segregated living areas via deploying 'spatial technologies of power which emerged in the arena of state intervention in the city' (1996:1). State intervention is here understood by the 'territorial nature of modern state [that] has important consequences not only for their autonomy and internal coherence (Mann 1984), but also for their fragmentation and incoherence' (Robinson 1994:41). A more nuanced reading of the *spatial specificity of urbanism[24]* requires the historiography of urban South Africa to consider the historical urban construct (e.g. Freund n.d).

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[23] The 1923 Natives (Urban Areas) Act is still considered the foundation-stone of urban apartheid

[24] Edward Soja, a prominent urban theorist, derives meaning from Lefebvre's thesis on the 'production of space' in what he calls *cityspace.* 'Cityspace refers to the city as a historical-social-spatial phenomenon, but *with its intrinsic spatiality highlighted* for interpretative and explanatory purposes' (Soja 2000:8; original emphasis). 'Intrinsic spatiality' is further explained to mean the *spatial specificity of urbanism*, a term that can be expressed in physical structures (parks, buildings,

Post-apartheid urban policy had to redress apartheid fragmentation and segregation. The subject of transformation in democratic South Africa is the historically constructed uneven development of 'islands of spatial affluence' in a 'sea of geographic misery' (Williams 2000). Integrating the poor can therefore be seen as integrating 'non-whites' in former 'white' cities, premised on the notions of equity and social change (Adebayo 2010:2-4). This subsection explores the attempts by the post-apartheid government at reconstructing and integrating segregated cities. After setting a general dialectic of the gradual effect of the process of neoliberalisation in the post-apartheid era, which in many ways entrenches the apartheid form via class lines, the section critically considers the transformative potential of urban spatial and housing policies. The overlapping priorities of reconstruction, integration and compaction are spotlighted (e.g. Williams 2000; Pieterse 2004a, 2004b; Pillay 2008; Harrison et al. 2004, 2008; Adebayo 2010). Local government restructuring is another crucial part of urban policy, which is discussed in Chapter 3.

2.2.1 The gradual embrace of neoliberalism in South Africa

The transition to democracy was marked by a prolonged period of negotiating future development trajectories between the late 1980s and early 1990s. The incoming ANC, with its alliance partners Cosatu and SACP, had to grapple with an apartheid state in demise and historically characterised by essentially a (racialised) Fordist-Keynesianism 'activist' regime where whites benefitted from its far-reaching welfarist policies (see Adelzadeh 1996; Wilksenson 2004; *inter alia*). It is thus postulated that

> … the National Party came to power in 1948 on what was, in large part, an anti-free market, social welfare platform, promising to impose stricter labour regulations to protect (white) workers from the vagaries of (English) capital and to shelter Afrikaner culture from the homogenising effects of international capitalism (O'Meara 1983 cited in McDonald 2008:75).

The structural dimensions of maldevelopment and racially patterned production and consumption had to be negotiated in the post-apartheid era. The ANC-led Government of National Unity (GNU) was characterised by the contending forces of the ANC's history of struggle and ideological inspiration through the Freedom Charter (1995) and the conservative elements of white 'crony' capitalism (Bond 2000). Moreover, the contending forces within the tripartite alliance, composed of various ideological straits, complicated consensus on such alternative futures. Ben Turok's (2008) evaluation of the ANC's economic policy commences from the idea that 'from the moment a negotiated transition became possible, two distinct policy strands emerged in the ANC. The one was a progressive agenda of redistribution; the other focused on budget austerity and macro-economic stabilisation'

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streets, etc.) and also 'mappable patternings of land use, economic wealth, cultural identity, class differences' (Ibid 2000:8). The formative action of capital and its spatial exclusion is a case in point.

(2008:15). The ANC adopted the Reconstruction and Development Programme[25] (RDP) as its election manifesto in 1994. This became know as the RDP base document (ANC 1994), followed by the RDP White Paper (RSA 1994) – representing consensus and compromise between competing objectives – that subsequently became the official policy of the GNU. South Africa's political settlement and progress toward democratic consolidation was characterised by RDP ideas of civic and liberal nationalism, i.e. 'that "all people" are considered part of the nation regardless of their ethnic, racial, religious or geographic origins' (Chipkin 2007 cited in Kagwanja 2009:xvii). The RDP was successful in articulating a post-apartheid development trajectory that was premised on growth, reconstruction and redistribution using a Keynesian framework. However, early policy analyses of the RDP White Paper highlighted the significant compromise to neoliberal, trickle-down rationale, considering the influence of the World Bank and IMF on policy makers (e.g. Adelzadeh 1996; Satgar 2008). Nevertheless, the White Paper guided the launch of the RDP Office in 1994, presided over by the General Secretary of Cosatu, Jay Naidoo. The RDP Office was likened to 'powerful national development planning agency (similar to models provided by Malaysia and Singapore)' (Harrison et al. 2008:59). However, the RDP Office was severely constrained as signified in its 'limited capacity and authority to fulfil a meaningful role in coordinating and planning across different tiers of government' (Ibid). Eventually the Office was closed in 1996 at a time when Mandela's government wanted to halt capital flight and reassure international market confidence (Harrison et al. 2008:59). Adelzadeh's (1996) policy analysis furthermore spotlight's the government's turn to neoliberalism in the draft National Growth and Development Strategy (February 1996) that culminated in the Department of Finance's 'steamrolling' of the highly contested and controversial Growth, Employment and Redistribution (GEAR) macroeconomic strategy (June 1996).

Netshitenzhe explained that 'GEAR was a structural adjustment policy, *self-imposed,* to stabilise the macroeconomic situation [to deal with] the realities of an unmanageable budget deficit, high interest rates and real local and international investor confidence' (cited in Gumede 2005:88; emphasis added). Although GEAR was explicitly presented as 'in keeping with the goals set out in the [RDP]' (Paragraph 1.1, RSA 1996), and the then-Finance Minister Trevor Manuel's (2006) assertions that there were 'no contradictions between RDP and GEAR' (*ANC Today* 2006), this transition has been signposted as South Africa's uneasy transition to neoliberalism and conservative development trajectories (e.g. see Adelzadeh 1996; Bond 1999, 2000, 2003; Mkandawire 2006; Satgar 2008). Critiques of Thabo Mbeki's modernist ideals also spotlighted the government's distancing from (neo) Keynesian-like developmental agenda (e.g. Gumede 2005; Vale & Barrett 2009). Critical scholars also point to the ANC's continued problematic usage of 'revolutionary' discourses, championed by the vanguardist party, despite its clear contradictions to these ends (e.g. Johnson 2003; Andreasson 2006; Butler 2007; Ferguson 2009).

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[25] One of the major influences on ANC economic thinking in the early 1990s, and feeders of the RDP, was the Macroeconomic Research Group's (MERG) 1993 report titled *Making Democracy Work: A Framework for Macroeconomic Policy in South Africa* that 'recommended significant intervention in the market place' (Friedman 2004 cited in Khan 2010:74).

McKinley's (2004) analysis of the social consequences of GEAR is helpful in understanding the immense impact of such a neoliberal transition:

> … [I]ncreased unemployment, rising from 16% in 1990 to more than 40% in recent years; a fall in the average income of working class families of around 19%, in particular in those sectors linked to the informal economy, around 50% of the economically active population; a strong polarisation of the distribution of wealth and income; an increase in poverty, with the official rate at 70% and of extreme poverty, estimated at 28%; an increase in the price of basic public services, like water or electric lighting, due to privatisation and the policies of "cost recovery", that have caused massive cuts in supply to some 10 million families for not having paid bills, and maintenance of the structure of land ownership which has undergone very few alterations with respect to the period of apartheid (cited in Antentas 2006:7).

What complicates a clean-cut analysis of neoliberalism in South Africa is the continued promotion of a strong state, good governance and other post-Washington consensus principles. In this sense, the destructive and creative moments of neoliberal reforms are 'dialectically intertwined' (Brenner & Theodore 2002:362). South Africa's interest in the 'developmental state paradigm' (DSP) since 2004 is now considered operating logic as signified in the 'shifts'/re-orientations in the realm of fiscal, monetary and growth policies. Increased state intervention in the first/second economy discourse seemed to herald a new phase in the post-apartheid order (Hart 2008). Policy reforms, such as the Department of Housing's *Breaking New Ground* (DoH 2004a), were also evident at this stage (discussed below). Interest in the DSP is not particular to South Africa, considering newer democracies' nostalgia for the 'old developmentalism' decade (Mkandawire 2006; Hart 2008). Serious deficiencies have been noted in the DSP (e.g. Chibber 2005) and the challenges and limitations (and opportunities) of crafting a developmental state have been particularly evident in South African deliberations (e.g. Carmody 2002; Edigheji 2010). Fine (2011) recalls that many opportunities to trail-blaze a new developmental paradigm have been forfeited. He notes that

> … the [Government of National Unity] came to power in 1994 just as the DSP was at its height, international solidarity could not have been stronger, internal forces were well organised, the country was not beholden to the IMF or the World Bank and, in any case, the Washington Consensus was in disarray after two lost decades for development. South Africa seemed set to pioneer, and could have pioneered, a developmental strategy led by the state as a beacon for others as well as for itself. But the RDP gave way to GEAR and the Freedom Charter to neo-liberalism, properly understood, and it has reigned supreme subsequently (Fine 2011:4).

South Africa's rapid, seemingly self-imposed, integration in the world economy has had particular adverse effects on its urban policies, considering the increasingly important role of cities as economic generators as per international experience. McDonald (2008:79-82)

suggests[26] that the most significant difference between 'actually existing neoliberalism' in Europe and the USA and South Africa is 'that there has been some substantial Keynesian (re)building taking place in South Africa' (McDonald 2008:78). These include 'the strengthening of many central government functions and capacities, the creation of democratic controls over some bureaucratic structures, and an increase in state welfare spending in some areas for black South Africans' (Ibid). In this sense, 'many of the developments have only a façade of Keynesian reform, being little more than hollowed out shells of state bodies, relying heavily on private sector consultants and private contractors to fulfil their mandates' (Ibid). South Africa has had two moments of 'progressive destruction', i.e. destruction of race-based Keynesian-Fordist system followed by the destruction of aspirant Keynesian reforms, and the single construction of neoliberal, competitive local economies, resulting in 'partial and truncated' reforms[27].

In the following subsections, the potentials of urban spatial and housing policy as transformative instruments in the hands of a 'strong state' are examined with the view to integrating the apartheid fragmented spatialities premised on creating sustainable and inclusive cities. The analysis leads to believe that neoliberal reforms have tended to entrench apartheid urban forms via classist, rather than racial, lines. Bond's (2003) analysis reflects such a conclusion in his analysis of both Urban Development Strategy (DoH 1994b) and the Housing White Paper (DoH 1994b), and noted that the neoliberal mainstream approach is

> … ameliorative, and works with, rather than against, market inequalities. Deregulation is the strategy, and turning cities into "export platforms" is the objective. Where these conflict, as in the cases of hawkers soiling city streets or steady inflows of African immigrants, the mainstream urban-managerial solution has been a return to social-control and forced-removal mechanisms embarrassingly similar to those of the apartheid era (Bond 2003:49).

2.2.2 Urban spatial policy

The initiation of new planning visions and urban policy, and the strong critique of the iniquitous apartheid urban policies, can be attributed to the civic struggles of the United Democratic Front (UDF) in the late apartheid era. These were assisted by a number of

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[26] McDonald (2008:87-93), drawing on Brenner and Theodore's (2002) analysis of the two moments of reform in Europe and USA, discusses the 'creative destruction' process with regard to South African policy in the following fields: intergovernmental relations; retrenchment of public finance; restructuring the welfare state; reconfiguring the institutional infrastructure of the local state; privatisation of the municipal public sector and collective infrastructures; restructuring urban housing markets; reworking labour market regulation; restructuring strategies of territorial development; transformations of the built environment and urban form; inter-local policy transfer; re-regulation of urban civil society; and representing the city.

[27] This supports Brenner & Theodore's (2002) argument that the process of neoliberalisation is an elusive phenomenon that 'must be construed through a historical specific, ongoing, and internally contradictory process of market-driven socio-spatial transformation, rather than a fully actualised policy regime, ideological form, or regulatory framework' (2002:353).

progressive and influential NGOs across the country; Planact in Johannesburg, Development Action Group (DAG) in Cape Town, Built Environment Support Group (BESG) in Durban, not to mention research units in various universities. These community initiatives of the early 1990s popularised the struggle anthem of 'one city, one tax base'; a call for restructuring the iniquitous local racialised governance and planning system (Swilling 1991). The neoliberal Urban Foundation also caught on to the new discourses and was a keen supporter of the integration concept (for a detailed discussion, see Bond 2000, 2003; Seekings 2000; Watson 2002; Todes 2006; Harrison et al. 2008: chapters 2 & 3; Pillay 2008, *inter alia*).

Alternatives to spatial organisation and redefining the scope and nature of planning emerged after a decade's research and advocacy of such organisations and community struggles. Harrison et al. (2008:53-56) note that these alternatives were geared toward finding long term solutions to apartheid racial fragmentation rather than being occupied with the narrow agendas of land-use management, which was utilised by the apartheid state to advance its segregation agenda. In particular, a small group from the UCT planning school, operating through the Urban Problems Research Unit, concentrated on such notions as urban compaction, urban restructuring and spatially integrated development rendering new terminology such as 'corridors (systems of public-transport-based movement flanked by high residential densities and mixed uses), urban edges to contain sprawl and encourage densification, new nodes or centres in areas deprived of commerce and services, and open space systems' (Ibid:118). The ideas of urban spatial restructuring and that of 'compacting' and 'integrating' the city spatially have been an important part of post-apartheid urban spatial policy. The RDP White Paper (RSA 1994) called for the 'need to break down the apartheid geography through land reform, more compact cities, decent public transport' (1994:83). The White Paper promoted 'densification and unification of the urban fabric' (1994:86), housing close to work, redressing imbalances, and 'access to employment and urban resources' (1994:86) (cited in Todes 2006:55; Harrison et al. 2008:120). Todes (2006) notes that these ideas of restructuring, integration and compaction were evident in the Housing White Paper (DoH 1994b), and in the principles of the Development Facilitation Act (RSA 1995). The latter served as interim planning legislation initially concerned with the introduction of 'extraordinary measures to facilitate and speed up the implementation of reconstruction and development programmes and projects in relation to land' (RSA 1995). Watson (2000) noted that DFA (RSA 1995) and Housing Act (RSA 1997) 'actually sought to make it a legal requirement to pursue physically integrated urban development, i.e. more compact and higher-density building, less sprawl, more mixed land uses and less segregation within and between residential and economic areas' (Watson 2000 cited in Turok 2001).

After an initial flurry of interest in spatial planning, a decline in such interest has been observed. Some argue that the thorny and complex issues of large scale restructuring of government agencies were to the detriment of spatial planning (Todes 2006; Freund 2006). At the same time, critical arguments point to the government's embrace of neoliberal macroeconomic strategy, GEAR, as causal to the demise of realising restructured, integrated and compact cities (e.g. Bond 2003; Cornelissen 2009). Moreover, the shift in urban policy in

the early 1990s promoted 'competitive cities' where the 'primary developmental role of the local state is to position localities optimally to gain maximum benefit from globalisation' (Harrison 2002). This was paired with discourses on globalisation, which has significantly impacted urban governance ideology. The Urban Development Strategy (DoH 1994b), originally driven by the politically powerful RDP office (the strategy later shifted to the National Department of Housing), already diverged from the reconstruction ideals of the RDP. Increasingly neoliberal policy in the form of the New Public Management (NPM) paradigm on governance was evident (Bond 2003; Freund 2006:306). The subsequent Urban Development Framework (DoH 1997), launched as the government's urban policy on urban development and reconstruction, reflected GEAR's sentiments of urban competitiveness at local level. While maintaining the idea of urban integration, it did not address land markets or suggest mechanisms to acquire land for integration (Todes 2006:56). Although the UDF was a DoH policy, the emphasis on housing delivery and the structuring of the subsidy system directly undermined urban integration notions (Royston 2003; discussed below). Rather, the UDF (DoH 1997) observed that "[i]nternational experience has shown that ultimately, the success or failure of national development initiatives will largely be shaped in cities and towns. National economic success depends upon urban success' (cited in Williams 2000:168). Pieterse (2004a, 2004b) argue that while the UDF marked a break from top-down imposed master planning and moved towards integrated, participatory strategic planning, the congruence with (normative) international governance consensus has not adequately been scrutinised (see Chapter 3). In this sense, 'a lot of faith is being invested in similar arguments about how institutional strengthening and reorganisation will produce, or significantly contribute to, integrated and coordinated development' (Pieterse 2004a:19). There is however little regard to the 'unequal power dynamics that enliven the various institutional relations across the city-space between actors in the city, and those who impact on the city' (Ibid). The UDF tended to favour private residential development, and by the late 1990s, the ideal of urban compaction was questioned in the light of trends toward fragmented suburban sprawl (Mabin 2000; Harrison et al. 2003). Hence, the decline of spatial planning, as a potential transformative tool, seems to have occurred as a result of the state's emphases on urban competitiveness and creating favourable investment climate.

Todes (2006) identifies resurgence in urban spatial policy since 2000 as ideals of compacting and integration resurfaced. Todes attributes this to responsibility of the UDF moving from the DoH to the Department of Provincial and Local Government (2000), the increasingly importance of cities as per the National Spatial Development Perspective (Presidency, The 2003, revised 2006b), Asgi-SA's (Presidency, The 2006a) developmental trajectory, and the DoH's new housing strategy, Breaking New Ground (DoH 2004a). The 'second generation' of city-wide spatial development frameworks (SDF) that have emerged since the creation of unicities in 2000 have contributed towards rejuvenating the compact city (with the growing importance of corridors, nodes, urban edges). These SDFs, imbedded in the IDP process, have also regenerated the spatial and sustainability discourses (Harrison et al. 2008:124-126).

However, arguably the most prevalent form of post-apartheid spatial influence has been that of the growing private-sector-driven, upmarket, commercial and residential developments (Boraine et al. 2006; Harrison et al. 2003, 2008; Freund 2006, 2010). Growing economic confidence in South Africa has fuelled the rapid rise in property prices and has tended to follow to spatial logics of the market: 'they avoid crime and grime areas and link closely with existing higher-income areas which also have good access and good amenities' (Harrison et al. 2008:129). Watson's (2002) study on Cape Town's municipal-SDF, discussed in more detail in Chapter 3, makes explicit reference to powerful private capitalist forces that derailed progressive elements in local government planning. The typology of this exclusive, privatised post-apartheid spatiality has been that of shopping malls, golf estates, town-house and leisure complexes, and commodified 'heritage' sites (Mabin 2000; Simone 2004; Harrison et al. 2008:129; Mabin 2005).

It is widely argued that post-apartheid urban policy has by and large geared cities, through urban governance premised on neoliberal ideology, to strive for 'world city' status and hence integration into the world economy (e.g. Cornelissen 2009). Chapters 3 and 4 discuss the impact that such notions have on governance and community representation. In the next section, neoliberal reforms in post-apartheid housing policy are considered.

2.2.3 Housing policy

From the above analysis, urban and housing policy shared the sentiments of restructuring, compacting and integrating fragmented and racially biased spatialities. As mentioned before, efforts towards speeding up the rapid release of well-located urban land were underscored by the DFA (RSA 1995) and the Housing Act (RSA 1997). The Urban Development Framework (DoH 1997) proposed urban housing that would be:
- spatially, racially and socio-economic integrated;
- economically sustainable;
- democratically instituted with participatory planning;
- environmentally sustainable; and
- adequately financed through the public sector and through public-private partnerships (Irurah & Boshoff 2003 cited in Freund 2006:320).

This subsection underscores the immense potential an effective housing strategy can have in transforming apartheid geographies. The aim is not to review the different housing programmes of post-apartheid housing policy (see e.g. Cross 2010 for comprehensive evaluation; and e.g. Khan & Thring 2003; Harrison et al. 2003 for critical engagements) but rather to engage the potential of realising such transformative ends.

Informal settlement policy is frequently attributed to the Urban Foundation's (UF) 1990 proposal for a national housing strategy (Bond 2000; Huchzermeyer 2001, 2003; Khan & Thring 2003; Adebayo 2010; Cross 2010). The UF was established in 1977 – a year after the 1976 Soweto uprising – and was concerned with urban development issues. This privately

funded think tank, characterised by its neoliberal, market enabling approach to complex urban issues, consisted of a group of academics, advocates and deal-makers. The UF not only embarked on a 'new' paradigm in urban/housing policy, but also looked for solutions to an imminent economic downturn (Huchzermeyer 2001). The UF's research conducted in the 1980s was highly influenced by current neoliberal consensus of the World Bank that underscored site-and-serviced self-help (greenfield) development and privatising public housing through freehold tenure. This research resulted in proposals for a national housing policy premised on market-orientated, *laissez-faire* position on low-cost housing, forerunning the establishment of the National Housing Subsidiary Scheme (NHSS) (Bond 2000; Huchzermeyer 2001, 2003; Khan & Thring 2003). The NHSS was established in 1994 and pledged to build one million houses in the next five years. This once-off product-linked capital subsidy entitles low-income households to a uniform product, 'consisting of a standardised serviced plot with freehold tenure and a core housing structure, in a formalised township layout' (Huchzermeyer 2003:591). The Independent Development Trust (IDT) adopted the capital subsidy model and implemented greenfield development throughout the 1990s, but became notorious for its 'toilets-in-the-veld' outcomes. The neoliberal barrage of the UF was followed by a series of World Bank case studies in 1991, highlighting the 'distance' between Washington and Johannesburg. In 1992, the 'econocrat-influenced' De Loor task force called for more deregulation, commercialisation, and strong promotion of market forces in housing delivery. Between 1993 and 1995 the National Housing Forum (NHF) negotiation meanderings became a theatre of political contestation and SANCO called for the democratisation of housing finance through housing banks, potentially meaning long-term access to housing financed (versus an once-off subsidiary) (Mackay 1999, Bond 2000; Huchzermeyer 2001, 2003). The discourses of these forums and task teams maintained an agenda to reshape the built environment, although this has been highly contested (Bond 2000).

This troubled history of the first generation of housing policy in many ways paved the way for a decade of 'unintended consequences' in delivering housing to the poor. Huchzermeyer's analysis (2001) of the first generation of housing policy, aptly labelled the 'Urban Foundation paradigm', identifies four fundamental misconceptions in informal settlement intervention: 1) simply another form of housing delivery; 2) the role of community organisations is dismissed; 3) support for individual land ownership is based on market assumptions; and 4) the stakes of private sector should be increased. Bond (2000) notes that the NHF consensus, cemented in the Housing Accord (DoH 1994a) – which in turn became official policy through the White Paper on Housing (DoH 1994b) – departed from the RDP vision on housing in a number of ways:

> No explicit commitment to eliminating gender bias; no support for squatters' rights; no commitment on linking subsidies to ending bank loan discrimination; no assurance of end-user and bridging finance availability to complement the meagre subsidies; no protection against downward-raiding of subsidies; no possibility of land banking for future development (so as to lower land prices and make subsidies go further); no means of applying subsidies to higher-cost inner-city areas; no attention to linking

subsidies to the pricing of building materials or to private sector anti-trust considerations; and so forth and so on (Bond 2000:110).

Although South Africa's efforts and outcomes of delivering housing to the urban poor through mass projects have been internationally recognised as 'one of the most significant contributions of the process of settling people in secure tenure in the history of humanity's delivery of housing' (Vawda 2003 cited in Khan 2010:1), the 'unintended consequences' of this market-orientated approach to solving a deep-seated housing crisis has been disastrous. Despite the efforts of the NHSS to deliver housing to all, concerns have been raised about the quantity and quality of houses; limited impact on poverty alleviation; peripheralisation of housing projects and the continued spatial marginalisation of the poor; isolation of the poor from livelihood opportunities and social services; contribution to urban sprawl; the augmented informality in the form of 'backyarders'; the failure to create low-income housing markets and therefore houses did not contribute to asset-driven poverty alleviation; increasing housing backlog; and so on (Mackay 1999; Bond 2000, 2003; Huchzermeyer 2001, 2003, 2008; Royston 2003; Lemanski 2009; Cross 2006, 2010; *inter alia*). Moreover, state-assisted, market driven (or self-help) delivery – juxtaposed with individualised, deterministic, and institutionalist ideologies – has had detrimental impacts on organised civil society's struggles for spatial centrality (Oldfield 2002; Miraftab 2003; Lemanski 2008; Marais et al. 2008; Ley 2009). Whilst the White Paper on Housing (DoH 1994b) and the Housing Act (RSA 1997) have underscored the importance of viable, integrated, sustainable settlements with convenient access to opportunities, infrastructure and services, and made provisions for the protection of the rights of squatters, as per Constitutional (s. 26) mandate, through such legislation as the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act of 1998 (RSA 1998c) (see Wilson 2009). But the reality for informal dwellers has often been relocation, loss of livelihoods, and insecurity of tenure (resulting in evictions).

A decade of post-apartheid housing praxis has therefore not contributed to integrated and sustainable human settlements with the aim of restructuring apartheid spatiality. From 2002-2003 the National Department of Housing (DoH) undertook a comprehensive review of the housing programme under research themes/concepts such as housing as an asset, integrated development and sustainable human settlements (Cross 2010). The process of gearing up for the 'second generation' of housing policy, albeit partially hamstrung by the forthcoming national election and subsequent political pressure (Charlton & Kihato 2006), culminated in *Breaking New Ground: A Comprehensive Plan for the Development of Sustainable Human Settlements* (DoH 2004a) (hereafter BNG). With this new comprehensive strategy, the State aimed to respond to the various glaring gaps and criticisms of the earlier approach and committed itself to a new paradigm in housing delivery. This new strategy underscored a number of 'new' policy emphases such as the progressive eradication of informal settlements dialectically paired with better quality, integrated and efficient living environments. Creating a secondary housing market, boosting investment confidence, and greater commitment to social housing based on a sustainable cost recovery basis was also emphasised (see Tomlinson 2006; Dewar 2008; Cross 2010). Scholars have debated the

extent to which BNG departs from the first generation of housing policy. Tomlinson (2006:85) argues that 'in many ways, [BNG] does come close to fundamentally changing policy' while Charlton and Kihato (2006) argue that BNG does not fundamentally depart from the original legislation, leaving many glaring issues unanswered. BNG's introduction of *in situ* informal settlement upgrading, later entrenched in the National Housing Code (DoH 2004:Chapter 13, DHS 2009:Part 3), is a viable alternative solution to the bourgeoning housing crisis. This has been received as a welcome alternative to peripheral housing development, albeit with suspicion (e.g. Huchzermeyer 2006b, 2010b; Pithouse 2009).

And perhaps such suspicion could be validated. One of the unintended outcomes of BNG has been the proliferation of discourses towards informal settlement 'eradication'. BNG understands 'eradication' as the integration of informal settlements 'into the broader urban fabric to overcome spatial, social and economic exclusion' (DoH 2004a:12), but this has often translated in the forced removal (sometimes to Temporary Relocation Areas) of some of the most vulnerable peoples in society. The BNG Pilot project, which is the N2 Gateway Project in Cape Town, is particularly evident in this regard (see Chapter 3 for a discussion). This 'new' language of 'eradication' and 'war against shacks' has corresponded with the DoH's alignment to such campaigns as the *Cities without Slums* campaign of the Cities Alliance and UN-Habitat (e.g. Huchzermeyer 2005, 2006b, 2010b, forthcoming; Charlton & Kihato 2006). The state's efforts to 'eliminate' informal settlements by 2014 have coincided with increased 'indirect measures' of state violence and political rhetoric in dealing with the root causes of urban informality (Huchzermeyer 2010b). As mentioned before, such campaigns often legitimise the neoliberal state's agenda associated with privatising urban space, processes that inherently exclude the poor (cf Harvey 2005).

Pithouse (2009) argued that 'at all levels of government and in all parts of the country, there has been a systemic failure to implement the substantive content of BNG that recommends and makes financial provision for participatory and collective *in situ* upgrades' (2009:1-2). Similar sentiments are reflected in both academic accounts (e.g. Huchzermeyer 2006b, 2010b) and consultancy reports (Misselhorn 2008; Topham 2010). Pithouse (2009) maintains that a shift to a 'security driven approach to the urban poor' is evitable where the potentially progressive legal and policy framework has been overshadowed by the forceful anti-poor discourses around 'eradicating slums'. Attempts were made by local and provincial authorities to formalise such tendencies through repressive slum legislation. For example, Durban-based shack dweller movement, Abahlali baseMjondolo, fought an arduous Constitutional battle against KwaZulu-Natal's Elimination and Prevention of Re-emergence of Slums (Act 6 of 2007) (discussed further in Chapter 3).

Despite the Department of Housing's (renamed to the Department of Human Settlements in 2009) efforts to meet the housing backlog, urban informality has grown in the post-apartheid era and evidence seem to suggest that such phenomena will continue (SACN 2006, 2011b; Pithouse 2009; Huchzermeyer 2010b; Bradlow et al. 2011, *inter alia*). The state's resolution to 'eliminate' informality poses glaring questions about the extent to

which even progressive legislation (as BNG) has the potential to recast and reconstruct South Africa's skewed spatialities. As seen in the discussion of urban spatial policy, neoliberal reforms have perpetuated colonial and apartheid inherited spatial legacies, a theme I return to in Chapter 3.

2.2.4 Informal settlement upgrading: Advancing the poor's right to the city?

If the right to the city can be understood as the increased social control over the 'production of space' through the right to appropriation and participation (Lefebvre 1991), empowering the inhabitant to exercise control over the decisions that shape the everyday lived space, then informal settlement upgrading can be considered to advance such a right and renewed sense of urban life (see Addendum 1). Furthermore, Huchzermeyer (forthcoming: Chapter 11) contends that the 'urban disenfranchised' are contending for the right to the city in three ways: firstly, the right to spatial centrality and long term habitation of the city; secondly, the right to access to central decision-making; and thirdly, the right to the creative (re)making of public spaces. An expanded definition would include attempts at protecting the right to cultural and historical heritage and tradition, the right to safe and secure natural environment, and the right to safe and affordable transportation, which are considered *collective rights* (discussed further in Chapter 5).

Informal settlement upgrading has been firmly embedded in housing policy since the introduction of BNG. These 'new instruments'[28] of upgrading is premised on 'combating poverty, inequality, and discrimination through appropriately designed public policies to support informal settlements' (ANC 2004 cited in Huchzermeyer 2006b:43). It holds potential to deepen democracy and citizenship, and could 'improve the prospects of robust and socially inclusive economic growth' (Ibid). In this sense, three key policy objectives are highlighted: poverty eradication, reducing vulnerability, and promoting inclusion (Ibid)[29]. BNG argues that informal settlements should be integrated into the 'broader urban fabric' by introducing a 'phased *in situ* upgrading approach to informal settlements, in line with international best practice' that is supported by 'a range of tenure options and typologies' (DoH 2004a:12). Proponents of such an approach point to the multiplier effect on economic and social development when informality is recognised through security of tenure and deepening democratic engagement (cf Addendum 2). While BNG acknowledges that high rates of urbanisation will also necessitate fast tracking land release and service intervention, which is briefly discussed in Chapter 6, 'the plan supports the eradication of informal settlements through *in situ* upgrading in desired locations, coupled to the relocation of

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[28] The DoH's new strategy and policy instruments were crafted in close collaboration with multilateral agencies such as *Cities Alliance* (in order to meet the MDG seven, target 11, in accordance with the Habitat Agenda), United States Agency for International Development (USAID provided funding for key research areas) and learning exchanges with the Brazilian Ministry of Cities (Huchzermeyer 2006b)

[29] As mentioned before, the 'new' language on informal settlements *upgrading* has been associated with the speed up of 'shack free' cities by 2014, which can be interpreted to represent a political message that informal settlements, rather than poverty, should be eradicated.

households where development is not possible or desirable' (DoH 2004a:12). The National Housing Code (DHS 2009) further strengthens the profile of informal settlement upgrading as 'one of the Government's prime development initiatives and that upgrading projects should be dealt with on a priority basis' (DHS 2009:25). The Upgrading of Informal Settlements Programme (UISP) gives credence to BNG as it outlines a phased approach where phases 1 to 3 (1. Application; 2. Project Initiation; 3. Project Implementation) focuses on 'community participation, supply of basic services and security for all residents'. Phase 4 (Housing Consolidation) provides access to 'Government's housing assistance programme undertaken in terms of the provisions of the specific programme opted for' (2009:27). The Housing Code further states that the main objectives of the UISP are to:

- Facilitate structured in situ upgrading of informal settlements as opposed to relocation;
- Recognise and formalise the tenure rights of residents within informal settlements;
- Provide affordable and sustainable basic municipal engineering infrastructure, that allows for scaling up in the future;
- Address social and economic exclusion by focusing on community empowerment and the promotion of social and economic integration; and
- Build social capital through participative processes and address broader social needs of communities (DHS 2009:29).

Urban sector NGOs have largely contributed to this important discourse. Development Action Group (DAG), a Cape Town based NGO, has stressed the need to transcend thinking on upgrading as a purely structural upgrade to that of social and economic development and protecting. Improving people's lives in significant and meaningful ways is emphasised through the importance of multi-sectoral approaches. This requires participation and partnerships between the state and community whereby local institutions are strengthened and the political process moves from consultation to empowerment. This means that existing community capital should be enhanced to meet prioritised community needs by utilising a livelihoods assessment methodology. Rigid standards and regulations in the context of *in situ* upgrading tend to have adverse effects they are not applied cautiously. For this reason, the gradual formalisation process 'requires an extensive amount of decision making at both a community and individual level and it is therefore imperative that advice and support are provided in the upgrading process' (DAG 2007b:13; also see Smit 2005).

2.2.5 Synthesis

Frequent reference has been made to the uneven and contradictory nature of capitalist urban development, often resulting in the contradictory and complex analysis of 'actually existing neoliberalism'. The dynamics of rapid urbanisation and the urbanisation of poverty in an era of restructuring and liberalisation have spotlighted glaring failures in urban governance, where governments often resort to the systematic eradication of slums. The gradual 'neoliberalisation' of South African urban spatial and housing policies has likewise perpetuated spatial inequalities.

Scope for the remaking of the city from an authentic Southern perspective, with informality being a decided characteristic, challenges the inherited conceptions of modernity and allows for a more responsive theorisation of the varied urbanisms (as ways of life) co-existing. For the integration of the previously excluded (black) majorities into historically entrenched urban spaces of (white) consumption, opportunity and resources are a key thrust in post-apartheid policy, but thwarted by capitalist rationalities. *In situ* informal settlement upgrading holds keys to realising the right to the city, through the poor's right to appropriation and participation in central decision-making processes, although such interventions have arguably been associated with the 'elimination' of informality. In the following section, preliminary comments are offered on the wicked complex of NIMBYism and the wider housing and livelihood crisis unfolding in Hout Bay.

2.3   The dialectics of toil: Hout Bay's poor and the right to the city

The picturesque setting of Hout Bay is renowned. It is described as 'a spectacular valley bounded by the mountains of the Table Mountain massif, Sentinel, Karbonkelberg and Constantiaberg almost isolated from the outside world'[30]; 'Hout Bay's beauty is unforgettable and is surrounded by an amphitheatre of mountains that seem to majestically guard over its calm indigo bay'[31]; and 'has a character of an independent community'[32]. A hundred years after Jan van Riebeeck settled at the Cape and established and fortified the Cape of Good Hope for the fleets of Dutch East India Company (V.O.C.), Hout Bay was included in the new defence frontier against invading English naval forces in 1781. This was to safeguard the Dutch vessels trading between Holland and the East Indies. Hout Bay was considered a strategic outpost for its timber, farmland and rich fishing waters. The khoi-khoi were the first fishers in the area, but the construction of the harbour by the mid 1950s was soon to establish Hout Bay as the finest and largest fishing harbour in South Africa (visit to Hout Bay Museum; 04/05/2011).

In many ways, the European character of Hout Bay has been preserved. During the 'difficult political period' of the 1980s, locals fondly pronounced the 'People's Republic of Hout Bay' in 1987 and issued 'passports' to raise funds for charity. The fictional 'Consulate of the Republic of Hout Bay' was established in 2007 and now operates as a tourism booking office. The Consulate is said to 'direct attention on marketing Hout Bay as a value adding experience and as a preferred tourist destination'. The powerful interests in maintaining Hout Bay's largely European character will become clearer in this section.

In this section of the case study, preliminary observations on the *spatial specificity* of urbanisation are made. It contextualises the 'imposition' of informality on the tranquil and

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[30] www.houtbayconsulate.co.za
[31] www.houtbay.info
[32] www.houtbayonline.com

blissful coastal life styles of the elite. The 'wicked complex' of NIMBYism[33] is introduced by juxtaposing luxury and survival, wealth and poverty, European and African, power and powerlessness, opportunity and desperation, security and social stress. By introducing narratives that will influence later sections of the case study, the complexity of Hout Bay is likened to a 'microcosm of South Africa'. While a relatively well-developed body of literature (Sowman & Gawith 1994; Dixon et al. 1997; Oelofse & Dodson 1997; Froestad 2005; Saff 2001, *inter alia*) deals with the formation of an African informal settlement in 1991/92 in central Hout Bay (called Imizamo Yethu), there is very little academic work on the evolving dynamics of Hangberg. A large piece of this section focuses on Imizamo Yethu and attention is drawn to the livelihood challenges facing the wider Hout Bay. In addition, the prospects of integrated development is spotlighted that could have affected the dire Hangberg housing crises. This section therefore borrows from academic work on Imizamo Yethu to emphasise the unfolding political complexity in the greater Hout Bay.

2.3.1 Urban informality and NIMBYism

As mentioned in Chapter 1, the Group Areas Act (GAA) assigned a mere two percent of land in Hout Bay, in the vicinity of the harbour, to coloured labourers. The expansion of fishing activities included public housing for the 'coloured' labourers. The Black Urban Areas Act of 1945 restricted the movement of African labourers seeking employment opportunities. Hout Bay was historically characterised by a lack of public housing and the growing coloured community resorted to squatting in the vicinity of the harbour. Local authorities tried to relocate the growing coloured informal settlements of Disa River, Dawid's Kraal and Blue Valley (falling outside GAA demarcation), but with limited success. Moreover, a number of Africans also managed to by-pass such spatial engineering by living in backyards of hostels and on sheltered riverbanks and dunes, later to be known as Princess Beach and Sea Products (Sowman & Gawith 1994; Oelofse & Dodson 1997). Hout Bay therefore has a 'history of squatters who were largely accommodated by the formal residents of the area' (Oelofse & Dodson 1997:93). The 1986 White Paper on Urbanisation also meant that influx controls were relaxed. The Provincial Authority resorted to control and determine where and how Africans would live via a process of 'orderly urbanisation'. In Hout Bay, in the Provincial Authority sought to relocate African squatters occupying prime land. A township was established which became known as Imizamo Yethu, meaning 'through our collective struggle' (Oelofse & Dodson 1997). Despite legal action and protest, Africans were relocated 18ha of land with 417 serviced sites. A 16ha plot of adjacent forestland was considered a buffer zone between Africans and whites (Froestad 2005:339). Saff (2005) contends that while Africans gained a spatial foothold in wealthy suburbs, they remained isolated with little access to facilities. Nevertheless, the dynamic process of urbanisation and collective agency overruled the intensions of segregation planning in a matter of months (Sowman & Gawith 1994; Oelofse & Dodson 1997; Dixon et al. 1997; Froestad 2005).

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[33] See footnote 13

This 'imposition' of 'formalised informality' on the tranquil urbanity of the wealthy was paired with exclusionary discourses. Dixon et al. (1997) argued that the elite retorted that Imizamo Yethu was 'out of place' and 'defiles the town's identity as a site of scenic beauty'. These discourses illustrated the white community's resistance to local change and are part of a wider ideological scheme to police the (racialised) slum. Saff's (2001) discourse analysis on a wide range of opinion-rich documents argues that exclusionary discourses serve to entrench exclusive geographies. Firstly, discourses revealed an 'attempt to maintain homogenous space primarily along racial or ethnic lines' (Saff 2001:102). Secondly, maintaining exclusive capitalist space creates a 'system where competition for access and control over desirable spaces and resources' necessitates exclusionary discourses (Ibid). These discourses followed a similar patterning consisting of the following elements: firstly, the existing space is portrayed as an ideological homogenised form of space where squatters do not belong; secondly, squatters will destroy natural beauty and spread diseases; thirdly, squatters will increase crime, and other social pathologies (such as alcoholism) and as such will lower property values (Saff 2001, 2005; Dixon et al. 1997). The growing animosity between squatters and the wealthy can be related to the wicked complex of NIMBY, which serves as

> … an expression of people's needs and fears. As such, it is an expression that is no more or less rational and legitimate than the market mechanism and profitability of capital. We can no more eliminate NIMBY than we can eliminate private development capital and the market mechanism. We are saddled with both sides of the dialectic (Lake 1993 cited in Saff 2001:104)

Saff (2001), drawing on Lake (1993), argues that 'to denigrate NIMBYism as irrational and selfish deflects attention away from the fundamental causes of societal problems, a political economy that perpetuates poverty' (Saff 2001:104). Exclusionary discourses therefore draws attention to the underlying 'rationalities' and 'moralities' that are paired with the exclusive wishes of suburban ratepayers. Saff argues that 'a crucial first step in this regard would be for urban planners to align themselves with the dispossessed in the squatter camps rather than with the new non-racial suburban elite' (Ibid). However, advocating the poor's right to the city in this context is especially difficult considering the legitimate fears and concerns of ratepayers concerning increasing violent crimes paired with substance abuse. Planners are therefore between a rock and a hard place.

2.3.2 Potential for integrated development in broader Hout Bay

The period that followed the establishment of Imizamo Yethu was marked by continued influx of Africans. This part of the case study picks up the narrative in 2002. At this time, city politics was marked by a time of considerable political contestation for the Cape Town Unicity resulting in the floor-crossing period that saw a new coalition between the New National Party (NNP) and the African National Party (ANC). This political move meant that the ANC now had the majority vote in Cape Town, thereby ousting Mayor Gerhard Morkel of the Democratic Alliance. Following this Nomaindia Mfeketo of the ANC was inaugurated (discussed in Chapter 3).

Shortly after her appointment as Mayor in October 2002, Mfeketo visited Imizamo Yetho with the aim of negotiating a possible development outcome following divisions over land issues in Hout Bay. Local branches of the SACP, Cosatu and SANCO had been campaigning for the release of 16ha of well-located land originally zoned for public amenities and arguably used as a buffer zone by late apartheid planners (Froestad 2005:233). In 2001 the Hout Bay Rate Payers Association and Residence Association applied for an interdict against this rezoning and the alliance demanded that this interdict be withdrawn. These actions by the elite of Hout Bay 'sparked a national outcry of racism and classism' (Mohammed, *VOC*, 26/01/2007). Disputes over the 16ha of public land intensified when the SACP called for land invasions and threatened the Provincial Government with legal action if the public land was not released for immediate housing and development opportunities (Feni, *Independent Online*, 16/11/2002).

In November 2002, Irish tycoon and a resident of Llundudno, Niall Mellon, pledged to invest R30 million for housing development in the existing informal settlement of Imizamo Yethu. This investment would replace some shacks with 450 brick houses (for about 2,800 people). However, the housing need in Imizamo Yethu was a formidable challenge considering a continual influx of new residents. This complicated prospects of a manageable density of dwelling units. At that time, close to 16,000 people stayed on the 18ha realistically suitable for 2,800 (original) inhabitants. The prospects of the development seemed to even change the mind of the then-vice chairman of the Rate Payers Association, Graham Kelroe-Cooke, who said; 'We just want to see the development built up as it was intended to be. It is now of no use opening a can of worms and getting involved in political mud-slinging' (cited in *Independent Online*, 21/11/2002). Mayor Nomaindia Mfeketo backed this investment by Niall Mellon and hinted at the possibility of releasing 16ha of public land for further development. This was the 'first time a powerful city politician has made such a commitment to the long-suffering people of Imizamo Yethu' (*Independent Online*, 03/12/2002). She committed to matching the Irish tycoon's investment with swift political action. Mfeketo also said:

> Imizamo Yethu is not going to go away. Niall Mellon's partnership with his poor neighbours ... was precisely the type of partnership needed. There are complaints about property being devalued. Let's build partnerships to make sure that we develop the type of new suburb that does not devalue property prices - something that everyone can be proud of (Ibid).

Kenny Tokwe, chairperson of the Hout Bay Land Campaign Committee, a community based advocacy group, believed that the 16ha was a 'Berlin Wall' to keep black people hidden. He is cited to have said:

> This was the DA's way of keeping us out of sight from the main road. And we know this is what some white people want. But we don't stop Germans and Italians from moving to Hout Bay. We want everybody to live together and to see real integration (Ibid).

Proposed plans under the DA-led Council included a private German high school for the middle- and upper class (Morris, 11/05/2011, personal interview). Community activist Morris mentioned that the Imizamo Yethu community, in consultation with wider affected parties in Hout Bay, opted for an integrated development on the 16ha of public land that would include multi-storey walk-up housing, a taxi rank, a church, a library and a school (Ibid).

However, in November 2004, prospects of realising the dream of integrated development on the 16ha of public land was complicated when Imizamo Yethu civic, Sinethemba Civic Association, under the leadership of Goodman Ngwangwa, joined hands with the Rate Payer's Association in obtaining an interdict to stop the City from proceeding with the preparation for development on the 16ha public land. Ngwangwa's argued that the position of the original inhabitants would be jeopardised by the influx of illegal occupants. He contended that Imizamo Yethu had been 'swamped by thousands of new arrivals' from other parts of South Africa, and also Zimbabwe, Namibia, Nigeria and the DRC (cited in Dreyer & Schroeder, *Independent Online*, 18/02/2004). The rationale behind such an alliance was the fear of even greater illegal occupation. Ngwangwa said, 'It is a great injustice that my community of 2 800 people finds itself overwhelmed on the land, that was promised to them, by more than 12 000 other people, most of whom have no historical ties whatsoever to Hout Bay' (Ibid). The interim interdict meant that the City was unable to continue felling trees for future development. The community of Imizamo Yethu reacted violently, destroying Ngwangwa's house and urged the City to overturn the interdict as fears of xenophobic violence increased (Mackay, *Cape Argus*, 04/03/2004).

2.3.3 Crime and social stress

At the same time, the Rate Payers Association was deeply concerned about the (increasing) violent crimes in Hout Bay. It was reported that 'crime peaked in 2004 with 900 property-related offences, 754 violent crimes and 17 murders' (Joubert, *Mail & Guardian*, 23/02/2007). These crimes were paired with increased drug use. White residents alleged that criminals were hiding in Imizamo Yethu and Hangberg, even though shack dwellers were also deeply affected by the increased crime (Ibid). During this time, the Hout Bay Neighbourhood Watch was established. The Neighbourhood Watch patrolled Imizamo Yethu and Hangberg and since then, crimes dropped from 754 in 2004 to 209 in 2005. In 2006, Hout Bay announced a crime-free week (Joubert, *Mail & Guardian*, 23/02/2007). However, less acknowledged are community initiatives for combating the rise of drug related crime affecting their own communities as much as the broader community. Tefre (2010) found that the Neighbourhood Watch was successful in mobilising local police and private security forces to achieve their goals of safety and security. However, community organisations working in Imizamo Yethu and Hangberg were less successful. Her study shows that Imizamo Yethu was characterised by internal division and conflict. Hangberg, on the other hand, sunk into 'collective apathy' due to unemployment and increased social pathologies.

2.3.4 Unemployment resulting in deep apathy in Hangberg

This deep apathy in Hangberg can be traced to increased regulation of small-scale fishing, resulting in wide-spread unemployment and deepening poverty (Tefre 2010:157). Fishers of the Hangberg community enjoyed strong customary rights evolving from the 19th century. Sowman et al. (2011) note that 'fishery was embedded in the social, cultural and political context of the community but was significantly affected by the export-orientated focus of the commercial industry' (2011:567). The declaration of the Table Mountain National Park Marine Protected Area (TMNP MPA) in 2004 entrenched the existing no-take zone that was established in 1934 (see Fig. 2.2). While local fishers enjoyed customary rights during that time (1934), the establishment of the 2004 MPA, implemented without consultation with the Hangberg community, meant that their activities were now criminalised (Ibid). Hauck (2008) argues that the narrow, rationalist agendas of small-scale fishing compliance is problematic when it does not consider moral and social norms, social pressure, perceived legitimacy of management rules and fisherfolk's active involvement in decision making and management (2008:636). Hence the non-compliance of subsistence and survivalist fishers is directly criminalised. The criminalisation of indigenous people's rights to access natural resources should be viewed from a political economy perspective of 'environmental harm' (or 'green criminology') that looks at '*how* certain acts are labelled' and asks '… *who* has the power to label' (Chadwick 2006 cited in Hauck 2008:639; original emphasis). Fishers in Hangberg who resorted to poaching, especially West Coast lobster, have meant that Hangberg is historically seen as a 'problem area' due to its alleged high levels of illegal fishing. This is particularly evident in the no-take zone of the Karbonkelberg Sanctuary (Sowman et al. 2011:576). Omari (2006) considers the prospects of the TMNP MPA governed as a common-pool resource through a legal pluralism[34] paradigm. She found that the unrecognised fishers without access rights to the natural resource meant that fishers

Fig. 2.2 Hangberg and the Karbonkelberg Sanctuary in newly demarcated Table Mountain National Park MPA (Sowman et al. 2011)

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[34] Common-pool resources have two characteristics: First, regulating access to natural resources (for example, fisheries, wildlife, ground water, and so forth) through physical and institutional means is especially costly. Second, the exploitation of natural resources reduces the availability of the resource for other, which leads to subtractability. Omari (2006) argues that the governance of 'common-pool resources', which is held in a combination of several overlapping types of rights (regulating the

resorted to creating inclusive, informal rules based on trust and reciprocity. Hence new normative practices were ingrained in the procedures and behaviours of the fishers to a greater extent than the national law. The existence of more than one legal order, Omari (2006) argues, resulted in non-compliance by the Hangberg fishers. She suggests that research should be conducted on the feasibility of incorporating the informal normative practices into a communal property rights regime.

The social consequences of intensified small-scale fisheries regulation appeared to receive considerable media attention these days. At a public hearing held on 29 June 2011, the Chairperson of the Portfolio Committee on Agriculture, Forestry and Fisheries, Mr. Lulu Johnson, said that the lack of monitoring and evaluation mechanisms render policies on transformation unworkable in the fishing industry. Johnson argued that 'the industry becomes more defined by fraud and crime, instead of transformation, and that cannot be tolerated any longer' (cited in Parliamentary Communication Services, 29/06/2011). A large scale corruption case was lodged against a well established commercial fishing company, Hout Bay Fishing Industries (Pty) Ltd, in 2002. After a ten month investigative probe by the special policing unit, the Scorpions, the company was charged on 28 accounts of contravening the Marine Living Resources Act and incurred a penalty of R40 million. The ironic outcome of the city council's promotion of export oriented commercial fishing, at the expense of indigenous fishers' special rights to their livelihoods, is well illustrated in this massive corruption case (Blumenfeld, *Independent Online*, 30/04/2002). Hangberg fishers are frequently cited in newspapers as complaining about the loss of livelihoods due to intensified regulation (e.g. *Mail & Guardian* 22/07/2003; Walne, *Cape Argus*, 08/06/2011), while it appears that commercial fishing is cashing in on relaxed regulation, as Mr. Johnson has alluded.

2.3.5 Synthesis

The struggle for the right to the city in Hout Bay is both a historical and contemporary struggle. The housing crisis emerging from the government and local 'white' community's reluctance to house 'non-whites' in this tranquil setting is juxtaposed with contemporary NIMBYism. Land invasions, whereby people occupy private or public land with the aim of gaining access to resources, 'result in the juxtaposition of contrasting urban landscapes and in alterations to place-making processes' (Oelofse & Dodson 1997:91) The initiation of the upgrading project is considered in the following chapter. First it was necessary to allude to the complexity of the wider developmental challenges facing Hout Bay's poor. In Hangberg, the increased regulation of small scale fishing was problematised by considering the increased corruption and fraud in the commercial fishing industry, which hampers transformation of compliance and the empowerment of the poor. Hangberg fishers increasingly resorted to poaching, often in perilous conditions resulting in several drownings

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actions permitted), should happen through 'legal pluralism', here understood as the combination of norms and practices of informal, semi-autonomous organised social factors between the governing political body and the individual and regulated norms.

each month, while the collective apathy of the settlement deepened. The increase in substance abuse and drug-related social pathologies resulting from unemployment is more than a concern for white neighbours; it threatens the continual existence of the community's unique social fibre.

3   Negotiating the post-apartheid city: Urban governance and transformation

3.1   Introduction

The theorisation of space has been thought of as landscape, territory or place, as produced space, social space or, most recently as networks of connections and flows (e.g. Lefebvre 1991; Graham & Marvin 2001; Harvey 2007, 2008). The socio-spatial restructuring driven by neoliberal globalisation has produced different forms of urban informalities and governmentalities. Moreover, the process of neoliberalisation has radically altered inclusive conceptions of urban governance (e.g. Peck & Tickell 1994; Held & McGrew 2002; Jayasuriya 2002; Hart 2008). However, these transformations of urban space are not homogenous and do not conform to predisposed outcomes (e.g. Brenner & Theodore 2002; Heller 2009). In this sense, the transformation of space is intricately linked to the social relations that produce such spaces, as Lefebvre (1991) argued. In many ways, the post-apartheid city has emerged as a range of different spatialities. Yet, if one regards the transformation of urban spatial form as a test in the effectiveness of political transformation, then South Africa has not progressed very far (Robinson 2004:170).

What follows is a discussion of the decentralisation and democratisation reforms/ transformations that swept through the global South in the 1990s. In the global North, the neoliberal consensus radically altered the terms on which governance is premised. This theoretical framework is then applied to views on the South African developmental local governance reform process which can, in many ways, be ascribed to the outcome of effective community resistance to apartheid rule. I then hone in on the restructuring of Cape Town, a politically complex and highly contested city. It has been proposed that Cape Town has not achieved spatial transformation, and in many ways, current urban and housing policy seems to entrench and perpetuate the polarisation of its inherited legacy. Finally, the Hangberg case picks up the narrative in 2004, a time marked by considerable political and institutional instability. By unpacking some of the complexities of the Hangberg case, situated in a wider Hout Bay housing and urban crisis, I intend to spotlight the wider developmental challenges that have come to define post-apartheid development praxis. While it is maintained that the Hangberg case is progressive and unique in its conception and design, external and internal contradictions potentially nullify some of these gains.

3.1.1 Democratisation and decentralisation

During the 1970s and 1980s a major shift occurred in the distribution of power from predominantly centralised regimes, often in the form of military juntas and/or one party states, to the political empowerment of previously excluded majorities through the dual processes of democritisation and decentralisation. The result of decentralisation reforms during this time saw significant 'empowerment' of local government; in some cases, endowed with substantially more power than their central governments (Stren 2003). These

decentralisation reforms did not take place in a political vacuum and, as Samuel Huntington pointed out in his highly influential analysis of the geopolitical restructuring of the post-Cold war period, the 'third wave of democratisation' resulted in the substantial increase of 'democratic states' and an absolute decrease of 'non-democratic states' (Huntington 1991 cited in Stren 2003:9). These changing paradigms can be equated with the collapse of communist states and the end of the Cold War; a massive rise in global trade; the rise of new economic power blocs; the impact of information technology on all aspects of industrialisation and urban life; the widening inequalities between developed and developing countries; and the importance of associational forms of organisation in civil society (Swilling 1999:21-22). Heller (2009) argues that the study of 'third wave' democracies has generally been dominated by 'institutionalist perspectives that define democracy in terms of formal political institutions of representation' (2009:1). In this sense, the process of democratic consolidation is premised on building competitive electoral system whereby political parties and legal structures underwrite the liberal democracy. More decentralised and democratic government, it is argued, creates more opportunities for ordinary citizens, through active participation in the development processes, to shape public allocations and local decision-making (Heller 2008:153). Rather than subscribing to the deterministic elements of the institutionalist view, inclusive and redistributive views on democratic consolidation are premised on dynamic interplay between structure and agency. In some cases, transformations in democracy and local governance were brought about by the innovations and critical interjections/interventions of liberation forces particularly in India, South Africa and Brazil (Stren 2003).

Moreover, these transformations of the 1990s were also accompanied by a significant discursive shift towards normative conception of governance. While the implementation of the IMF and World Bank's Structural Adjustment Programmes during the 1980s radically rescaled states through neoliberal focus on institutions, which spurred the decentralisation and democratisation reforms, the 1990s' *Post*-Washington Consensus discursive shift towards 'good governance' in the Global South had/has major implications on conceptions of citizenship. As mentioned in Chapter 2, while the state is 'hollowed out', it does not 'wither away' but its functions are displaced into new state institutions, opening up spaces for citizenship claims (Baicchi & Checa 2010). Hence, the political space of the city in transition is not a homogenised entity but rather a space contested by various roleplayers for alternative urban futures. The transition from 'government' to 'governance' has been equated with 'shift from direct provision of goods and services by government to an enabling approach' (Taylor 2000). Taylor explains the dynamics of this new paradigm:

> First, governance is a neutral concept; it can come in many forms, tyrannical or benevolent, effective or incompetent. Second, governance is not government. As a concept, it recognises that power exists inside and outside the formal authority of government. In many formulations, governance includes government, the private sector and civil society. Third, governance emphasises "process". It recognises that decisions are made based on complex relationships among many actors with different priorities (2000:199; see Addendum 2)

Revised international policy of the emerging *Post*-Washington Consensus is particularly premised on the notion of 'good governance', often characterised by consensus/deliberation orientated, participatory, following the rule of law, effective and efficient, accountable, transparent, responsive and equitable, and inclusive (official UN characteristics). Within this broad framework, various positions on governance are advocated, e.g. UNDP emphasis on national processes and democratic transition through policy advice and technical support in strengthening institutions; IMF emphasis on combating corruption while promoting accountability and transparency in the public sector; World Bank, partly through its Worldwide Governance Indicators, emphasis on managerialism and reform of economic and social resource control (UN n.d).

It is quite clear that emergent consensus on 'good governance' is more complex and disputed than usually portrayed. These nuances within policy networks and state reforms have often oscillated between structure and agency, technocratic and participative dimensions (Harrison et al. 2008:77; Heller 2008). This will be discussed in more detail in Chapter 4 when 'deepening democracy' is considered. Relevant to this discussion is the complex, uneven and contradictory ways in which the process of neoliberalisation misrepresents the agency of contesting forces. Neoliberal reforms of the global North have been transferred to urban governance ideologies in the global South, often aspiring to 'world city' status.

3.1.2 Entrepreneurialism in urban governance

In his seminal contribution to critically understanding urban governance under late/advanced capitalism, David Harvey (1989) argued that 'urban governance has become increasingly preoccupied with the exploration of new ways in which to foster and encourage local development and employment growth' (1989:3). This phenomenon is particularly evident at a time of 'deindustrialisation, widespread "structural" unemployment, fiscal austerity at both national and local levels, all coupled with a rising tide of neoconservatism and much stronger appeal […] to market rationality and privatisation' (1989:5). This shift from managerialism to entrepreneurialism is especially problematic when the promotion of public-private partnerships (PPPs) is 'speculative in execution and design and therefore dogged by all the difficulties and dangers which attach to speculative as opposed to rationally planned and coordinated development' (Ibid:7). Harvey notes that governance through PPP,

> … focuses much more closely on the political economy of place rather than territory. By the latter, I mean the kinds of economic projects (housing, education, etc) that are designed primarily to improve conditions of living and working within a particular jurisdiction. The construction of place (a new civic centre, an industrial park) or the enhancement of the conditions within a place (intervention, for example, in local labour markets by re-training schemes or downward pressures on local wages), on the other hand, can have impacts either smaller or

greater than the specific territory within which such projects happen to be located (Ibid:7).

Merrifield (2006) notes that what Harvey coins here is what Lefebvre (1993, 1996) was only hinting at when he hypothesised the problematic praxis of neoliberal managerialism (see Addendum 1):

> Since the mid-1970s, social democratic managerialism, whose mainstay was an interventionist state concerned about redistributive justice, has steadily dissolved into a bullish entrepreneurialism. Therein, 'lean' government divests from collective consumption obligations, public housing, health care, and education, and enters into so-called public private partnerships. The corporate sector has had a jamboree, cashing in on welfare handouts for private speculation. What meant to 'trickle down' to urban poor has invariably, Harvey stresses, flowed out into the pockets of the already rich (2006:182).

Harvey (1989) contends that the coalitions and alliances of these neoliberal partnerships are particularly fragile formations as the nature and direction of urban entrepreneurship is competed by persons of vision, tenacity, and skill, often resulting in highly 'speculative designs' and 'dogged by all the difficulties' associated therewith. This 'bullish entrepreneurialism' is espoused by traditional local boosterism that is 'integrated with the use of local government powers to attract external sources of funding, new direct investments, or new employment sources' (1989:7). Competitive cities in the newly territorialised spatialities of the neoliberal project resort to these strategies to attract international capital and services. However, the roll-back of the state, and the roll-out of the neoliberal project, have radically altered the terms of inclusive democratic engagement in what Roger Keil (2009) calls 'roll-with-it neoliberalism'; 'the normalisation of governmentalities associated with the neoliberal social formation and its emerging crises' (2009:231). The 'moments' of neoliberal reform have now been 'normalised' and 'naturalised' by internalising neoliberal concepts in public policy and everyday life. Hence, the localised 'paths' of neoliberal reforms have altered the 'rules of the game'. No longer is it seen as an 'external threat to a (more collective, solidarity, redistributive) social mode of regularisation, neoliberalisation builds more and more on the existence of already socialised neoliberal subjects that have internalised neoliberal governmentalities' (2009:242).

For the disenfranchised, realising the 'right to the city' remains a hope that penetrates current urban realities. Sadly, as Harvey (2008) contends, '… we live … in a world in which the rights of private property and the profit rate trump all other notions of rights' (2008:23). The remainder of this chapter will focus on the South African experience in crafting 'developmental local government' and the initiation of the Hangberg *in situ* upgrading programme, which is regarded as a break, at least in policy, from the current urban development trajectories. The ubiquitous neoliberal ideology manifests in various shapes and sizes, and threatens the realisation of such hopes for alternative urban futures.

3.2 Change and transformation in South African urban governance

According to Brenner and Theodore (2002), 'path dependent' neoliberal reforms are 'produced within national, regional, and local contexts and defined by the legacies of inherited institutional frameworks, policy regimes, regulatory practices and political struggles' (2002:351). In the previous chapter, I sketched the dynamics of 'actually existing neoliberalism' in post-apartheid statecraft. The creative destruction process of neoliberalism is 'path dependent' and, in the South African case, the strange marriage and hybridity between neoliberalism and Keynesian-like redistributive policies/programmes/plans complicate the institutional landscape in realising and negotiating the post-apartheid city. In the following section I intend to briefly sketch the dynamics of 'developmental local government' (hereafter DLG) as a transformation of urban governance systems. Whilst acknowledging the major gains made in integrating sectoral plans into a consolidated Integrated Development Plan (IDP) with the power to prioritise socio-spatial and socio-economic justice in delivering services, infrastructure, environmental sustainability, transport, etc, spatial policy has not been successful in meaningfully transforming apartheid spatialities. This wide theoretical frame is then applied to views on the restructuring of Cape Town with special attention to context specific 'paths' of 'local neoliberalisms' in governing post-apartheid Cape Town. Two mini-cases are referenced; one discussing the City's efforts to rejuvenate the inner city (urban policy), and the other discussing the implementation of Breaking New Ground pilot, the N2 Gateway Project (housing policy). These two mini-cases are referred with the aim of contextualising the postulations made in discussions on the (lack of) integration of the poor in the city fibre through urban spatial and housing policy (cf Chapter 2), and to identify a recurring thread of historical significance in the exclusionary trajectories of urban development and governance.

3.2.1 South African Developmental Local Government: Origins, Contradictions and Prospects

Under apartheid rule, local government structures were designed to implement and reproduce the urban system in accordance with policy objectives of the apartheid state. With the demise of the apartheid system in the late 1980s, and the growing crisis in black urban areas, the state paid much more attention to restructuring state organisations, internal state politics, and management and administration (Robinson 2008; van Donk & Pieterse 2006; de Visser 2009). The state created black local authorities in 1982 that were tasked with service delivery in African townships albeit with virtually no tax base or means of executing their functions. Strict regulation of urbanisation and the lack of industrial, commercial and retail development in peripheral African townships perpetuated the local governance crisis (Turok 2001). The rent boycotts of the 1980s deepened the apartheid state's economic crisis and the state was forced to facilitate local level negotiations to resolve the crisis. In 1993 the Local Government Negotiation Forum was set up with the aim of resolving the financial crisis of local government and non-payment of rents and service charges (van Donk & Pieterse 2006; Schmidt 2008). These developments led to a national

framework to guide the transition towards a new local government system, the Local Government Transition Act (RSA 1993). The Act envisaged a three-phased transition period for local government. From 1993 to 2000, local authorities were elected and demarcated (1993-1996), transitionary local government was institutionalised (1996-2000) and, by the 2000 municipal elections, the new local government system was operationalised (van Donk & Pieterse 2006).

Due to vast differences in capacity and wealth (in terms of the rates system) between large, rich municipalities and small, poor municipalities (with the most pressing issues), further urban restructuring took place through the Urban Development Framework (Freund 2006). The consolidation of local government took shape with the White Paper on Local Government (RSA 1998b). The number of 'transitional' municipalities was reduced from 843 to 284 in terms of the Local Government: Municipal Demarcation Act (RSA 1998a). These reforms were operationalised with the Local Government: Municipal Structures Act (RSA 1998) which differentiated between the deferring statuses of municipalities based primarily on size and hence varying in power. The institutionalisation of integrated development plans/-ning, although identified earlier as the preferred organisational instrument of municipal planning, was embedded as the primary planning instrument with the Municipal Systems Act of 2000 (Wilkinson 2004; Harrison 2006; Freund 2006; Pieterse & van Donk 2008). The Developmental Local Government (DLG), with its constitutional mandate to 'structure and manage its administration and budgeting and planning processes to give priority to the basic needs of the community, and to promote the social and economic development of the community' (RSA 1996: s.153a), would be the closest to the people it served and this 'menu of legislation' under which it now operated, especially the IDP process, formed the basis of the new system of governance. Intensive research was conducted under four main themes that produced a host of papers covering financial planning, service delivery mechanisms, globalisation and integrated development planning, to mention a few (van Donk & Pieterse 2006). DLG would be characterised by four main features (de Visser 2009):

- maximising economic growth and social development through cooperative and intergovernmental governance;
- integration and coordination of developmental activities of state and non-state actors;
- democratic and participatory development to achieve a better quality of life; and
- leading and learning through building social capital, sustainable solutions to local problems and stimulate local political leadership.

Many argue that the local municipal system operating under the sign of 'development local government' is one of the most promising reform initiatives in the global South (e.g. Pieterse & van Donk 2008; Heller 2008, 2009; Harrison 2006). However, contradictions in the design and implementation of DLG have led many critical commentators to reflect on the serious constraints in achieving reconstruction, if not developmental, ideals. The White Paper on Local Government (RSA 1998b) did not seem to capture the seemingly contradictory ideals

in the RDP and GEAR, obscuring the institutional mandate of DLG (Wilkinson 2004; van Donk & Pieterse 2006). The adoption of neoliberal policies in the form of the New Public Management (NPM) paradigm has impacted the evolution of the local municipal system. The NPM paradigm is characterised by 'decentralisation, the privatisation of state-owned enterprises, the formation of public-private partnerships, reduction in the size of bureaucracies, greater public service accountability, an emphasis on service delivery and the implementation of performance management systems' (Wilkinson 2004:215). Harrison's (2006) study of the origins of the IDP identifies a strong connection with the 'second wave' of NPM, characterised by centre-left 'third way' policies. 'Third way' policies broke with radical neoliberalism of the 1980s and were aligned to more 'progressive governance' ideologies. The powerful influence of key policy agents at the time of South Africa's democratic transition added much needed capacity for crafting workable governance solutions, but in the process also forcefully constrained the horizon of possibilities for local innovation. Harrison (2006) argues that while much attention was paid to the influence of NPM on the shaping of South Africa's systems of local government, 'insufficient attention has been given to the complexity, diversity and evolving nature of the NPM' (2006:189). As mentioned in Chapter 2, the growing mainstream consensus in urban policy that 'settles' on 'integration' as a means of achieving 'sustainable urban development' is riddled with uncertainty and confusion, with a tendency for hubris (Pieterse 2004b).

Local government systems were left to negotiate the 'schizophrenia' of the contending forces of social democratic agendas of the RDP and NPM reforms of GEAR. Moreover, a particular shift from the networked governance 'spheres'[35] approach, to a bureaucratic 'tiers' approach – where local government was seen as an extension of the national agenda – has been noticed. By applying policy discourse analysis, Schmidt (2008) argues that the shift in policy and legislative trends paradoxically represent both a 'retrogressive watering down or rolling back of progressive thought and practice' and a 'necessary response to a lack of capacity within the state and a need to ensure that basic administrative infrastructure is in place as a precondition for higher-order networked governance practice' (2008:115-116). Consequently, the materialisation of an operating philosophy of 'centralised decentralisation … presupposes initiatives and energy forthcoming from below but where the centre determines policy initiatives in a co-ordinated manner allowing only limited deviation' (Freund 2006:310).

After a decade of municipal reforms, a bulk of evidence suggests that local government has failed to bridge the spatial form of the apartheid city. After an initial interest spatial policy, activated by the Development Facilitation Act (RSA 1995) and the various incarnations and insertions of Spatial Development Frameworks (SDF), there was a general decline in urban spatial policy support for urban restructuring (Todes 2006). The causes and consequences of persistent polarisation of the post-apartheid spatial form is accentuated by a history of

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[35] The term 'sphere' was adopted in the 1996 Constitution to emphasise cooperation and independence, rather than hierarchical relationships, between national, provincial and local government.

urban segregationist planning and prospects for realising the post-apartheid city needs to take into consideration the historical forces that militate against such a realisation. In this light, Robinson (2008) argues that '[a]ny effective spatial policy of a post-apartheid city would need to revisit the history of South African urban spaces, considering them as dynamic spaces of circulation, engagement and interaction, as much as spaces of racial segregation' (2008:31).

The next section looks at the restructuring of Cape Town's municipal system as a means of 'respatialising' its inherently unequal legacy. Cape Town is a politically complex city, highly contested by opposition parties. While the demarcation and renegotiation process deracialised and decentralised democratic governance, the emergence of a 'weak' local government in terms of institutional capacity and political commitment to redistributive ideals is paradoxical compared to the seemingly 'strong' local government in terms of its dedication to neoliberal agendas (McDonald 2008:131). In this sense, Cape Town's inefficient and unequal spatial legacy is exacerbated by post-apartheid urban development trajectories that undermine potentially more progressive imaginaries and outcomes.

3.2.2 Restructuring Cape Town

Under apartheid rule, Cape Town consisted of 69 municipal bodies that were restructured into 25 racially segregated municipalities in late apartheid. These consisted of eighteen white local authorities (encompassing white, coloured and Asian residents) and seven black local authorities (Africans only) (McDonald 2008:116). These racially based local authorities were some of the most visible and concrete manifestations of the apartheid state. The purpose of demarcating[36] post-apartheid Cape Town was to create economically and politically functional and viable urban areas and 'standardised classifications' of these municipalities to perform their duties and responsibilities (e.g. Turok 2001). Since the 1990s, when Cape Town was embedded in the global economy, massive changes occurred in the economic, social, political and administrative landscape of the city. In line with the changes in national transitionary policies, Cape Town experienced an amalgamation of these previously racialised authorities into a single Unicity (previously called the Cape Metropolitan Council) in December 2000.

Although consolidation phases of deracialising and integrating the city's institutional landscape made promising strides, the fragmentation of municipalities led to tremendous waste of municipal resources. Official City statements also pointed to the impossibility of planning strategically under such fragmented authorities. This often resulted in 'haphazard *ad hoc* crisis management decisions in such vital areas as urbanisation, informal settlement and environment policy' (Cape Town City Council 1993 cited in Turok 2001). McDonald (2008) argues that the design of the Cape Metropolitan Council (CMC) suffered two

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[36] In 1995, six municipalities (Tygerberg, Cape Town, Helderberg, Blaauwberg, South Peninsula and Oostenberg) and an overarching Cape Metropolitan Council consolidated the previous 69 municipal bodies under apartheid rule.

significant blows in becoming a strong metropolitan authority capable of redistributing and reconstructing its very inefficient and unequal urban space. Firstly, the demarcation of the CMC excluded several important satellite towns like Paarl, Stellenbosch, Franschhoek and Wellington. These hubs of Afrikaner financial and intellectual elites distanced themselves from amalgamation with the CMC. The tax base lost in these towns was significant. Secondly, the devolution of power to council substructures meant that a uniform commitment to equity and efficiency was compromised. This was best illustrated in the demarcation debacle when Tygerberg substructure rejected proposals that would see major townships like Khayelithsa falling under its remit. The end product of these local negotiations resulted in deracialised institutions that were more democratic and transparent than before, but were largely incapacitated to effect major redistributional change (McDonald 2008:117-123). Hence the greater Cape Town changed very little between 1994-2000 and remained the starkly polarised city 'apartheid architects' created. The development trajectory during this time did not fundamentally alter the inherited spatial legacy of the apartheid city, and arguably, entrenched the spatial polarisation via market logics (Turok 2001; Turok & Watson 2001).

The establishment of the Unicity in 2000 created an autonomous sphere of government and combined the seven local authorities that previously governed the CMC. Although the substructures of the CMC still exist and have considerable control over service functions and decision making, the creation of the Unicity consolidated fragmented authority. Apart from intergovernmental transfers largely aimed at transforming the deep pockets of poverty in the city, the City's budget would be self-financed (as with other metros). Half of its revenue flows would come from 'trading services' (water and electricity the largest component), a quarter from property taxes, eight percent from levies and the rest from intergovernmental grants and transfers (Wilkinson 2004:220). The troubles in negotiating a property tax system, with the calls for 'one city, one tax base' influencing policy making, spurred a metropolitan-wide general valuation exercise (Ibid). However, these anticipated reforms were hampered by political contestation for the Cape Metro. In the 2000 local government elections, the ANC lost its majority position to the Democratic Alliance (through a merger between the New National Party and the DA). McDonald (2008) argues that

> … any potential plans on the part of the ANC to flex the new metropolitan muscles of the Unicity government were put on hold while the reactionary and fiscally conservative Democratic Alliance (DA) acted to protect suburban ratepayers from cross-subsidisation efforts and began to implement an even more neoliberal vision of administration (2008:129).

Power shifted in the ANC's favour again in 2002, when national floor-crossing legislation was approved. The new coalition between the ANC and NNP, who subsequently broke ranks with the DA, meant that the already 'weak' Unicity was further weakened. Zaaiman's (2007) study on the policy changes under the three mayors[37] in the period between 2000 and 2003

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[37] Pieter Marais of the DA (2 April 2001 – 22 October 2002; term ended prematurely when the DA terminated his membership due to alleged maladministration); Gerhard Morkel of the DA (31

foregrounds the fragility of the state in this contested time of the early history of the Unicity. Under ANC leadership, drastic political restructuring in the Council in 2002 was followed by a comprehensive strategic restructuring (Jolobe 2006; Zaaiman 2007). Wilkinson (2004) argues that once the ANC secured the Council, it 'will now feel able to pursue its stated agenda of transforming the distribution of public resources in the city specifically by addressing the needs of the poorest sectors of the population' (2004:220). However, this commitment was premised on the recognition that Cape Town needed to remain internationally competitive in terms of attracting international capital and visitors. Consequently, (neoliberal) governance under the ANC did not result in tipping the balance in favour of the poor.

Hence, the first term of local government reforms (2000-2006) were characterised by a crisis of governance and institutional instability (Jolobe 2006). Moreover, Watson's (2002) extensive study on ways to integrate development and realise a compact city, showed that progressive planning and discourses on the future development of the City were marginalised with a shift from 'planning aimed at urban integration and redistribution … to a view of planning as integral to 'global positioning' and 'entrepreneurial' government' (2002:1). The isolation of spatial planning as a component, rather than a guiding framework, blunted its potential to reconstruct and redistribute. This can be explained by the exclusive promotion of integrated development planning which is fiscally austere and coordinated through a budget that promotes neoliberal ends. While the deracialisation and decentralisation of local government showed considerable potential for wide-ranging reforms, and were not necessarily designed for neoliberal ends, the outcome of such reforms has largely benefited the interests of capital and middle class ratepayers. In this sense, critical evidence suggest that 'local government reforms have helped set the stage for a capital investment strategy that is biased toward the creation of 'world-class' business nodes and areas of elite consumption at the expense of poverty alleviation and township upgrading' (McDonald 2008:100).

3.2.3 Cape Town as a World City via neoliberal reforms

Considering the tremendous strides made towards deracialising, democratising and decentralising the municipal system, what are the factors that continue to militate against realising socio-spatial justice and bridging the highly inequitable socio-economic landscape? The phenomenon of world cities in urban studies has been widely discussed in recent times. As mentioned in Chapter 2, the socio-spatial rescaling under globalisation has given rise to a new understanding of the insertion and prominence of world cities in the global economy. Cape Town has also joined this league of world cities in an attempt to attract global investment geared towards the service industry, particularly exemplified in the growth of the FIRE sector (finance, insurance and real estate) at the expense of manufacturing and industry (Turok 2001; Wilkinson 2004; Gibb 2007; Tomer 2009). One of the decided characteristics of the world city literature is socioeconomic polarisation. Saskia Sassen

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December 2001 – 22 October 2002; term was short-lived due to the floor crossing resulting in the new NNP-ANC coalition); Nomaindia Mfeketo of the ANC (29 October 2002 – 15 March 2006)

(2005), the doyen of the 'world-city' hypothesis, argues that a 'growing number of high level professionals and high-profit making specialised service firms have the effect of raising the degree of spatial and socioeconomic inequality evident in these cities' (2005:30)

Furthermore, urban fragmentation is aggravated through unregulated and differentiated provision of infrastructure and free basic services that essentially benefit the working and lower-middle income class but not the poor who, in their informal urban conditions, are unregulated and unaccounted under targeted interventions (Jaglin 2008:1905). These conditions reveal *urban splintering* because 'not only are the 'invisible' poor excluded from the infrastructure and their subsidised tariffs, but higher income consumers, deterred by high levels of cross-subsidization, are easy targets for private services customised to their needs and desires' (Ibid). Hence, despite the many well-intentioned interventions by city-authorities aimed at relieving deep-seated structural poverty in Cape Town, spatial logics of the apartheid city persists. In this sense, Robinson's (2006) post-colonial critique of the world city hypothesis, briefly discussed in Chapter 2, is relevant in understanding Cape Town urban dynamics. However, the scope for re-dreaming the city is often obscured by the persistent favouring of elite capital at the expense of combating structural poverty.

In the next section, I aim to expose the process of 'neoliberalising' urban space and how these dynamic reforms often misrepresent the intended outcome of reforms. The first case will show how urban renewal through gentrification serves elite priorities and reduces the role of the 'developmental' state that is purportedly concerned with realising equitable development. The private-public partnerships driving urban renewal, often considered as models of 'good governance', show little consideration for poverty and actually destroy the livelihood strategies of informal traders, beggars, car guards, etc. The second case, a pilot project in implementing *Breaking New Ground*, is shown to be premised on the neoliberal logic of market-driven, consumer-orientated development that displace the poor, despite its overused assertions to integration, spatial justice and redistribution of resources.

3.2.3.1   Flightless bird nestling: City Improvement District

In 2000 the City of Cape Town introduced an urban renewal initiative to halt capital flight and facilitate a significant return of investment to the inner city (Macgregor et al., *Cape Times,* 27/08/2010). Capital flight in Cape Town was not as detrimental as in Johannesburg and Durban inner cities, but signs of dilapidation were concerning (see Parnell & Robinson (2006) for a discussion on Johannesburg CIDs). The City Improvement District (CID)[38] is an arrangement between public and private sector that works towards enhancing and supplementing municipal services through co-operation, facilitating investments, halting degeneration, facilitating upliftment of dilapidated spaces, and promoting economic growth and sustainable development (CoCT 2003 cited in McDonald 2008:211; paraphrased). City of Cape Town also sees this as a way to assist the mandate of council to fulfil its objectives as

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[38] Also know as Business Improvement Districts (BID) in other parts of the world

'developmental local government' (Ibid). Coordination of the CIDs was done through a Public Private Partnership (PPP) – The Cape Town Partnership – that was established in July 1999. At this time, then-Mayor Alderman Marais' (DA) zealous support of the CID hinted at the prospect of rolling this out in other areas too (Zaaiman 2007:81). The Cape Town Partnership claimed its research 'highlighted crime and grime as the two major disincentives to success and growth' (cited in Wilkinson 2004:222). The central role of property owners and investment brokers played a meaningful role in the allocation of municipal services including 'clearing away' informality and policing of the CID through the public-private arrangement.

Nahnsen (2003) draws attention to the exclusionary discourses linked to the CID:

> … both the Cape Town Partnership and the Central City Improvement Districts must be understood as vehicles that create an exclusive and powerful network as well as a voice for the established formal business community providing them with tools to re-construct inner city urban space to their own needs … with its vision and mission to seek to promote Cape Town as the heart of a world class city (2003:137).

The marginalisation of the poor majority from informal activities in the central city is spotlighted by the City's role in facilitating exclusionary development whilst resorting to the rhetoric of 'developmental local government' in its efforts. Miraftab (2007) problematises the efforts to create a viable 'heart' of the world-class city, equated to the 'Apple of Africa', whilst eliminating the homeless, street children and informal parking attendants when she points to the increased police brutality and shopkeepers' animosity. Samara's study (2010) on the policing of the CID essentially argues that the European character of the CBD has largely been replaced by a market logic with the net effect to 'preserve the hegemony of the very same social groups that held sway under apartheid and to exclude the very same groups cast out by the logic of white supremacy' (Samara 2010:651). Using private security, neoliberal governance has created new racialised spaces and governmentalities and altered the meanings of citizenship when economic development discourses are at the 'same time a language of security, narrowly tailored to refer to securing certain processes and populations in certain places and excluding others from these same places' (2010:651).

A decided turn in the CID governance occurred in 2003, characterised by new leadership and attitudes toward the poor. This included social welfare programmes for the homeless and street children. Miraftab (2007) draws attention to the complexity of neoliberal governance modes that lie in the ability to create inclusive and exclusive spaces simultaneously (2007:619). While the neoliberal state uses the flexibility of multi-sectoral matrix to seek legitimacy in its privatisation agenda, citizens also benefit from the state of flexibility in opening up spaces for citizen claims. This is well illustrated by the state's obligation to facilitate welfare programmes for the poor and homeless. However, the Partnership and City's effort to house the homeless and street children 'is impelled only by social and cultural logic, not an economic one' (2007:614).

As discussed before, post-apartheid spatiality has by and large been entrenched through neoliberal governance (as seen in housing and urban policy). Governing post-apartheid urban space through PPP, a decided characteristic of 'good governance' paradigm, results in the retrenchment of pro-poor, strong state-led planning and the entrenchment of neoliberal ideologies through a complex network of governance matrixes (Visser & Kotze 2008; Miraftab 2007). Quasi-urban governance through the Cape Town Partnership pushes back the 'developmental' mandate of the local municipality, not by poor urban management, but by design (cf Harvey 1989). One of the renewal projects under the CID was the conversion of dormant office blocks to luxurious apartments. Macgregor et al. (2010) notes that these reached up to R1 million per unit, unaffordable to about 70% of City population, and this spike in property values, despite the municipality's considerable rebate, 'resulted in increased market exclusion and, simultaneously, displacement of neighbouring communities, often to the periphery of the city' (Macgregor et al., *Cape Times,* 27/08/2010). The state forfeited an ideal opportunity to realise spatial justice through medium density, well located land by promoting market forces. Macgregor et al. (2010) argue that the municipality's resort to 'ring fence' property rates to a flat rate in the CBD, rather than taxing site-value ratings of new apartments, forfeited opportunities to redistribute funds. Moreover, gentrification threatened the cultural diversity of the Bo-Kaap and residents fought arduous battles against market displacement (Bamford, *Independent Online,* 29/05/04). The 'success' of the renewal of the inner city precinct has also spurred such urban renewal in 14 other areas around the city in areas like Gardens, Green Point, Sea Point, Oranje-Kloof, and Woodstock (Miraftab 2007; Pirie 2007). Commentators have called attention to process whereby public and private resources are invested unevenly, often at the expense and exclusion of the poor (Samara 2010; Visser & Kotze 2008; Miraftab 2007; Pirie 2007; Turok 2001).

The neoliberalisation of urban space through urban renewal has massive implications on governing post-apartheid cities. Whilst this phenomenon can be traced to policy imperatives of post-apartheid urban policy (cf Chapter 2), the market-driven displacement of vulnerable Cape Town neighbourhoods through gentrification is here underscored. Various opportunities to realise spatial justice and redistribute opportunities in realising 'inclusive cities' and a 'City that works for all' have been forfeited to market dictates according to neoliberal governance ideology. In this sense, the Cape Town Partnership, similar to Harvey's (1989) characterisation of 'urban entrepreneurialism', focused more on the places of the CID, i.e. the car parks, streets, beautification of buildings, than the territory of the CBD where informal traders and street children eke out a living. This 'casts a seemingly beneficial shadow over the whole metropolitan area', which is indeed 'the primary claim made in the public discourse developed to support them … [b]ut for the most part, their form is such as to make all benefits indirectly and potentially either wider or smaller in scope than the jurisdiction within which they lie' (Harvey 1989:8).

3.2.3.2   Creating 'responsibilised citizenry': N2 Gateway Lead Project

After cabinet endorsement of Breaking New Ground, a pilot project was agreed to and signed in September 2004 between the three spheres of government: Minister of Housing, MEC for Local Government and Housing and the then-city Mayor, Nomaindia Mfeketo (ANC). Seen as a break from post-apartheid peripheral housing development, the project would be concentrated in a 10km strip along the highway between Langa, one of the oldest African informal settlements in Cape Town, and Bontehuiwel (Robins 2008). The area most affected was Joe Slovo informal settlement and it was agreed (although politicians deny this) that Joe Slovo residents would be 70% beneficiaries and backyarders of Langa comprising the other 30% of benefices (COHRE 2009b). The project is considered one of the largest in South Africa, catering for 22 000 rental and ownership units at an estimated cost of R3billion. It is premised on the recognition that informal settlements are 'manifestation of structural social change, the resolution of which requires creativity and innovation on institutional, programmatic, financial and project management levels' (N2 Gateway Business Plan Draft cited in COHRE 2009b) and therefore set out to break from the legacy of 'eradicating' informality through modern subsidised housing for nuclear families.

However, the project was mired in controversy since its inception. Phase 1 of the project saw 1,000 Joe Slovo residents moved to newly constructed Temporary Relocation Areas (TRA) called Tsunami and Symphony Way in Delft, a township 32km from the city centre. In January 2005, a fire devastated Joe Slovo informal settlement leaving 12,000 people homeless. Affected shack dwellers were promised priority in terms of the subsidised housing. However, of the 12,000 rental units that were to be constructed during phase 1, only 705 houses were built. Moreover, when the DA regained control over the city region in 2006, Mayor Zille was outspoken about the excessive costs incurred, beneficiaries allocation process and the slow delivery of units (these allegations were confirmed in the Audit general's report which cited a failure to clearly define the roles of the different tiers of government, over-spending and mismanagement (Auditor General 2008)).

The Minister of Housing then suspended the City's involvement and the project was outsourced to a national housing parastatal, Thubelisha Homes, who would oversee implementation and management. Thubelisha Homes had very stringent financial assessment and screening methods that would ensure that occupants of the new flats would be able to pay the premium of the bonded houses. Very few Joe Slovo residents could pay the premiums (Robins 2008). After phase 1 was completed, the National Government ordered the eviction of a further 20,000 people for phases 2 and 3 of the project. However, residents refused evictions and relocations to TRAs. Development Action Group's (2007a) report on the socio-economic impact of Joe Slovo residents affected by the fire in 2005 shows that vulnerability has increased and community conflict heightened, paired with an unjustifiable cost to the City council (2007:30). Hence, residents were expecting to be worse off and considering the low number of units released under phase 1, fought for their right to continue to stay in their present locations (which many have been inhabiting since 1991/92).

On 10 September 2007, about 2000 backyarders barricaded parts of the N2 motorway. The protest turned violent when SAPS officers dispersed the crowd with rubber bullets. The Minister of Housing, the Housing MEC and Thubelisha Homes secured an interim eviction order on 20 September 2007. The residents challenged this and the case was postponed. On 10 March 2008 the High Court controversially granted the eviction order by arguing that alternative housing was provided and the relocation was needed for continuing the N2 Gateway Project (e.g. Land Matters 2008; Cross 2010; COHRE 2009b). Joe Slovo residents, with assistance from the Anti-Eviction Campaign, Community Law Centre and Centre on Housing Rights and Evictions (COHRE), challenged this ruling at the Constitutional Court. The question raised was whether residents were 'illegal occupants' in terms of the *Prevention of Illegal Eviction From and Unlawful Occupation of Land Act* (RSA 1998c) and whether the respondents (Government and Thubelisha Homes) acted reasonably within the meaning of section 26 of the Constitution (ensuring the right to adequate housing). In June 2009, the Constitutional Court ruled in favour of the respondents and granted the eviction order with the condition that 70% of the development be allocated to Joe Slovo residents, government enter into meaningful participation with residents and TRAs be of higher quality (COHRE 2009b; Cross 2010). However, in September 2009, the Constitutional Court issued a temporary suspension on the eviction order when Western Cape MEC for Housing submitted a report to court that the 'mass evictions' would cost more than upgrading the remaining Joe Slovo (de Vos 2009).

Illustrated in this case is the government's drive to create 'responsibilised citizenry' through modernist conceptions of urban citizenship (Robins 2008:15). The use of discourse and 'visioning' methods to portray informal settlements upgraded to an 'upbeat vision of suburbia' can be traced to the government's promotion of 'market-driven middle income housing ('suburban bliss') [that] is partly responsible for creating the deep divides and conflicts in places like the N2 Gateway Project' (Robins 2008:14). BNG enshrines the values of integrated human settlements, interventions in the apartheid human spatial geography and a paradigm shift in thinking of informal settlements. But this pilot project has been characterised by the same technocratic, modernist, consultative and security-orientated approaches of the housing legacy it tries to fundamentally change. DAG argued that 'the lack of space for community participation in planning and decision-making … points to a bigger, more systemic political problem, that of limited – and shrinking – space for citizens' engagement in development processes' (DAG 2005 cited in Ley 2010). Moreover, a large scholarship attributes the fast tracking of evictions to Cape Town as host city for 2010 FIFA World Cup (e.g. Newton 2009; Steinbrink et al. 2011). While the N2 Gateway project predates the hosting bid, scholars argue that the mega event has spurred technocratic managerialism with the explicit aim of beautifying the poverty stricken N2 corridor/gateway linking the International Airport to the city centre. By contrasting the discourses of the FIFA World Cup through civic boosterism – e.g. 'leaving a legacy for the poor' and a serves as such as a 'mechanism for poverty alleviation' (see Pillay et al. 2009) – to the project's outcomes,

Newton (2009) and Steinbrink et al. (2011) argues that the N2 Gateway served as disguised beautification efforts directed at removing the poor from tourists' gaze.

3.2.4 Synthesis

This section argued that the decentralisation reforms have largely benefitted policy and capitalist elites and set the stage for Cape Town's integration in the world economy. Creating a viable 'heart' of the world-class city has invariably created new forms of governmentalities. While unplanned and unforeseeable challenges posed constraints in creating a 'strong' local government with redistributive powers, the institutional instability and incapacity have created flexible spaces for capital to exploit. In this sense, urban governance in Cape Town can be likened to Harvey's (1989) postulation on governance as 'entrepreneurialism'. The same capital logic that displaced communities in the inner city, is also at play in the Hangberg case. Moreover, the unfolding governance of the upgrading project poses glaring questions of the in-principle commitment to promote the poor's right to the city through *in situ* upgrading versus eradication and relocation.

3.3 Governing differentiated rationalities in Hangberg: The dilemma of 'insider-outsider' complexities

In the previous chapter, the prospects of *in situ* informal settlement upgrading promoting the poor's right to the city was considered. However, major disjunctions between policy intent and outcomes have been observed (cf N2 Gateway Project). Pithouse (2009) diagnoses this as 'progressive policies without progressive politics'. The Hangberg case presents considerable prospects of new ways of understanding incremental *in situ* upgrading premised on concerns for protecting community initiated development, cultural heritage by mitigating against market displacement and evictions, as well as deepening democratic engagement. However, the governance complexities evoked by the seemingly isolated project in the context of widespread poverty and landlessness are spotlighted in this section. Following a discussion on the haphazard rudimentary servicing of the informal settlement, resulting in effective community lobbying, the looking glass is slightly adjusted to reflect on housing struggles in the wider Hout Bay. In conclusion, the governance arrangement tied to the UISP project is scrutinised.

3.3.1 Planning ad-hoc interventions: The Emergency Servicing of Informal Settlements

Local governments were often forced to fund and implement *ad hoc* servicing projects to address the bourgeoning urban crisis considering the policy void on informal settlements. In 2004, the City, under Mayor Nomaindia Mfeketo (ANC), embarked on the first phase of a three-phased incremental upgrading plan in suitable informal settlements (excluding settlements located on unsuitable land, e.g. those located in flood plains, in electricity or pipe servitude, old landfill sites, etc.). The City's Development Support Directorate

undertook the first phase called Emergency Servicing of Informal Settlements (ESIS). The Development Support Directorate, later called Programme Management (and dissolved under City Council restructuring in 2006), was an integrated and cross-sectoral service where line managers from different departments (for example, water and sewerage, roads, planning, etc.) were drawn with the aim of delivering emergency and basic services (Faure, 02/05/2011, personal interview). The thinking behind the ESIS was 'something for everyone rather than everything for a few' (Ibid). Graham's (2006) case study of the ESIS highlights the contradictions of local government in managing this project. The sheer scale of the project, servicing 90% of all accessible informal settlements between May and June 2004, required massive capacity building in meeting politicians' demands (with limited consultation with project managers). Graham contends that the result of this short-term strategy, with little consideration of the implications for housing consolidation phases, shows three contradictions in local government. Firstly, there is a disjuncture between the IDP, which outlines *in situ* upgrading as one of its six development strategies, and political opinions. The enduring disdain for informality and (apolitical) indeterminacy in defining 'encumbered land' contradicts the City stated intension to upgrade existing settlements. Secondly, Graham argues that the inception of the ESIS project served political interests rather than a long-term comprehensive look at the complexity and problems leading to the perpetuation of informal settlements. Lastly, the very nature of upgrading requires extensive negotiation and participation with settlement residents as externally designed and imposed programmes are deemed to fail. Graham finds that the planning phases of the ESIS project at ward level did not incorporate the feedback from participation sessions. This reluctance to relinquish decision making power to the communities through 'carefully designed and managed community consultation/participation process is thus seen as a means of gaining the necessary cooperation from residents, while at the same time ensuring that the City's interests are protected' (Graham 2006:242).

Hangberg's informal settlement received rudimentary services via the ESIS. Line managers of the Development Support Directorate – who were also the project managers of the Hangberg servicing programme – and the Housing Department took on the project when the Development Support Directorate was dissolved in 2006 (Faure, 02/05/2011, personal interview). However, these rudimentary interventions did not serve to further the developmental agenda the Hout Bay Action Committee – a 'revolutionary' civic structure lobbying for security of tenure and infrastructure development in the informal settlement – were campaigning for (Fred, 12/05/2011, personal interview). As mentioned in Chapter 1, residents took it upon themselves to upgrade their dwellings and provided individual household infrastructure connections. This autonomous innovation in the absence of state provision has been widely discussed (Smit 2007; Rubin & Royston 2008; Brown-Luthango 2007; Macgregor 2010).

3.3.2 The plight of the fishermen

Furthermore, the increased regulation of small-scale fishing resulted in escalated poaching, often in very dangerous and perilous conditions[39]. Lives were lost at sea time and again. On the occasion of the 13th drowning over 8 months during 2006, the community drafted a list of all the problems faced by the community. Mayor Helen Zille attended the funeral. The fishermen community's plight reached Mayor Zille and she set up a meeting with community leaders to discuss the bourgeoning livelihood crisis (Dolley, *Independent Online*, 03/04/2006). According to community leader 'Jacky', the Council usually only saw the needs of Imizamo Yethu. This was all about to change as the subsequent meetings' outcome with Mayor Zille resulted in her decision to 'adopt Hangberg as one of her pet projects' (Jacky cited in DAG 2008:17). In November 2006, Mayor Helen Zille, Councillor Dan Plato, and Mayco Housing minister Basil Davidson met the community of Hangberg to discuss the livelihood crisis and the potential of an upgrading project. This came after three years of the Hout Bay Civic Association's (HBCA) engagement with the City on creating a sustainable human settlement (Louw, 12/05/2011, personal interview). At the meeting of 27 November 2006, the following concerns were raised that would influence, and in many ways, direct future development in Hangberg (paraphrased from HBCA 2006):

- No more structures were to be erected, as this would jeopardise the feasible density of the upgrade project.
- Granting residents security of tenure would be the first step (the community actively contended for title deeds to allow them to approach banks for financial assistance).
- Gentrification through secondary house sales would be prevented through a community mechanism controlling the approval of new residents. This is done in order to avoid dissolution of the proud fishermen heritage.
- Creative zoning options were to be explored to allow for the broad based economic development and job creation. Leaders called for the automatic zoning of Bed and Breakfasts, restaurants, coffee shops, retail trade and the active involvement of the Hout Black Business Opportunities Forum (HBBOF).
- Raising the profile of Hangberg through responsible, community-based and environmental tourism was already in place. Mr. Gregg Louw, chair of HBBOF and member of HBCA, noted that 'the *in situ* development is not a short-term solution but a plan for 2010 and far beyond. Tourists would visit Hangberg if the village was tourist friendly and orientated to the attractions of a Cape Fishing Village' (Louw cited in HBCA 2006).

Mayor Zille responded to the dreams of the community when she told them that Hangberg was a pilot project and if it succeeds, the whole South Africa could learn from its successes. Hangberg *in situ* development would become the first incremental housing delivery project

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[39] In chapter 2 I made the case that the enforcement of fishing quota systems had very harmful effects on Hangberg community. The questions of social justice and poverty alleviation were central to the discussion (as per Sowman et al. 2011).

under Chapter 13[40] of the National Housing Code (DoH 2004b) and Breaking New Ground (DoH 2004a). She also stressed the importance of the community to be united and not to allow petty issues to derail the upgrading programme (HBCA 2006). Helen Macgregor (2007), DAG's programme co-ordinator, argued that Hangberg did not feature on the housing budget of years, but with the introduction of the progressive UISP 'the City realised that by using the [UISP], the site could in fact be upgraded and the serious challenge of a steep slope and poor drainage potentially overcome' (2007:15). In March 2007, the City of Cape Town made an in-principle commitment at mayoral level to upgrade the informal settlement of Hangberg and in October, the City submitted the interim business plan for Phases 1 and 2 of the Upgrading of Informal Settlements Programme (UISP) to the Provincial Department of Local Government and Housing (CoCT 2008a). On the 12th of March, a project steering committee called Hangberg in situ Development Association (HiDA), consisting of four steering members and representatives from every block, was democratically elected to represent the community in matters pertaining to the upgrading project. The objectives of the HiDA, as outlined by the Constitution of the HiDA (2008), include the following:

- Liaise with the relevant governmental departments and NGOs on behalf of the community to upgrade the informal settlement and ultimately see the construction of formal housing.
- Ensure the participation of the community by engaging and encouraging community involvement in the decision making process (i.e. regular meetings or workshops etc.)
- Build capacity in the informal settlement community to take ownership of the development process and foster an energy and environmental awareness.
- Monitor the progress of the project and service delivery.
- Lobby with relevant departments and politicians.
- Pursue education, awareness and skills development initiatives to capacitate the Association's leadership so that they may efficiently represent the informal settlement community of Hangberg.

Development Action Group (DAG) was instrumental in facilitating initial and subsequent meetings. After the HiDA was elected, DAG saw the need for capacity development and leadership training as the committee was young and inexperienced. These members attended DAG's Community Leadership Programme that sought to '[fortify] the efforts of those already engaged in life-changing community-development initiatives' (DAG 2008:2). DAG's commitment to true bottom-up participatory governance is underscored in their approach of deepening democratic engagement and building on community-initiated development.

In October 2007, at the time the business case was submitted for funding, a moratorium on the construction of new (illegal) structures was agreed on between the HiDA and the City. Copies of the moratorium were widely distributed across Hangberg. The moratorium

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[40] As mentioned in Chapter 1, UISP is represented by Chapter 13 of the 2004 National Housing Code (DoH 2007), which has been replaced by Part 3 of the newly revised Housing Code (DHS 2009).

prohibited the construction or extension of structures, upgrading with permanent materials, and illegal connection to service infrastructure, while upgrading footpaths and fencing of dwelling units could be negotiated, and failure to adhere to this arrangement would mean the 'Council's Law Enforcement will be asked to intervene' (CoCT 2008a; see Addendum 3). The moratorium also made preliminary comments on the community register and the rights pertaining to the upgrading project that would involve 302 existing structures (Ibid). This geo-spatially referenced community register, developed in cooperation between the HiDA, the City's housing waiting list database and GIS system, and DAG, was regularly updated with information of sales/transfers (see Fig 3.1). The register also used aerial photographs and GIS technology to identify legitimate land holders in the settlement (Rubin & Royston 2008:27).

The settlement was divided in six blocks and each bungalow was numbered and matched with demographic information about tenants, i.e. age, years of residence, income level, number of dependents (Ibid). This innovative system 'is reflective and recognises the varying rights of households (ie as a tenant/lodger or second family)' while contending with the 'complex social arrangements and risks of evictions' (Macgregor 2010:10). Ackleman and Andersson's (2008) study assisted the City of Cape Town's mapping and referencing exercises by means of documentation of social processes and analysis of socio-economic trends.

Fig 3.1 Hangberg: Block D Spatially referenced public spaces, footpaths, and existing businesses (Source: City of Cape Town).

The community register grants rights to 302 family units and forms the basis of the moratorium. However, enforcing the moratorium posed considerable challenges as no

special arrangement was made to activate community policing and law enforcement in collaboration with Hangberg Community Policing Forums (CPF). By simply resorting to law enforcement (evictions), the City of Cape Town forfeited an opportunity to collaborate with the community in negotiating solutions to the deep-seated housing crisis. As a result, the HiDA was often left with the task of negotiating with households to prevent additional structures or extensions to structures. As mentioned earlier, this posed considerable challenges as the HiDA, operating in already highly volatile situations, needed to contend with the broader housing challenges facing the Hangberg community. To this extent, DAG notes that 'concerns over conflict in the future have led to discussions around the establishment of a Hangberg Development Forum to address the broader issues of land and housing' (Macgregor 2010:9). Nevertheless, the contradictory institutional design of this governance arrangement, juxtaposed with a moratorium that reads like calls to personal responsibility and self care (which in practice is required for effective collaboration; cf Addendum 3), craftily obscures the state's mandate in creating a 'culture of community participation' where the community has a direct interest in the design of governance arrangements (cf Municipal Systems Act of 2000; Chapter 4 in this study).

These 'positive' negotiations between the Hangberg informal settlement, DAG and the City of Cape Town were taking place in a complex political contestation in the greater Hout Bay area. Unfolding events would soon spill over into Hangberg informal settlement, placing the sensitive negotiations under threat. The complexity in negotiating the 'insider-outsider' relationship was clear from the start. The upgrading process inherently brought new challenges to the fore as local power dynamics elicited disputes among residents.

3.3.3 Continuities and discontinuities in realising integrated sustainable development in the wider Hout Bay

The following section is an insertion into the Hangberg narrative. By adjusting the looking glass slightly, I intend to capture the unfolding of an interrelated incident, briefly introduced in Chapter 2. While this subsection focuses on the housing crisis in Imizamo Yethu, Hangberg is intricately linked to the unfolding narrative that would culminate in a collision course with authorities (discussed in Chapter 4). Not only do the internal dynamics shape new voices of powerlessness and exclusion, but external market-driven displacement threats (through gentrification) also play into the unfolding of a complex narrative.

3.3.3.1   Unrest in Ward 74

In late 2006, Pieter Venter, ward 74 councillor of the DA, passed away. An emergency by-election was called in February 2007 and voters from Hout Bay, Llandudno, Camps Bay, Hangberg and Imizamo Yetho were urged to vote for their new councillor. Tensions flared as Cosatu's Tony Ehrenreich allegedly called for 'land grabs' in Hout Bay as the situation in Imizamo Yethu remained desperate. Ehrenreich said, 'There is a need to take some of the land from the white communities and redistribute this to the townships that are going up in

Hout Bay' (cited in Powell, *Independent Online*, 11/01/2007). He contended that his proposals should not been seen as 'land grabs', but equitable redistribution of land. The unlocking of the 16ha of publicly owned forest land adjacent to Imizamo Yethu, proposed in 2002 for an integrated, multi purpose development, were/are stalled and negotiations are still in process. As mentioned in Chapter 2, the local civics' struggles for well located land was supported by the then-Mayor Nomaindia Mfeketo and Irish tycoon Niall Mellon, but was derailed by internal community struggles that resulted in the 2004 interdict against development on the 16ha. At a mass meeting of local branches of ANC, Cosatu, SACP and SANCO held in Hangberg's sport hall, Ehrenreich, together with SACP district secretary, Luthando Nogcinisa, asserted that mass action of Imizamo Yethu and Hangberg would be directed against the city, ratepayers and the provincial housing department if housing demands were not met (Powell, *Independent Online*, 15/01/2007). Ehrenreich maintained that land issues in Hout Bay were a 'microcosm of the South African situation' (cited in Powell, *Independent Online*, 16/01/2007). While the ANC distanced itself from Ehrenreich's claims, the SACP supported a peaceful occupation of all unused land in Hout Bay. Less mentioned in the journalistic account is Ehrenreich's initiative to request the Institute for Justice and Reconciliation (IJR), a Cape Town based NGO that helps to build democracy in conflict societies, to facilitate mediatory meetings between the Rate Payers Association, local affiliates of ANC, Cosatu, SACP and SANCO, and Hout Bay civics of Imizamo Yethu and Hangberg with regards to land issues that face the poor of Hout Bay. A community-driven land audit was initiated and facilitated by the IJR as well as a set of consensus principles for a way forward. IJR's 2007 annual report asserted that

> … the aim of the facilitation was to provide authorities with a comprehensive, transparent and fair plan that would contribute meaningfully to the government's objectives to ensure access to suitable housing on properly serviced land for all people currently living in the Greater Hout Bay area (IJR 2007a:13).

At the time, at least four other parties made proposals for alternative developments on the 16ha that included an eco-village development with 400 houses, an organic farm, community amenities and commercial ventures for the poor. However, this/these proposal(s) was/were met with great scepticism from the Rate Payers Association, who maintained their position for the original use of public amenities (most likely a private school and associated developments), and from the political alliance, who sought low-cost housing for the people of Imizamo Yethu and multi-use, integrated development that would benefit the greater Hout Bay area (Samodien*, Independent Online*, 22/01/2007).

Closer to election day, DA provincial leader, Theuns Botha, called on voters to reject the 'reckless' policies of ANC that incited people to 'break the law and grab land' (cited in Essop & Nicholson, *Independent Online*, 07/02/2007), while ANC provincial secretary Mcebisi Skwatsha called on voters to 'say Africa belongs to everybody. They must reject the DA's balkanisation of Hout Bay' (Ibid). The DA won the by-election that saw Marga Haywood, a previous active member of the Hout Bay Neighbourhood Watch (HBNW), elected as ward 74 councillor. Strong DA support came from Hangberg where votes trebled from 301 votes in

2006 to 1121 votes in 2007 (Limbada, *VOC*, 08/02/2007). Yet, at the same time, disgruntled Hangberg backyarders responded to the calls for land invasions and took it upon themselves to seek housing opportunities.

The difficulties of an isolated upgrading project with very little impact on the lives of the greater community are underscored in DAG's leadership report (2008) that traced the stories of three HiDA committee members. Committee members said; 'Nobody is looking after the broader community' (2008:23). The continued construction of bungalows on the upper sections of the Sentinel is attributed to the lack of buy-in from the wider Hangberg community living in backyards and crowded state rental housing. No doubt political pressure also played into such actions of desperate residents. It is said that 'the committee is approached on almost a daily basis by members of the surrounding community for assistance. This causes tension between the Hangberg in situ Development Association (HiDA) and other organisations operating in the broader Hout Bay area' (2008:23). Moreover, the three committee members consider the biggest challenge to come from what they call *'vrot appels'* (rotten apples); those people who 'have their own agenda and don't care about the rest of the people'. These include those who own shebeens, sell drugs and set up illegal structures (cited in DAG 2008:23).

3.3.3.2   Housing agreement in broader Hout Bay

The Institute for Justice and Reconciliation (IJR) facilitated negotiations between the affected parties between February and May 2007. As mentioned before, there was considerable antagonism between the wealthy and the poor due to competing agendas over land-use. At a meeting where the results were made know to the community of Imizamo Yethu and Hangberg, Charles Villa-Vicencio, CEO of IJR, commended that the 'remarkable leadership that emerged on all sides of the dispute enabled a process to succeed that was threatened with collapse on several occasions. This means that the community can, for the first time ever, speak with a united voice on a problem that has erupted in open conflict over several years' (cited in Mohammed, *VOC*, 28/05/2007). Tony Ehrenreich, at the forefront of these negotiations, said that the

> … Hout Bay initiative has shown is that communities can compel the various levels of government to act collectively and it will serve as an example of what is possible of communities acting together. These communities have themselves done an audit of the land available which forms the basis of their plans. This also shows that there is sufficient state owned land available in these wealthy areas that belong to the government, but that government needs to be compelled to make this land available as they are more inclined to perpetuate apartheid spatial planning (Ibid)

At an early stage of the land audit, the community identified the need for a technical process, driven by professional negotiators, which in turn would feed into the political decision making process (Anderton 2007). It was envisaged that a working committee would set up a technical sub-committee with proper, realistic terms of reference. The working

committee would be influenced by the broader housing concerns of Hout Bay and in turn, monitor the development and keep local authorities accountable. The proposed organisational dynamics were premised on thirteen community-identified consensus principles mapping out the intended direction of developments. Chief among these principles was the need to recognise the present conditions in Imizamo Yethu and Hangberg that 'militate against Constitutional values and undermine the human dignity of those who live there' (IJR 2007b). The land audit called for a Hout Bay wide development plan – whilst acknowledging Hout Bay's carrying capacity – that would keep the City accountable to infrastructural, social and environmental parameters by enforcing a moratorium on the sale of public land for private development. Moreover, the community proposed effective feedback mechanisms and timescales to keep councillors accountable (IJR 2007b).

The City of Cape Town received the IJR report in June 2007. Mayor Zille responded that the calls for de-densifying Imizamo Yethu is recognised as the only viable solution for creating a healthy and sustainable community. Zille reiterated that Imizamo Yethu is ranked 27th (of 222) on the Informal Settlement Upgrade Master Plan and that essential services will be provided by the end of the following financial year. Moreover, she committed to appoint an independent consultant to conduct a study on the feasibility of the communities' land audit (90% of the recommendations were not City-owned). Some of these sites included places such as Youngsfield, Ysterplaat and Culemborg, which, according to Zille, the City has been negotiating with state-owned enterprises and private owners for a number of years. She also welcomed discussions on lifting the interdict on the 16ha of public land for a 'responsible and disciplined approach of developing that site' (Zille, 2007).

Councillor Haywood conducted a public meeting on 31 October to seek workable solutions to the housing crisis. The envisioned integrated and sustainable development, with a balance between residential and recreational facilities, would require the cooperation of different levels of government and community structures. She argued that 16ha of land 'is perfectly suited for a flagship project' and that the interdict will have to be lifted. Haywood reiterated the need for a Hout Bay wide development plan that will 'run against a clearly defined time line', as '… solutions are needed speedily' (Haywood 2007). However, the City is also required to act consistently with respect to development across various informal settlements as it will create 'an unsustainable and chaotic situation throughout the City if we enable communities to use land invasions as a tool to jump the queue and get access to land or houses over the heads of other who have been waiting much longer (in some cases for decades)' (Ibid). Haywood reported that there is no vacant or under-developed land in the Southern Peninsula for immediate availability and that the overcrowded Imizamo Yethu and Hangberg will have to comply with the limitations at hand. No formal response by community organisations was made to government feedback on the IJR process, but individuals' responses ranged from anger to despair. Words to describe the government feedback included 'pathetic' and 'depressing'; and a number of community members railed against Provincial government who insensitively dismissed all enquiries pertaining to suitable land (identified in the land audit) (Haywood 2007).

This subsection sought to spotlight the wider housing challenges, which intricately involves Hangberg's backyarders and overcrowded rental stock residents, by pointing to local innovations and initiatives which have arguably been poorly received and/or acted upon by the City of Cape Town. In the following subsections, I reapply the looking glass to the Hangberg case.

3.3.3.3   Threats of gentrification

Threats of gentrification and eviction intensified early in 2008 even though the pre-planning of the UISP project was underway. Eight families (approximately 75 shack dwellers) of a Hangberg 'block' received eviction notices late 2007 when they refused to be relocated. South African Sea Products, a subsidiary of Oceana Fishing Group and an established commercial fishing business in Hout Bay Harbour, already relocated 40 families from the company's residential 'hostels' (subsequently demolished). These families were relocated to low-cost housing projects in Mitchell's Plain, 40 kilometres away from their original work place. However, the application for the eviction order was faulty in many ways. Amongst others, some of the informal structures were on City land (AEC, 11/04/2008). Many of the residents facing eviction were life-long employees of the company. The company was in the process of tearing down its hostel accommodation with rumours of plans to sell the land to private property developers. Other rumours were that the company sought to relocate its headquarters to the Harbour.

Angered at the prospect of no alternative housing being provided, the Hangberg Solution Seekers Association (HSSA), a community organisation, sought legal representation with the support of the Western Cape Anti-Eviction Campaign (AEC). The company allegedly agreed to compensate relocated families by providing housing subsidies to the value of R63,000, with additional R120,000 offered in the form of a loan. Residents saw this as market-driven displacement (AEC, 17/01/2008). These threats of gentrification are not new to the Hangberg community. Cultural and learning exchanges in 2004 between the residents of Bo-Kaap, who fought an arduous battle against gentrification through City Improvement District (discussed earlier), and Hangberg residents focused on the importance not to sell-out their cultural heritage (Bamford, *Independent Online,* 29/05/04).

The 29th of January 2008 High Court ruling resulted in an interim interdict against the evictions and the case was postponed to the 17th of April. According to Sterling Ross, secretary of the HSSA:

> Our aim as the Hangberg Solution Seekers is to ensure that this eviction is
> handled correctly in court and that justice be served. We understand that
> the grounds belong to SA Sea Products but the unlawful manner in which
> the residents have been evicted is not correct (cited in Mohammed, *VOC*,
> 15/04/2008).

At the same time, residents threatened by evictions and market-driven displacement became increasingly agitated and doubted the prospect of many material benefits stemming

from the UISP project. Land invasions at the foot of the Sentinel Mountain escalated, sending the community and City into a collision course.

On the 24th of November 2008, police clashed violently with residents after the City's Anti-Land Invasion Unit, supported by the SAPS and Metropolitan Police, were sent to dismantle two illegal structures. The structures were erected in violation of the moratorium. In a media press release, the City reported that live ammunition from a 9mm firearm was fired as well as stones and flares. A Metro Police officer was shot in the hand. Moreover, a community member accused of informing the police of the illegal structures sought protection as members threatened to stone him and set his dwelling alight (CoCT 2008a). A housing meeting followed on 26th November where Mayor Zille said that the *in situ* development project was being jeopardised by residents invading land and erecting structures in clear violation of the moratorium. The contentious issue of an exclusionary community register surfaced again as 'questions had arisen about a housing list for the new development while a list of people whose homes were allegedly targeted to be removed had surfaced' and that 'residents shouted and argued among themselves' (Prince, Independent Online, 25/11/2008). Densil Faure, Hangberg Project Manager, recalls the meeting:

> At that meeting the broader community of Hangberg came out and voiced their dissatisfaction at the City saying that we were only focusing on the informal settlement and neglecting the rest of the Hangberg area. [They were] saying things like, 'there are people living in backyards', 'there are people living in other little open spaces', 'the rental stock is overcrowded' and they feel that they have been largely ignored. They have patiently been waiting for a housing opportunity while people who had none, went and invaded the land above the rental units in the informal settlement, and were now being rewarded. So they were saying that we are not going to allow this informal settlement to be upgraded unless you start addressing our concerns (02/05/2011, personal interview).

At the same housing meeting, Mayor Zille assured the community that the City had no plans to sell its land to private investors. She said that 'we have been trying to ensure that [beneficiaries] get title to that land and receive the necessary upgrading and service on that land' (cited in Mohammed, *VOC*, 28/11/2008). Donovan van der Heyden, then-spokesperson of the HiDA, commented that the broader Hangberg community 'believe the upgrade project cannot be the only solution to Hangberg's problems' (Ibid). Disgruntled backyarders expressed concern that the project was progressing in an isolated manner and that many were being excluded. Van Der Heyden alleged that the City is committed to purchasing additional land for housing solutions. He maintained that the establishment of a Hangberg Development Forum has not been successful. Despite various overtures to churches and local schools to facilitate such mediations, the current leadership remained inflexible.

The restless community was threatened by possible market-driven displacement again when the Sentinel Mountain went up for auction in July 2009. The mountain had been in private ownership since 1901. G&R Marine Services bought the mountain from privately owned

Patel Property Trust and Claude Cloete Property Trust in 2003 for R60,000[41]. The Sentinel consists of two properties: an upper section of 10ha that include Sentinel peak, and a lower section of 6ha above the Hangberg village. In 2009 one of the owners of the mountain passed away, and the SARS valued the property at R11 million. This was considerably more than the municipal valuation in 2006 that valued the site for R120,000. G&R Marine Services approached the SA National Parks (SAN Parks) as a potential buyer but Parks only offered R500,000, which to them was a fair price considering the property was zoned rural that only permits a single residential unit. However, market value for private estate purposes came close to R11 million. SAN Parks and the Hout Bay Residents' Association held firm that it would not allow the re-zoning of the property for residential development or allow an access road leading to the upper sections of the peak (Underhill, *Mail & Guardian*, 27/07/2009). On 16 July the auction for Sentinel was held at the luxurious Chapman's Peak Hotel. Potential buyers included Oprah Winfrey, Bill Gates and Sol Kerzner. Proceedings were disrupted when 'hostile' Hangberg residents staged a protest demanding the cancellation of the auction. Police met the protests with pepper spray, stun grenades and rubber bullets. No bids were made as the upheaval disrupted the proceedings. The international auctioneer, Julius Buchinsky Auctioneers, reported that the next auction would be held at a different venue, as 'this has been too close to *the problem*'! (cited in Prince, *Independent Online*, 16/01/2009, emphasis added). After a much contested 'closed auction' that saw the bids of up to R10.5 million, G&R Marine Services, the owner of the property, rejected the bid. During this time, SAN Parks also confirmed that it was in the final stages of acquiring the lower 6ha land, even by means of expropriation, which would duly form part of the Table Mountain Nature Reserve. Mike Slayen of SAN Parks said that 'any attempt to bring road access across land managed as part of the park will be vigorously opposed' (cited in *Independent Online*, 07/08/2009).

With all the commotion around the annexure of the Sentinel, internal dynamics brought dormant actors to the fore. Whilst very little has been written about the influence of the Rastafari and revival of the Khoi-San nation state on the dynamics of the Hangberg community, their influence becomes very apparent in the lead-up to events described in the following chapter. King Khoebaha Cornelius, self-proclaimed 'Head of the Royal House of the Khoe-San Nation', plays a very important role in the social fibre of the Hangberg community. At this time, a public notice in Hangberg read:

> NOTICE IS HEREBY GIVEN: I, King Khoebaha Cornelius – Head of the Royal House of the Khoe-San Nation, and custodian of my people and land, HEREBY annex the Sentinel Mountain situated in Houtbay on this day, 15 July 2009. This is done under international law A/61/L…67: The declaration of the rights of indigenous people.

However, Roscoe Jacobs, a community activist for social security, argues that King Cornelius does not appear on the Government's National House of Traditional Leaders database (Jacobs 2011). Densil Faure argues that there was a concerted effort by the community, mainly single, Rastafarian men, to invade the land after the commotion around the sale of

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[41] Another article says that the land was bought for R468,000 (*Independent Online*, 17/07/2009)

the mountain. He said, 'there was a direct link between the attempted sale and the land invasions' (02/05/2011, personal interview). Attempts of the Anti-Land Invasion Unit to demolish the structures were unsuccessful.

Hangberg community leaders, City officials, TMNP (Table Mountain National Parks) and DAG attempted to find a way forward at a meeting held on 29th July 2009. The same issues around the seemingly isolated upgrading project (raised at the public meeting of November 2008) were tabled (Hatton 2010). At another public meeting on the 30th July, the City of Cape Town announced that it had acquired land from the Oceana Group, at a cost of R8 million, for housing opportunities. These two erven, in total 8, 894 square meters, would be developed for multi-storey walk-up rental flats for families earning less than R3,500 per month. The City called on the community to elect a broad steering committee that would represent the informal settlement, backyarders, other vacant areas, and other interested and affected organisations like youth organisations, NGOs, CBOs (Faure, 02/05/2011, personal interview). Mayco member for housing, councillor Shehaam Sims, reported to the community of Hangberg, saying, 'Every day I live and work with a constant awareness of the immense difficulties and hardship suffered by those who do not have proper housing and the purchase of this land gives tangible effect to the City's commitment to alleviate such hardships as best it can' (CoCT 2009).

From these accounts, the complexity of the Hangberg upgrade is spotlighted with emphasis on the various forces of internal community dynamics, external market-led gentrification pressure, and a seemingly isolated upgrading project, resulting in uncertainty, vulnerability and social stress. The upgrading project was intended to be more developmentally orientated than to merely ameliorate housing needs and environmental risk.

3.3.4 Planning the Unknown: Hangberg *in situ* Development Project commences

The business plan for the UISP funding was approved by the Provincial Department for Local Government and Housing on 18 July 2008 following the submission of the preliminary geotechnical and phase 1 investigations by Kayad Consulting Engineers and SEC Environmental Consults. A geotechnical report compiled by R.A Bradshaw and Associates cc. recorded considerable topographical constraints and 'in addition to the extensive civil and structural requirements, the evaluation of the subsidy variation for low-cost housing should also consider the deep excavation for services, extensive site clearance and preparation, over-excavation in service trenches to ensure their stability, and protection against soil erosion' (R.A Bradshaw & Associates cc. 2008). With a budget of R27.5 million over the period 2008-2010, interim services such as storm water upgrading (>R300,000), toilet cleaning and maintenance (>R200,000), identification of additional rudimentary services (sanitation and water) and slope stabilisation and greening projects (community financed) could be initiated (Macgregor 2010:13). The City appointed a town planner (Macroplan) to draft two possible layouts incorporating existing roads, built structures, predominant pathways and open spaces, local businesses and community facilities (see Fig 3.2). The

'visioning' of the intended development would take place in close co-operation with the community (CoCT 2008b). The layout plans were completed by December 2008 (Hatton 2010). Tenders were also issued for (i) the support and finalisation of the spatially referenced community register and (ii) consultation on creative tenure options. The City did not receive any suitable tenders for either the community register finalisation or tenure consultation.

Fig. 3.2 Hangberg Informal Settlement spatially referenced at the foot of Sentinel Mountain (Source: City of Cape Town)

DAG approached LEAP, an NGO facilitating a learning approach towards increased security of tenure, for advice on tenure options. LEAP identified the challenge of the tenure issue in Hangberg to be 'facilitating an equitable, inclusive planning process, ensuring people are not displaced by titling, and by the market – given the gentrification of the area and increasing prices, and so exploring if there are any alternatives to individual title' (LEAP 2007). As mentioned previously, DAG's initial work in compiling a spatially referenced community register was guided by the core principles driving the development process. However, the situation lent itself to become more complex as an informal property market had already been operating in the informal settlement where a bungalow could cost anything between R3,000 and R40,000. The promise of future development has increased the value with reports of a sale of R50,000 (Rubin & Royston 2008:28). Prior to the register, households accessed land in one of two ways: either permission was gained from local council representatives, or households occupied vacant sites (Ibid:27). The moratorium would therefore radically alter informal housing processes in Hangberg.

The agreed moratorium, effective as of October 2007, spelt out the conditions under which rights to the community register would be transferrable (see Addendum 3, section 6). Conditions under which the transfer of rights would be accepted would be only in the case of death, a divorce or an approved sale. Hence, if the sale involved parties outside the community register, the seller would forfeit rights to the register, and the buyer would acquire rights to the register (but not to the land on which the dwelling is located). Considering informal sales were active prior to the register, and that the register now imposed new regulations for sales, the intended control of sales through the register was complicated. It was clear that creative tenure options would have to be explored.

In a report to DAG, Anika Claassens (LEAP) made recommendations in relation to the social construct of the community register. 'Tenure upgrading' is a dynamic process (as opposed to a static, technical, or stand-alone exercise), and inherently contested between the 'insiders' and 'outsiders' (Claassens 2009). Those who benefit from the upgrading process 'inevitably … get caught up in local power dynamics' with those who do not benefit (2009:2). This considered, community committees play a complex intermediary role 'at the interface between representing occupants in their negotiations with the landowner, [while] at the same time being called on to exercise authority in verifying the register, and deal with the complex, often explosive, inter-community disputes attached to this process' (Ibid). Claassens identifies three issues that need to be considered when such registration processes generate dilemmas and pressures previously informally encountered. I paraphrase her findings[42]:

1. Accuracy of the community register: The static moratorium that lists 302 households receiving benefits proved to be problematic as it overlooked a few families with equal rights, problem of double families on one plot, 'owners' who might be tenants, status of divorced woman, and subsequent sales. Claassens (2009:3-4) recommended that a parallel dispute resolution or rectification process be established that ran alongside the register. This required the local municipality to play an active role in the process. The committee would have to establish 'guiding principles' that would inform dispute resolutions.

2. Enforcing the moratorium on new dwellings: The enforcement of the moratorium was essential to maintain a workable density and financial feasibility of the project. However, the steering committee/HiDA had no legal power to enforce the law against those who defied the warnings. This highlighted the contradictory institutional design of the governance arrangement when calling on the dual roles of

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[42] At the time of finalising this thesis (July 2011), the City was still in the process of tendering for a tenure specialist and consultant on the community register and therefore these 'grey' documents are the best indication of proposed plans. Faure mentioned that 'the City always has to guard against implementing something in a particular area that we cannot replicate in other areas' (04/05/2011, personal interview)

representing the community and asserting state authority. Claassens (2009:5-6) advised the committee to document emergence of new structures, public notices calling attention to the moratorium, and sending letters to illegal occupants to inform them that they were non-qualifiers. However, the main concern was that the committee had no legal power to enforce the moratorium on top of the City's lack of involvement.

3. <u>Visioning future tenure forms?</u> A framing concern was the possibility of 'downward raiding' or market-driven displacement given the prime location. Some bungalows are also much bigger than others and giving individual title might entrench the socio-economic profile of Hangberg that ranges from abject poverty to relative wealth. Claassens (2009:7-9) preliminary warned against upsetting the ambitious pilot upgrading project by complicating tenure reforms. She understood the process of upgrading to be the formalisation of what already exists. Hence, the committee exists to secure tenure and not necessarily to 'transform' the society in one sweep.

3.3.5 Synthesis

This part of the case study considered the period between early 2004 and late 2009 through the lens of urban governance. Local innovation was spurred by effective lobbying by the HBCA and assisted by DAG, which led to the City of Cape Town applying for the first UISP funding. In this sense, the Hangberg upgrade challenges the typical housing delivery production regime through both promotion of municipal activism and nurturing the rights of the poor for better access to the city. However – and this becomes more clear in the following chapter – the governance arrangement of this progressive project sits uneasy with the 'disempowering' effect of the City's 'outsourcing' of its control function. Enforcing the moratorium left the HiDA with the problem of 'asserting' *de facto* state power (negotiating with disgruntled residents) resembles unwittingly perhaps 'spatial governmentalities' through modernist conceptions of 'being' (cf N2 Gateway Project). The contradictory institutional design of this governance arrangement is juxtaposed with a moratorium that can arguably be read as a call to personal 'responsiblisation' and self upliftment (cf Addendum 3). This potentially obscures the state's responsibility/obligation to create a 'culture of community participation' where the community has a direct interest in the design of governance arrangements (cf Municipal Systems Act of 2000). By failing to activate special community policing and law enforcement strategies in collaboration with Hangberg Community Policing Forums (CPF) and ostensibly resorting to law enforcement (through evictions), the City of Cape Town forfeited an opportunity to collaborate with the community in negotiating solutions to the deep-seated housing crisis. It could be argued that this was less by design rather than default, but this then raises bigger questions related to the state's sophisticated infrastructural support that is extended to the private sector versus social-institutional capacity building of the poor.

4   The 'encroachment of the ordinary': locating the politics of redress in post-apartheid representation and participation

4.1   Introduction

As discussed previously, the regime of neoliberal reforms has radically altered notions of inclusive urban governance. The scalar dynamics of these reforms play out on national (discussed in Chapter 2), regional/city (Chapter 3) and local/community levels (discussed in this Chapter). According to Brenner and Theodore's (2002) analysis of the process of neoliberalisation, the 'path dependent' character of neoliberal reforms – paired with the increasingly important role of cities as economic engines with some world-cities increasingly acting as 'city states' in a networked global economy (cf Appadurai 2001) – continue to reshape institutional structures and misrepresent the intended outcomes of neoliberalism. I briefly mentioned that the neoliberal state often resorts to buzzwords like 'participation' and 'social capital' to legitimise its agendas of privatisation and liberal conceptions of consumer-citizenship. Although such trendy 'buzzwords' were originally radical in nature, their new meanings are essentially derived from neoliberal ideology. This section elaborates on such assertions of neoliberal 'governmentality' at a micro-level, with the specific aim of framing the urban poor's struggles around representation and redress. From a planning theory perspective, the notion of consensus and communicative rationality is challenged as it is suggested that 'critical urban movements' are proposing alternative city futures (de Souza 2006b). The extent that power is shifted to the social/civic realm remains an issue of exclusive power bargaining.

4.1.1 Deepening democracy

Poluha and Rosendhal (2002), writing from a political anthropology perspective, argue that the 'good governance' paradigm should be contested on the grounds that it often misrepresents new political actors' agency. What constitutes political life and how one should act/be political, they argue, 'is often determined by those in power, who also decide upon what is acceptable political behaviour' (2002:14). The dynamic interfaces between structure and agency continue to reshape the political sphere and hence 'good governance' paradigm need to be contextualised on this basis. As the neoliberal state fudges the boundaries between 'public' and 'private' – the former traditionally deemed the arena 'politics' belonged to – the issue of representation and participation becomes clearer. Progressive planners have called to attention the spread of defective, counter-intuitive and 'disempowering' participatory processes/practices, leading some observers to accuse this new 'paradigm' of being a new form of tyranny (Cooke & Kothari 2001). Many others have called to question the structural exclusion and disempowering work of 'space making' under neoliberal governance (e.g. Miraftab 2004; Cornwall & Brock 2005; Roy 2005; Leal 2007). Such terms were once counter-hegemonic terms that presented a challenge to the status-quo. For example, Cornwall and Brock (2005) argue that 'participation' remained 'politically ambiguous and definitionally vague' and has 'historically been used both to enable ordinary

people to gain agency and as a means of maintaining relations of rule' (2005:1046). However, in neoliberal hands, the co-opted meaning has been functional in the preservation of the status quo. John Gaventa (2006) notes that around the world, the concepts and constructions of democracy are under contestation, 'faced by a series of democratic deficits which are calling its very vitality and meaning into question' (2006:8). Democracy is not only about its spread in historical 'waves', but also 'deepening' the quality of its meanings. Cornwall (2002) observes:

> There is much talk, these days, about "opening up", "widening", "broadening" and "extending" opportunities for citizens to participate in development decision-making; and of "deepening" democratic practice. Talk of "arenas" of politics and of governance conveys spaces where voices and ideals jostle for attention. "Political space" is not only something taken up, assumed or filled, but something that can be created, opened, reshaped. The notion of "policy space" evokes sites shaped through the exercise of agency, in which different actors, knowledges and interests interact and in which room can be made for alternatives, but from which some people and ideas remain excluded. […] Less frequently heard, yet critically important, are other spatial terms that speak about and to issues of representation and power: "positioned", "located", "situated"; and "dislocated", "dissociated", "displaced" (2002:5).

Efforts toward 'deliberative democracy' are obscured when the neoliberal state employs 'anti-politics' as a political strategy. Drawing on Ferguson's seminal *The Anti-Politics Machine* (1994), Buscher (2010) argues that neoliberal development discourse and associated technical, apolitical interventions are increasingly characterised by following a political strategy of portraying development targets as non-political in order to justify their interventions. More nuanced interpretations (e.g. Mosse 2005) point to the micro-politics of utilising populist participatory discourses to fabricate its 'separation from political economy and that it becomes isolated from the local or vernacular to which it is nonetheless materially connected' (Mosse 2005 cited in Buscher 2010:32). Hence, the neoliberal state is opposed to such 'invented' democratic spaces as it muddles the 'clear waters' of the market (cf Jayasuriya 2002).

Lefebvre's (1991) notion of the 'production of space' serves as inspiration in abstractly and concretely understanding how such spaces may be 'perceived' or 'conceived', and more importantly, how these spaces reproduce social relations when actors fill and animate such spaces (as per Purcell 2003; see Addendum 1). Building consensus through participation is elevated by the 'good governance' paradigm. Although communicative rationality in planning theory has meant a decided break from modernist/synoptic/technocratic planning, post-modernists and critical realists have challenged the normative value of such a paradigm in highly unequal societies. As mentioned in Chapter 1, planning theory and critical urban studies share an 'orientation toward normative political questions and a "politics of the possible" … [having] a lot to say about organised resistance by already constituted, marginalised social groups, and, in the case of planning theory, about the need for advocacy

on their behalf or inclusionary, participatory processes that interject their demands and interests into planning processes' (Rankin 2009:219, 223). What follows is a discussion on the evolving prominence of power analytics in planning theory, succeeded by a discussion on how the regulatory logics of the state determines urban informality and what impact this has on deepening democracy.

4.1.2 Theorising power in planning

Contemporary communicative planning theory (CPT), adopted into mainstream development praxis (although arguably not in South Africa), is premised on Habermasian communicative rationality. Theorists such as John Forester (1989), Patsy Healey (1992), Judith Innes and David Booher (1999), Charles Hoch (2007), to mention but a few, have been arguing for a 'argumentative turn' and 'new paradigm' in planning theory with an emphasis on consensus building and creatively engaging complex socio-spatial systems. Coupled with a strong pragmatic voice, these theorists offer a profound departure from narrow modernist 'rational comprehensive' model of planning theory and practice. Their work instructs planners to analyse and understand the communication and discourses between stakeholders whilst acknowledging the varied 'rationalities' of cultural difference and diversity. The ultimate aim is the empowerment of communities implicated in development processes. However, scholars of Foucauldian/post-positivist/critical realism persuasion have pointed to the limits of communicative rationality. Scholars such as Philip Allmendinger and Mark Tewdwr-Jones (2002), Raine Mäntysalo (2002), Margo Huxley and Oren Yiftachel (2000), Bent Flyvbjerg and Tim Richardson (2002), among others, have been arguing that the 'communicative turn' in planning theory is not without its challenges. A closer reading of the power/knowledge nexus in cities is required for communicative rationality to bring about meaningful engagement for the public good. They contend for a multiplicity of planning theories as opposed to normative prescriptions. Moreover, Vanessa Watson (2003, 2008) argues that CPT has not adequately theorised just how deep differences and 'conflicting rationalities' can be in planning processes in the cities of the global South. She contends, by use of case studies that point to strong agonistic forces in the planning process, that CPT, often theorised in the global North with the intension of balancing contextual difference with normative theoretical positions, does not 'travel well' (Watson 2003:395). These deep differences are reinforced by the structural exclusion of modernist planning systems inherited from colonial and apartheid masters (cf Chapter 2).

Jan Nederveen Pieterse (2001:4) argues that 'in the South, seeking to negotiate modernity, the European Enlightenment is scrutinised – Kant, Hegel, Habermas – without understanding that the Enlightenment also had a dark side, that the Romantics were also part of the Enlightenment (Herder, Carlyle, Nietzsche)'. John Friedman, reflecting on the progress of planning theory to date, argues that the ambivalence to confront the conceptualisation of power in planning theory as one of the biggest outstanding problems (Friedmann 1997 cited in Flyvbjerg & Richardson 2002). The theorisation of a 'dark side' of planning theory has been a keen interest for scholars of Foucault. Transcending a mere 'single minded

preoccupation with the politics of coercion' (Friedmann 1997), Flyvbjerg and Richardson (2002) argue that Foucauldian planning theorists attempt a 'sustained analytics of power and rationality which we can use in productive ways to support the empowerment of civil society' (2002:45). The search for the 'dark side of planning' entails the analytics of power, and it suggests that 'we can do planning in a constructive empowering way, but we cannot do this by avoiding power relations' (2002:62).

4.1.3 Urban informality as 'grey spaces'

Oren Yiftachel (2009), a prominent theorist of Middle East urban studies, believes that critical urban theories – although these provide vital understandings of the cities and regions and involves a critique of power, inequality, injustice and exploitation (Brenner 2009) – have not adequately accounted for the causes and implications of a new political geography characterised by the proliferation of urban informalities. He argues that informality as *grey space* – 'the developments, enclaves, populations and transactions positioned between the "lightness" of legality/approval/safety and the "darkness" of eviction/destruction/death – is … neither integrated nor eliminated, forming pseudo-permanent margins of today's urban regions, which exist partially outside the gaze of state authorities and city plans' (2009:250). Rather than ascribing to the modernist dichotomy of 'legal' and 'criminal', 'oppressed' and 'subordinate', and 'fixed' and 'temporary', 'grey spacing … can provide a more accurate and critical lens with which to analyse the making of urban space in today's globalising environment, marked by growing mobility, ethnic mixing and political uncertainty' (Ibid).

If urban informality is seen as a 'organising logic which emerges under a paradigm of liberalisation' (AlSayyad 2004:25), the 'emergence of "stubborn" informalities is typically handled not through corrective or equalising policy, but by employing a range of delegitimising and criminalising discourses, regulations and violence' (Yiftachel 2009:25). The reality on the ground for the urban poor has been one of relocation to the peripheral 'ghettos', evictions and dispossessions from often well located land, and marginalisation of the urban poor's social movements. The systematic violations of basic human rights have been almost become the norm in 'urban renewal' megaprojects in cities of the global South. Ananya Roy (2008) asks, 'What do we make of the fact that as the MDGs are calling for 'cities without slums' target so many cities in the global South, for example those in India, are brutally evicting squatters and demolishing slums to make way for urban development?' COHRE's (2009a) *Global Survey on Forced Evictions* (2007-2008) serves to cover an information gap as governments rarely document the high incidences of forced removals and the 'downward spiralling' effect on the livelihoods of the poor. This '"culture of silence" around forced evictions has aided and abetted its growth and spread throughout the world' (2009a:7). Beall (2001) elaborates how these tactics are breaking down political trust and spotlight the struggle of the urban poor to maintain autonomy:

> The urban poor's over-reliance on social networks for security and support results in part from the erosion of their trust in government, which is usually warranted. It is born, for example, from evictions, demolitions and removals, as well as patronage and corruption, which

have all served, over time, to *undermine the establishment of robust urban governance*. Together with rising land prices, and poor quality and crumbling services, they have given rise to a sense of insecurity and social exclusion, which can erode social connectivity (2001:1017, emphasis added).

4.1.4 Urban Informality and new political spaces

De Souza (2006b) argues that autonomous social movements act as 'critical planning agents' when planning and advocating developmental agendas transcending mere criticism and demands of the state. This is contrary to the popular belief that the state, through its planning apparatuses (e.g. zoning ordinances) and the formal power to enforce its determinations (e.g. policing), is the sole urban planning agent (de Souza 2006b:327). Whether these plans are 'with, despite or against' the state's planning apparatus, 'they often do it … in a spatially complex and comprehensive way, not only demonstrating knowledge and interest in relation to plans and reports prepared by the (local) state, but also developing actions which can be interpreted as an alternative approach to land use, housing, traffic, environmental protection, and so on' (de Souza 2006b:329). Studies have pointed to the various interfaces of social movements/civil society and the state in 'co-producing' developmental solutions (e.g. Mitlin 2008). However, the co-option of critical social forces through the various tactics of the state, often disguised as 'participation', may lead to 'structural co-optation' which not only manifests in the manipulation of politicians, but also

> … by virtue of the 'subtle' influence of the state machinery on civil society's organisations (for instance, a gradual 'adjustment' of the agendas and dynamics of social movements to the agenda and dynamics of the state) and their militants ('seduction of power'), social movements' critical sense and energy can diminish—and in extreme cases even perish (de Souza 2006b:334).

Bayat (2000) argues that the prevailing perspectives on the political life of the urban poor fall short of a true representation. He suggests that his notion of the 'encroachment of the ordinary', 'marked by quiet, largely atomised and prolonged mobilisation with episodic collective action – open and fleeting struggles without clear leadership, ideology or structured organisation', may prove to be a more accurate presentation (2000:545). In this sense, 'the encroachment of the ordinary' is not a social movement *per se,* and distinct from survival strategies and 'everyday resistance', but rather a struggle against the state through grassroots activism that contest the 'fundamental aspects of state prerogatives, including the meaning of order, control of public space, of public and private goods and the relevance of modernity' (Ibid:546). In this sense, dissident informality can be understood in Lefebvrian tradition as the contestation over the control of the production of social and political space seeing that under the capitalist mode of urbanisation, the role of space *'is less and less neutral, more and more active, both as an instrument and as goal, as means and as end'* (Lefebvre 1991:410; emphasis added). Lefebvre's (1991) conception of the production of space in three moments or conceptual tools – the conceived, perceived and lived spaces –

'implies a mutually constitutive relationship between space and power, and spatial practices as the exercise and production of power' (Kudva 2009:1619; See Addendum 1). Bayat's earlier work pointed to the uses of public spaces, such as urban streets, as being 'crucial to the episodic nature of the politics of informality', embodying a politics of redress rather than of protest (Bayat 1997). Kudva (2009) argues that the contemporary Southern city's sanitised, formal, master-planned spaces of the planner's conception of abstract spaces often clashes with the lived spaces of everyday disenfranchised facing repression through discriminatory land-use planning, demolition of informal settlements, and restricted movement, leading to the generation of 'local non-formal and contingent knowledge and, most importantly, establish sites of resistance' (2009:1619).

Since the end of the liberation struggle, South African cities have emerged as a theatre of political contestation and citizenship claims. Drawing on Lefebvre's proposition that political change is as much a matter of politics as it is a matter of space (Lefebvre 1991), the following section discusses the reforms in participatory governance. The issues of representation and new forms of governmentality are spotlighted.

4.2   South African participatory governance

According to legislation, such as the White Paper on Local Government (RSA 1998b) and Municipal Systems Act (RSA 2000), developmental local government should realise its constitutional mandate by facilitating inclusive and participatory governance that transcends mere representative democracy. Since that time, a far-reaching legislative and regulatory framework has been designed that nurtures the relationship between citizens and the local authority, with the goal of empowering parties to achieve developmental outcomes. The intention of deepening democracy through a range of participatory mechanisms, processes and structures has been a decided outcome. This section explores some of the challenges associated with what has since become a 'legally entrenched, generally technocratic and procedural practice of citizen participation in local governance, which has been confined to a narrowly prescribed set of structures and processes, to the exclusion of a more open and inclusionary practice of citizen participation' (Smith 2007:5). Participation is often heralded as the proverbial 'Holy Grail' in creating 'active citizenship' through deepening democracy leading to poverty reduction. Less frequently considered is the 'disempowering work of empowerment' when the terms of engagement inherently marginalises some actors. The ascendancy of such buzzwords in neoliberal times have been foreground in preceding chapters (Cooke & Kothari 2001; Miraftab 2004; Cornwall & Brock 2005; Roy 2005; Leal 2007; *inter alia*). Participatory mechanisms are highly contested spaces and this study critically considers the notions of space and power in planning, and what the prospects of alternative citizenship in neoliberal governance are in light of the spatial governmentalities the state often creates.

4.2.1 Deepening democracy in South Africa

Chapter 4 of the Municipal Systems Act (RSA 2000) requires municipalities to develop a 'culture of community participation' through including members in the affairs of the local municipality. Political structures for enabling this participation should be constructed in terms of the Municipal Structures Act (RSA 1998) that requires the following:

> A municipal council must annually review (a) the needs of the community; (b) its priorities to meet those needs; (c) its processes for involving the community; (d) its organisational and delivery mechanisms for meeting the needs of the community; and (e) its overall performance in achieving the[se] objectives. (3) A municipal council must develop mechanisms to consult the community and community organisations in performing its functions and exercising its powers (s. 19.2-3)

This happens through mechanisms such as ward committees, IDP forums, service delivery process consultations, and so on. The design of these participatory mechanisms should be pursued in partnership with civil society where the latter has a direct interest in the design of such forums. The White Paper on Local Government (RSA 1998b), Part B, spells out the requirements:

> Municipal councils play a central role in promoting local democracy. In addition to representing community interests within the Council, municipal councillors should promote the involvement of citizens and community groups in the design and delivery of municipal programmes.

The White Paper further spells out the need for developmental local government (DLG) to build leadership and develop capacity in communities, support individual and community initiatives that benefit the area as a whole, and supplement and assist community development organisations. It also recognises that communities are not homogeneous and that DLG needs to be aware of the divisions in communities and seek to promote the participation of marginalised and excluded groups within communities (as reviewed by Smith 2007). The ultimate goal of creating 'active citizenship' is 'a vision of strong, active, and empowered communities— increasingly capable of doing things for themselves, defining the problems they face and then tackling them together' (Blunkett 2003 cited in Murray et al. 2010:46).

Despite the institutional development of participatory processes intended to empower communities, Oldfield (2008) argues that ward committees consist of 'slithers of consensus in a sea of discontent' (2008:490). She argues that research on ward committee powers has identified three critical limitations: 'politics of representation at ward committee level; the structural limits to ward committee powers; and the ways in which ward committees become enmeshed in the vagaries of councillor and party politics' (2008:491). Moreover, the terms on which these participatory processes are constructed may be 'monopolised by interests that are already well organised and resourced' at the expense of the poor (Murray et al. 2010:49).

These democratic spaces often remain 'invited spaces' with limited potential of incorporating and authenticating the autonomous, potentially more transformative, 'invented spaces' of the urban poor (Cornwall 2004). While the onus lies on both the state and society to effectively engage around planning issues (Murray et al. 2010; Smith 2007), significant evidence suggests that such participatory mechanisms are both normalised and politicised, resulting in insider-outsider dynamics, watering-down rights-based development, representation crisis, and so on (Piper & Deacon 2009; Oldfield 2008). Moreover, the institutional design of such committees and forums rarely shift the power in the social realm where councillors are held directly accountable (Murray et al. 2010).

4.2.2 Contested city futures: The politics of space

The growing disappointment with the 'fruits of democracy' and growing disenfranchisement with political representation often takes the shape of service delivery protests, a phenomenon that has swept across South Africa in the past decade (especially since 2004; Alexander 2010). The South African Cities Network's (SACN) *State of Cities Report 2011* notes that citizen involvement in conventional forms of participation such as voting and democratic engagement – for example, participation in ward committees, stakeholder consultation forums, and wider political discussions, important as they are for democratic accountability – has declined in South African metros. Unconventional forms of political behaviour and more direct forms of action, such as mass protests, street demonstrations, civil disobedience campaigns and rates boycotts, on the other hand, have increased significantly in the informal settlements (particularly of Johannesburg and Cape Town), and are associated with demands for better living conditions. The Report notes that the causes for these protests are more complex than mere dissatisfaction and can be analysed under three broad categories: 'systemic (such as maladministration, fraud, nepotism and corruption); structural (healthcare, unemployment and land issues) and governance (weak leadership and the erosion of trust)' (SACN 2011b). This volatile cocktail of dissatisfaction, structural limitations, political distrust and the crisis of local democracy and governance has brought new political actors to the fore.

The study of social movements in post-apartheid South Africa has been a topic of recent interest (e.g. Thompson & Tapscott 2010; Ballard et al. 2006; also see Bezzoli 2004; Desai 2002 case studies). Whilst these movements have varied agendas, ideologies and strategies, many practice forms of direct action aimed at 'inventing' political spaces whereby 'marginalised actors can claim power, thereby exercising citizenship from below' (Sinwell 2010:67). Writing on one of these grassroots social movements, Abahlali baseMjondolo, the Durban based shack dwellers' network (with affiliated movements in other parts of the country), Gibson (2009) argues that the shack dwellers' movement 'represents a clear and emergent case that makes the intertwining of household and community scale explicit with national politics' when the organisations 'are voicing their right to live in the city, challenging the idea of citizenship and insisting on an active democratic polity' (2009:4). In this sense, Gibson argues, 'these organised shack dwellers are expressing a new kind of inclusive

politics from the ground up, one which appears local and reformist, such as providing services to settlements, but which is also radical and national' (Ibid). While the organised shack dwellers practice a politics of direct action, often including mass protest and making urban spaces ungovernable, constructive engagement with the state has led to several potential upgrading initiatives of informal settlements. The movement is also critically involved in holding council accountable to keep to its constitutional mandate. This is best illustrated in the organisation's opposition, legally supported by the Centre of Applied Legal Studies (CALS), to the controversial KwaZulu-Natal legislation called the Elimination and Prevention of Re-emergence of Slums Act 6 of 2007[43]. The legal battle resulted in favourable Constitutional Court ruling for the slum dweller's movement and the removal of section 16, which stated that the municipality must start eviction processes of unlawful occupiers if the owner of the land fails to do so within a specified time period. The court was of the view that the state was obliged to meaningfully engage communities on matters of eviction and relocations and proceed with evictions only when all alternatives were considered, including incremental upgrading of informal settlements (Cross 2010).

Abahlali baseMjondolo's 'politics of space' localise and politicise their agenda for access to well-located land, housing, and security of tenure. Another example of (new) political actors creating political spaces is the widely discussed Treatment Action Campaign (TAC) that was instrumental in deepening community health citizenship and gaining access to life saving anti-retroviral drugs for combating the HIV/AIDS endemic (see Murray et al. 2010; chapters in Thompson & Tapscott 2010; Ballard et al. 2006). These (new) political actors' strategies of direct action and grassroots planning and advocacy have successfully, albeit increasingly subdued (Desai & Pithouse 2004; Cross 2010), constructed new forms of 'citizenship from below'.

Protests around service delivery issues and lack of local councillor accountability suggest strong similarities in the preliminary analysis of Mbeki- and Zuma-eras (Alexander 2010). Post-Polokwane civil society perspectives on local governance have been particularly concerned with growing community dissatisfaction of the last six years and growing disenfranchisement due to the narrowing of political space and dissident voices not acknowledged (e.g. Geyer & Jenkins 2009; Kondlo & Maserumule 2010; GGLN 2011; Kimemia 2011). After a reshuffling of policy priorities (emphasising pro-poor futures) in the ruling ANC party, arguably seeking greater legitimacy, the Zuma administration was continually pressed on poverty-related matters coupled with 'nonessential expenditure excesses of some elements of the in-coming cabinet [which] inadvertently hastened the commencement of the new spates of violent protests' (Kimemia 2011). Communities' efforts at negotiating at various 'invited' spaces were often met with ward councillor arrogance and the resultant frustration led to intensified violence in protests as community groups

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[43] The act had three main purposes: the progressive elimination of slums, measures to prevent the emergence of slums, and upgrading and control over existing slums. However, the Slums Act allowed for evictions to occur without meaningful engagement. The Constitutional Court found section 16 to be in conflict with the PIE Act and removed it (as reviewed by Cross 2010).

observed that government tended to respond to violence rather than democratic engagement (Alexander 2010; Kimemia 2011; GGLN 2011).

Kimemia (2011) argues that the precedent of violent protests to ensure government action adversely impacts negotiations in two ways: 'Firstly, it sets a bad precedent and encourages violent upheavals as a mode of expressing popular dissatisfaction. Secondly, it tends to undermine protests as a form of expression and ventilation of legitimate grievances'. The Good Governance Learning Network's (GGLN) State of Local Governance publication, *Recognising Community Voice and Dissatisfaction* (2011), brings together various perspectives that argue that the state should respond to community voice and dissatisfaction in the Constitutional spirit of respect and dignity. Local Government's efforts at 'democratising development', 'developing a culture of community participation' (Municipal Systems Act, 2000) and 'to work together with local communities to find sustainable ways to meet their needs and improve the quality of their lives' (White Paper on Local Government, RSA 1998b) tend to frustrate deepening democracy when meaningful engagement in decision making and accountability of the local government is routinised and the 'invented' spaces are sidelined or manipulated. The report argues that 'without a doubt, the anger, disenchantment and frustration that have driven these forms of mobilisation need to be recognised and more inclusive and respectful means of engagement need to be facilitated' (GGLN 2011:5).

4.2.3 New spatial governmentalities? Implications for political settlement

In his study of restoring governance in crime-ridden Manenberg, a working class community in the Cape Flats, Robins (2003) argues that the state creates new kinds of 'spatial governmentalities' through initiatives like introducing individual homeownership, 'oil spot' strategies of policing and crime prevention, and the 'hardening' of public spaces. These were done with the aim of restoring governance and creating law-abiding citizens, breaking down 'cultures of poverty' and social pathologies reproduced by high unemployment, and intervening in the socio-spatial apartheid segregationist grids by promoting integration with adjacent African township (Gugulethu). However, Robins identifies 'liberal individualist conceptions of the consumer-citizen' in the design of the renewal projects (2003:107). This was highly problematic, and ultimately unsuccessful, as it 'clashed with locally embedded community networks and communal identities, especially amongst the illegal subtenants, backyard shack dwellers and poorer residents who were initially excluded from the scheme' (2003:109).

Murray et al. (2010) argues, in relation to the White Paper on Local Government (RSA 1998b), that councils embarking on facilitating participative governance at grassroots level should be aware that communities are not homogenous and that local obstacles may impede such reforms. In this sense, '[a]uthorities may start from a space of hostility if citizens already blame the municipality for past failures and are negatively inclined towards the council and its officers' (Theron et al. 2007 cited in Murray et al. 2010:48). While a case

of Manenberg is quite extreme in a sense that the entire community was subjugated by gangsterism, more nuanced cases also point to the 'policing of community politics' and cooption of leadership by political parties when pioneering new 'invented spaces' of state-citizen engagement (e.g. Skuse & Cousins 2007; Baicchi & Checa 2010).

Baicchi and Checa (2010), drawing on Brenner (2004), maintain that the only way to bring about meaningful change centred on redistribution, social justice, and popular empowerment is for progressive political forces to utilise 'strategic openings' within existing institutions. This could be done by 'demarcating the institutional arenas, territorial niches, and political relays within the current interscalar rule-regime in which hegemonic control appears weakest, and therefore, most vulnerable to being captured and reshaped' (Brenner 2004 cited in Baicchi & Checa 2010). The relationship between the local and the national, as illustrated in new social movements' activism in South Africa, therefore opens up new opportunities for political bargaining and recasting the political settlement. South Africa's political settlement, once characterised by RDP ideas of civic and liberal nationalism, i.e. 'that 'all people' are considered part of the nation regardless of their ethnic, racial, religious or geographic origins' (Chipkin 2007 cited in Kagwanja 2009:xvii), is highly contested and even close to collapsing. Di John and Putzel (2009), drawing on the work of historical political economist Mushtaq Khan (2005), argue that the notion of political settlement extends beyond the bargaining power of elitist social and economic interests and rather should be seen as the balance or distribution of power between contending social groups and classes, on which any state is based. Hence, determining whether the political settlement is inclusive or exclusive cannot be simply understood as the extent of participation in the bargaining process, but rather it requires an analysis of the distribution of rights and entitlements.

4.2.4 Synthesis

The deepening of democracy requires collaboration between the state and society. However, the playing field is not always level, and is, in fact, especially distorted when 'buzzwords' like participation and empowerment are utilised to legitimise the liberalisation agendas of the neoliberal state. The loci of power cannot be contained in a single sphere, and planning theoreticians have been labouring, with limited success, towards a new planning paradigm. In the meantime, it should be acknowledged that planning is not solely the function of the state. Perhaps then the question should be posed to what extent critical planning agents (de Souza 2006b), operating autonomously in the shadows of capitalist urban development trajectories, are admitted to 'invent' new spaces for co-producing developmental outcomes.

4.3 *'Die kreef raak gewoond daaraan'[44]*: Political settlement or criminal settlement?

The initiation of the Hangberg upgrade project received considerable attention in national discourses surrounding 'home-grown' solutions to informal settlement upgrading in South Africa. DAG presented the Hangberg case study at a national roundtable on informal settlement upgrading at the School of Architecture and Planning at Wits University in June 2008 (Macgregor 2008). The prospects of the upgrading plan became complicated with threats of displacement and internal dynamics surrounding the enforcement of the moratorium, leaving many residents in doubt whether the actual incremental upgrade project will ever commence. Meanwhile, the City reiterated its commitment to the project on the condition that the moratorium be respected. This did not happen. Rather, the question to be asked is whether residents were 'defiant' in their 'lawlessness', or whether the slow progressing project, 'bogged down by red tape and complicated by leadership tussles' (Jordan, *Times Live*, 25/09/2010), frustrated residents living in unbearable conditions to take action in their own hands. The events unfolding in 2010 eroded social connectivity and destroyed already fragile trust dynamics.

4.3.1 The Housing Meeting

As mentioned in the previous Chapter, the enforcement of the moratorium posed considerable challenges. With very little direct involvement of the City or local Hout Bay Police, the steering committee had very little legal power to negotiate with 'defiant' residents. Illegal structures were continually being constructed on SAN Parks' ground, which formed a firebreak between Sentinel Mountain and the informal settlement. In February 2010 the City's Anti-Land Invasion Unit moved into Hangberg to demolish an illegal structure 'used by the Rastafarians of the surrounding area' (CoCT, 16/02/2010). It seemed to have been a non-violent operation. But the construction of illegal structures set the community on a clear collision course with City authorities.

In August 2010, community leaders approached the City with the aim of establishing the broad Project Steering Committee (PSC) with representatives of the wider Hangberg and to expedite service delivery issues. The City informed the leaders that no services will be provided because the moratorium agreement had continually been disrespected. City officials and community leaders undertook to organise a public meeting with the broader Hangberg community where a Project Steering Committee (PSC) would be established. A follow-up meeting was held between the community leaders and City officials on 15 September. It was agreed that the PSC would be formed via ward forum. The City maintained that the agreement would only be effective once illegally erected structures were dismantled. The leaders would report back to the community in preparation for the public meeting on 17 September (Hatton 2010).

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[44] Translation: '*The lobster gets used to it*' (cf Brink 1991)

Meanwhile, Hangberg residents, concerned about the continued erection of illegal structures, contacted the Hout Bay Resident's Association, who in turn reported the invasions to the ward councillor, city officials and local police. Association chairman, Len Swimmer, reported that concerns over the illegal structures had been raised 'months ago' but the City said they 'were dealing with it' and that they took the matter 'extremely serious' (cited in De Vries, *Cape Argus*, 15/09/2010). The Association paid for aerial photographs to be taken that showed that about 40 timber and corrugated iron shacks had been built and 30 more plots were being cleared (Ibid). Table Mountain National Parks manager Paddy Gordon said, 'We bought a section of [Sentinel Mountain] with the intention to purchase all of the privately owned land at a later stage but that purchase plan is being threatened by the land invasion' (Ibid). SAN Parks' intention was to bring the Mountain under their authority for conservation and protection purposes.

Western Cape Premier Helen Zille and Mayor Dan Plato were expected to address the wider Hangberg at a public meeting on 17 September 2010 to discuss housing solutions in Hangberg and elect a steering committee. According to Greg Louw, member of the preliminary steering and chair of Hout Bay Civic Association (HBCA), the Hangberg community was in the process of negotiating internal representation (as per meeting with City officials in August and September) in the week leading up to the 17th of September. Louw narrated the lead-up of events as follows:

> The community was just in a brand new time of structures and leadership and she [Zille] must just give us a chance. She insisted that she wanted a meeting on Friday and to tell those people that she is going to break down the structures. The other thing is; the notice on the meeting on Friday [17/09], which she sent throughout the community, never stated that they are going to come breakdown. The notice only stated that they are going to elect a new committee and that she is going to bring an update on the project. That is all that there was on the notice[45]. On Thursday night [16/09] the community gave a mandate that the meeting needs to be postponed. On Friday afternoon [17/09] Zille called me and stated that she is coming, high or low water, and that is she is going to bring a message to these people that she is going to break down. I said to her, "Madame Premier, don't do it! The community had a mandate". "What mandate; how many people read it"? I said, "Madame I have video footage; are you interested in watching it"? She said, "No she is coming to tell those people to break down". On Friday night [17/09], when she came to tell those people to break down, without any alternatives, she walked out. Since Friday neither her office nor the Mayor's office has contacted us. We said that we are only facilitating this process to build relationship between government and this community which she ignored. No

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[45] The agenda read: 'UITNODIGING NA OPENBARE VERGADERING MET DIE UITVOERENDE BURGERMEESTER BY HANGBERG, HOUT BAAI. Agenda: Behuising in Hangberg, opknappingsproject ter plaatse; verkiesing van 'n projek beheer kommittee. (Translation: INVITATION TO PUBLIC MEETING WITH THE EXECUTIVE MAYOR AT HANGBERG, HOUT BAY. Agenda: Housing in Hangberg, upgrading project to date, election of the project steering committee') (in Kaganof & Valley 2010).

> communication went to us what she is going to do (interview, *VOC* Radio Feature, Part 1, 2010).

On Friday, 17th September, Premier Zille and Mayor Plato met the community. As Louw indicated, the agenda of the meeting, a much needed update on the UISP project and the election of a new steering committee, was manipulated with Zille using the opportunity to call for the voluntary removal of structures. The meeting was disrupted when angry residents voiced their displeasure at the City's reluctance to address core housing issues. The Premier and Mayor left the meeting without resolving the identified issues. The community was not aware of the planned eviction process that would start on Tuesday, 21st September.

4.3.2 Confrontation with the Metro Police

Early Tuesday morning (21 September 2010) the Metropolitan Police arrived in Hangberg with several Nyalas (armoured personnel carriers). Several tens of policemen barricaded the road and started planning the best route through the dense informal settlement to reach the upper sections of the Sentinel where close to 50 shacks had been erected on the firebreak (which was situated on newly owned SAN Parks ground). Narrating the course of events is very difficult as both City media press releases and journalistic accounts differ remarkably on what exactly took place. A documentary film by Aryan Kaganof and Dylan Valley[46], *The Uprising of Hangberg* (2010), which has received considerable media attention, portrays Metro Police firing the first shots of rubber bullets on innocent bystanders after community members failed to negotiated with police officers to stand down. By slowing the movie frames, Kaganof and Valley intended to show that police shot innocent bystanders before any rocks were thrown. On the other hand, shortly after the incident, the City's Mayco member for Safety and Security, Alderman J.P. Smith, released photographs of Hangberg residents, claiming to be innocent bystanders, but who were in fact shown to be active participants in pelting police with rocks and Molotov cocktails in the early morning hours of September 21st (CoCT, 29/10/2010). However, after significant criticism, Alderman Smith conceded that the City's allegations through these photographs were in fact erroneous and misleading (Mnguni, *News 24,* 02/11/2010). The encounter between the Police and the residents resulted in the partial blinding of 4 Hangberg residents (after being shot in the face with rubber bullets) and an unconfirmed number who were injured, injuries that included broken legs, arms and noses. Other high-handed treatment included people dragged down the mountain slope by the hem of their shirt; a Muslim girls' hijab ripped off her head; under-aged children locked in police vans for hours, and many other such stories (these are not narrated in the majority of accounts by journalists or City press releases). The harsh treatment meted out by the Metro Police came under much scrutiny from the Independent Complaints Directorate and inquiries by the SAPS. However, Alderman J.P Smith maintained that 'SAPS, metro police and law enforcement were *ambushed*' in a '*siege*

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[46] Aryan Kaganof is a well renowned actor, film-maker and writer; and Dylan Valley is the director of the renowned *'Afrikaaps'* theatre production.

that lasted four hours' in an '*attempted murder*' (cited in Underhill, *Mail & Guardian*, 08/10/2010, emphasis added). Smith defended the high-handedness of the Police saying that violence had been expected; 'I don't think it could have turned out any other way' (Ibid). The City of Cape Town reported that 15 police officers were injured and 62 people were arrested for public violence. What complicates the saga further is that the City did not have a court-issued eviction order or an interdict to carry out their operation. The rationale behind their actions was to demolish 29 'unoccupied structures', but several reporters found that the structures were in fact occupied (e.g. fully furnished, prepared food, etc.) (Kaganof & Valley 2010; *VOC* Radio Feature, Part 2, 2010). In this sense, housing and human rights were violated and the fine-grained micro-discursive threads of anti-politics is much akin to Pithouse's (2009) postulation that anti-poor discourses of eradicating shacks have 'more influence on state officials … than the formal policy and legal commitment to which the state is bound in principle' (2009:2).

4.3.3 Political settlement or criminal settlement?

The political culpability of September 21st human rights violations has been hotly contested (notably Zille's allegation that the ANC's use of the Human Rights Commission probe was in fact a 'political hit squad' – Zille, *Mail & Guardian*, 15/10/2010). By steering clear of political mud-slinging, I intended to spotlight the discursive threads of anti-politics as portrayed by press releases of the City of Cape Town, Premier Helen Zille and Mayor Dan Plato, which is contrasted to alternative voices in the media.

Official press releases from the City of Cape Town maintained that the operation was directed at demolishing structures that posed a 'serious fire risk'. The disrespected moratorium obstructed the upgrading programme. City spokesperson Kylie Hatton was determined that the defiance came from a small group of 'Rastafarian druglords' who wanted to upset the upgrading process by staking claim to the land through constructing illegal shelters as they benefitted from the state of 'lawlessness' (CoCT 04/10/2010). Premier Zille resonated this belief in numerous press conferences. On one occasion, she reportedly said:

> The Hangberg problem is a group of Rastafarians who run a drug and crime syndicate at the top of Hangberg. Most of the children in that community have been caught in their terrible net. Drugs and crime are absolutely terrible. The drug lords and criminal syndicates are a small group working up there and they are continuing to flaunt the law and that is what we have to contend with. *And that is the bottom-line in Hangberg: it is a drug and crime problem* (interview, VOC Radio Feature, Part 1, 2010; emphasis added)

Elsewhere, Zille says: '[D]ruglords in that community have really subjugated the community, who live in fear of power abuse and this violence is just an extension of that power abuse' (interview hosted on Zoopy TV, cited in Kaganof & Valley 2010); and adds, 'I've worked in this community for years and I know that most people here want development. They do not

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want to be held hostage by a minority that wants to block progress' (cited in Jordan, *Times Live,* 25/09/2010). Mayor Dan Plato argued that the problem in Hangberg is a 'zero-sum conflict between good and evil' (cited in Kramer, *Cape Argus,* 06/10/2010). After the City dismantled 29 shacks on the 21st September, the operation continued on Wednesday the 22nd. Only minor conflict was reported. Zille continued with her assertions that the violence had been instigated by a 'major drug and crime cartel' (cited in *Cape Argus*, 22/09/2010). At a later stage, Zille also threatened to withdraw funding from the upgrading process and spend it on 'more deserving' communities.

Hence, at the heart of City's press releases and politicians' culpability reports a small group of 'drug lords' as a 'crime syndicate' had been labelled that seek to destabilise the upgrading project in order to benefit from the 'continued state of lawlessness'. Justin Kramer, treasurer of the Social Justice Coalition, argues that the real issue of Hangberg is marginalisation of the most vulnerable. He argues that 'the destructive thread running through Plato's interpretation of Hangberg is the tendency to lay the blame of poverty on the poor and subject communities to collective punishment' (Kramer, *Cape Argus*, 06/10/2010). Kramer said, '[It] seems that his [Plato's] criteria for measuring successful engagement generally is the degree to which people come over to his point of view, not to the extent to which people's voices are heard and respected' (Ibid). In this light, Greg Louw pointed to several cuts in communication between the HBCA and the City.

> For me, it is confusing. The City did not give us, as the Civic Association, which was only three weeks old, an opportunity to take the process actually directly forward. They did not say, 'Guys, look, this is how far it is and this is what you need to do. But guys, this is the timeframe that we are working with' (interview, *VOC* Radio Feature, Part 2, 2010).

4.3.4 Ramifications of the incident

As mentioned previously, concerned Hangberg communities worked closely with Community Policing Forums (e.g. Neighbourhood Watch and Hout Bay Community Police Forum) (Tefre 2010). Whilst the majority of residents readily confess that drugs and liquor abuse is a struggle in the community, they are committed to working with policing forums to curb such activities. Roscoe Jacobs, a volunteer of the Hout Bay Community Policing Forum, argued that the incident with the Metropolitan Police created deep mistrust among the residents and the local Hout Bay police, with whom they had a good working relationship. Jacobs told *VOC News*:

> The community actually informs the [local] police whenever they are aware of illegal activities that are taking place. We have been working as a community with the community policing forum and the police to try and build this relationship with the police that is getting better. But the actions of the 21st and 22nd of September has kind of put us three steps back with the whole process of trying to get the community and the police together (interview, *VOC* Radio Feature, Part 4, 2010)

Captain Bester of the local Hout Bay Police department, who was not involved in the September 21st incident, commented on the relationship with the community:

> The problem in Hangberg, for a long time now, is mainly drugs and liquor abuse. But not on a high scale, it's on a low scale. There are other more serious crimes in other areas of Hout Bay than in Hangberg. You can say it is a quiet community. We don't have a lot of problems there. Now, Hangberg's drugs problem is more in the open because the community talks more about them. You look at the white community in Hout Bay, they also have a *huge* drug problem. But they keep it quiet so that's why it is never open. But in Hangberg they always talk about it and in Imizamo Yetho we also know because we have a lot of people that tell us where the crime is in connection with drugs and then we can act upon it (interview, *VOC* Radio Feature, Part 4, 2010; original emphasis)

Illustrated in these comments are community initiated attempts to bring law and order to their community. As mentioned in previous sections, the steering committee had no power in enforcing the law and was left to negotiate with defiant members. Also, the relationship between Metro Police and the community is non-existent. The reluctance of police officers to negotiate with residents on the morning before September 21st was succinctly captured in the documentary (Kaganof & Valley 2010). Roscoe Jacobs contended that

> … this [community relationship with the police] has been destroyed by the Metro Police and by the police of the SAPS that come from outside Hout Bay, without thinking of the community dynamics of this community … The community feels that the Hout Bay Police just allowed things to happen (cited in *VOC* Radio Feature, Part 4, 2010).

Moreover, Kaganof and Valley's documentary film (2010) shows how white people brought the Police cakes and tea as the operation got underway, adding to the racial antagonism in the Hangberg area.

The housing need in Hangberg is a more complex phenomenon than what politicians and senior city officials casually portray as good vs evil, attempted 'murder through ambush', and a small group of Rastafarian 'druglords' and 'crime cartel' holding the community 'hostage'. It could be argued that the high-handedness, and the City's defence of such tactics, could well play into the notion of using development to punish and discipline actors not co-operating with state institutions (Kramer, *Cape Argus,* 07/10/2010).

4.3.5 Solidarity Campaigns in aid of afflicted citizens

In the aftermath of the incident, Cosatu was the first major player to come to Hangberg's aid. Many other NGOs, political parties, religious groups and civics came to 'bandage the wounds of this society' (Ntabeni, *Politicsweb,* 01/10/2010). Hangberg residents marched to the Hout Bay Police station and Mayor's office on Sunday the 3rd October. A key organiser of the march was church father Godfrey. In a personal interview, the father compared the wider Hout Bay dynamics to the biblical narrative of Lazarus and the rich man (Luke 16:19 – 31). To many people, the views of Chapman's Peak and forest tranquillity of Hout Bay are heaven. Yet, poverty is at the doorstep of this privileged society and few help those in dire

straits. Paradoxically, he compared the build up of events to Andre P. Brink's *Die Kreef Raak Gewoond Daaraan* (1991), a political novel exploring the juxtaposing themes of trust and betrayal, idealism and hopelessness, devotion and corruption through the life of a defiant Afrikaner who attempted to sabotage the apartheid regime. Therefore, the father argued, on the one hand, there is livelihood despair in the context of elitist privilege; and on the other hand, defiance toward an 'illegitimate' regime. The father had been intimately involved in the internal dynamics of the community but marked September 21st as a decided turning point in the life of the community. He came to know the 'soul pain' of the residents of being displaced for so many years and deep-seated poverty. The solidarity of post-September 21st was remarkable and all divisions between race, religion and culture were broken down. Animosity between the 'insiders', or beneficiaries of the upgrade, and the 'outsiders'/ non-beneficiaries were settled and personal grudges were put aside. He recounted this as *'een van die mooiste oomblikke ooit'* (translation: 'one of the most beautiful moments'). The march started at his chapel where he had preached a sermon on peace, forgiveness and asking the Holy Spirit for protection and guidance (personal interview, 12/05/2011).

The church father admitted that he had a close relationship with Tony Ehrenreich, Cosatu provincial secretary, and that the organisation paid the costs of the march[47]. But ANC devotees, who chanted racist and derogatory slogans, soon disrupted the peaceful march. The father was reprimanded for organising a protest that was intended to raise awareness of the plight of the afflicted. This also meant that the community's memorandum was never read in front of the Mayor's office. The eviction process soon became a political hot potato with top politicians such as City's Alderman Smith contending that 'politicians of the ANC [are] willing to scupper an attempted dialogue with the community for the sake of political point-scoring' (cited in Wagiet, *Eyewitness News*, 07/10/2010). Cosatu was adamant to step in and negotiate the stalemate position in Hangberg. The City would have none of this and said the trade union was interfering to score political points at the expense of the community. Ehrenreich said, 'Cosatu is joining community members by initiating negotiations to bring about a solution. We're going to be making an announcement that includes the Institute for Justice and Reconciliation (IJR) and call upon the different levels of government to get involved in the solution' (cited in *Eyewitness News*, 10/10/2010). However, the City maintained that this move was hampering progress and urged Cosatu not to meddle in Hangberg affairs. The Institute for Justice and Reconciliation (IJR), who facilitated a community initiated land audit for Imizamo Yethu and Hangberg in 2007, said that politicising and shifting blame would not resolve the issues facing both the community and the City. The IJR said that unless the City of Cape Town was a key roleplayer in the mediation process, it would not be credible (De Wee, *Die Burger,* 12/10/2010). Fanie du Toit of IJR argued that 'it's important that we find a conversation that's constructive, that's not politicised, that really carries the interests of people on the ground and look at concrete solutions now' (cited in *Eyewitness News*, 12/10/2010).

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[47] The costs of the rally was approximately R15,000

4.3.6 Synthesis

Ardiel Soeker and Khailash Bhana (2010), senior DAG management, argued that City of Cape Town reports made it seem as if newcomers had invaded the land. On the contrary, 'this is a clash between longstanding residents of the community, their children and grandchildren who have grown desperate with an authority that consistently applies temporary solutions to significant problems'. The Institute for Accountability in Southern Africa (IFAISA) drew parallels to the Grootboom case[48] and pointed to the complexity of respecting private property rights in the context of deepening urban poverty. IFAISA's Paul Hoffman asserted that the 'mediator who has been passed this hot potato will have to summon the wisdom of Solomon to come up with a solution that is acceptable to all' (Hoffman 2010).

The poor of Hout Bay have clearly acted as 'critical planning agents' (de Souza 2006b) in advocating an alternative urban form in the highly segregated Hout Bay, said by some to be a 'microcosm of South Africa'. This is clearly illustrated by strong leadership capabilities in negotiating upgrading, the community-initiated land audit (as discussed in Chapter 3), and efforts to establish a broader Hout Bay Development Forum (although this was held up). The inability to create a Development Forum consisting of stakeholders beyond the informal settlement clearly inhibited the potentials of speeding up integrated, sustainable livelihood solutions for the wider community. Nevertheless, the Hangberg case illustrates the need for co-producing development outcomes between an actively engaged state and community. What becomes clearer in the last section of the case study, discussed in Chapter 5, is the learning experience that this incident has produced, and the potential for co-producing future development is underscored. From the onset of the UISP project, it had been intended for the community to take ownership and control of the upgrade. However, politicians' threats to withdraw funding on a mere whim or in the event of disagreement, as Premier Zille had threatened, and extensive campaigns to shift blame onto the Hangberg community, is arguably in contravention to the 'letter' – or at the least 'spirit' – of 'developmental local government'.

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[48] The Grootboom case (Government of the Republic of South Africa and Others v Grootboom and Others 2001 (1) SA 46 (CC)) has become a landmark case for socio-economic rights in terms of section 26 of the Constitution. Wilson (2009) argues that the 'Constitutional Court's judgment in Grootboom required that government have a housing policy which responds reasonably to the needs of the most desperate and provides at least temporary shelter for those with no access to land' (2009:272).

5   Contested urban futures: The case for the right to the city

5.1   Introduction

In John Berger's (2005) exegesis and application of the renowned Russian author Andrei Platonov's (1899 – 1951) writings on poverty in the Soviet Union in the 1930s, he argues that the modern world is suffering from another form of poverty: inequality. Berger argues that the new era of global connectivity and governance restructuring has failed, and is failing, to keep its promises of basic human rights for *all* while the poor's 'local cultures with their partial remedies – both physical and spiritual – for some of life's afflictions are being systemically destroyed or attacked' (2005:3). In this sense,

> … the poor are collectively unseizable. They are not only the majority on the planet, they are everywhere and the smallest event speaks of them. This is why the essential activity of the rich today is the building of walls – walls of concrete, of electronic surveillance, of missile barrages, minefields, frontier controls, and opaque media screens (2005:2).

The 'ecologies of fear'[49], to borrow Mike Davis's (1999) term, in post-apartheid South Africa has been particularly likened to the practice of fortification and residential gating (e.g. Spinks 2001). This phenomenon, which is internationally recognised as polarising the 'urban divide' (UN-Habitat 2010b) – said to be the 'face of injustice and a symptom of systemic dysfunction' (2010b:ix) – has the tendency to exclude and segregate and follow the spatial logics of the market: 'they avoid crime and grime areas and link closely with existing higher-income areas which also have good access and good amenities' (Harrison et al. 2008:129). Apartheid spatial planning, as discussed in previous chapters, has served to create the aggravated spatial forms that are even noticeable to the most casual observer. As mentioned before, Mbembe argued that

> … through a combination of brute force, dispossession and expropriation, and the imposition of negative laws and sanction . . . [t]he right of blacks to live in the city were constantly under threat, if not denied in full … [T]his is why most social struggle of the post-apartheid era can be read as *attempts to reconquer the right to be urban* (Mbembe 2004:391; emphasis added).

The right to the city, as originally conceived by French urban theorist and philosopher, Henri Lefebvre (1968/1996), has received considerable attention in contemporary deliberations in 'bridging the urban divide'. After a review of the literature, this chapter considers the whether the notion of the *post-apartheid* city (characterised by socio-spatial justice), and specifically Cape Town, is an attainable goal given the current trajectories of capitalist urban development, i.e. suburban gating and fortification. This question is carried over into the

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[49] As a follow-up to *City of Quartz* (an ominous projection of Los Angeles' urban future), *Ecology of Fear* (1999) is Mike Davis' attempt to spotlight the unsustainability of LA urbanism due to a lack forward planning paired with its deep social contradictions. David Harvey accused *Ecology of Fear* of being an one sided accounts portraying LA as 'one vast real estate and speculator boondoggle' and of the lack of alternative for the author's 'doom-laden sense of historical inevitably' (1999:3).

concluding chapter. The wicked complex of NIMBYism adds a social dimension to the institutional question of deepening democracy (cf Chapter 4). In Hangberg, the narrative picks up the loose threads of a seemingly desperate situation of political culpability and social disarray and considers the learning experience that emerged from the ashes of conflict (as per court case outcome).

5.1.1 The Right to the City

Mayer's (2009) post-War analysis of urban resistance movements shows how these are increasingly adopting 'the right to the city'. This slogan can be read as both a 'working slogan and a political ideal' (Harvey 2008:23). For many years the World Social Forum (WSF), an important conference for global civil society and its social networks, has been articulating a global justice movement and an alternative to neoliberalism under the banner of 'another world is possible' (Harvey 2010; Mathivet 2010). Recent work suggests that the right to the city transcends 'another world/city is possible' in that it allows for realistically attainable ideals (Mayer 2009; Marcuse 2009; Harvey 2008, 2010). The term has also gained popularity in international policy deliberations. In 2010, the United Nations internalised the right to the city at the World Urban Forum (WUF) in Rio de Janeiro[50] (it is said that Brazil's social movements have been building this right for more than 20 years).

However, scholars have called attention to the dangers of manipulating civil society's struggle for rights-based development and to the issues that constitute the right to the city which have not been adequately considered. In the current era of neoliberal urban development, inclined to the complex and contradictory analysis of the 'geographies of actually existing neoliberalism' (Brenner & Theodore 2002), contemporary social movements mobilise around three main recurring faultlines: the commodification/privatisation of the public sphere, the dismantling of the welfare state, and socio-spatial reconfiguration of globalisation (Mayer 2009). Moreover, '[capital] accumulation by dispossession has accelerated on heretofore unseen levels, which entails enormous losses of rights – civil, social, political, as well as economic rights' (Ibid:369). Politicised urban social movements mobilise around the right to the city when campaigning anti-globalisation, anti-privatisation and dispossession, recognition of urban cultural landscape and the struggles of the urban poor against evictions and relocations. Non-politicised international policy networks have been working at formulating a normative charter and best practice 'toolkit' in achieving the right to the city. With the popularisation of the term, originally conceived by French philosopher Henri Lefebvre in his 1968 book, *Le droit à la ville*, the interpretations of how the right to the city will actually realise is a matter of great contention (cf Addendum 1).

According to The World Charter for the Right to the City, the right to the city

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[50] World Urban Forum 5, "The Right to the City – Bridging the Urban Divide", Rio de Janeiro, Brazil, March 22 to 26, 2010

> … encompasses the internationally recognised human rights to housing, social security, work, an adequate standard of living, leisure, information, organisation and free association, food and water, freedom from dispossession, participation and self-expression, health, education, culture, privacy and security, a safe and healthy environment (para 11).

The World Charter is the product of consecutive years' work by various NGOs, international policy networks and social movements. In short, the World Charter is premised on three fundamental axes: 1) the exercise of full citizenship with special attention to the collective well-being of inhabitants and the management of their habitat; 2) the democratic management of the city through direct participation of society in planning and governance; 3) the social function of the city, with the collective good prevailing over individual property rights (Mathivet 2010). In UN-Habitat's *State of the World Cities 2010/2011 – Bridging the Urban Divide,* the right to the city, as defined by dominant rights-based paradigms such as the World Charter, is firmly embedded as the mode through which to achieve more 'inclusive cities', a chiefly stated objective. It affirms that

> … the right to the city calls for a holistic, balanced and multicultural type of urban development. Therefore, it must pervade all policy areas, including land use, planning, management and reform, and it must do so in close cooperation with government agencies and civil society (Ibid: xvi).

The Report suggests a 5-pronged policy strategy for implementation by local municipalities (in cooperation with provincial/regional and national government) in bridging the urban divide: 1) analysing and diagnosing historical forces that entrench the urban divide; 2) creating stronger, more effective institutions; 3) greater integration and alignment with various spheres of government; 4) linking strategic urban planning with long-term visioning and; 5) ensuring redistribution of opportunities through effective governance (UN-Habitat 2010b:xviii – xx; paraphrased).

Mayer (2009) is concerned that such charters and normative frameworks are proposed to municipalities and NGOs interested in (normative) good governance blueprints, which in turn feed into such campaigns as the UN-Habitat *Global Campaign on Urban Governance* (cf Chapter 3; Addendum 2). She affirms that 'in limited ways, these might be helpful guidelines, but they downplay that remaking the city is also a struggle about power, which cannot be left to (local) governments, not even social-democratic or 'left' ones' (Ibid: 369). De Souza (2010) argues that the right to the city has become fashionable today; trivialised and corrupted in the process. The co-option of the radical nature of Lefebvre's original intention leads to the following: 1) neoliberalism is obviously refused, but not 'capitalism' as such; 2) protectionism must be overcome but the global capitalist system cannot be 'tamed'; 3) the warnings of the uneven development and environmental degradation in capitalist urban development are ignored; 4) a 'participative democracy' must be achieved but the underlying 'representative democracy' ideals and premises are not challenged (de Souza 2010, paraphrased). In other words, 'the neoliberal right to the city, which argues for wider inclusion in the international capitalist system of urban development, has effectively short-circuited the wider, more oppositional or transformational claims of Lefebvre's original

formulation; the right to the city is merely something that gets added to the laundry list of various other human rights' (Woessner 2009:475). Scholars have called to attention that the right to the city, in true Lefebvrian tradition, means that the 'urban political struggles are intimately related to everyday life' (Boudreau et al. 2009). Hence, how does 'urbanity – as a *historically situated and geographically unevenly distributed condition characterised by interdependencies, unpredictability, mobility, differences, speeds and intense affects* – affect the way we act politically (including the way we theorise political action)?' (Ibid:338, original emphasis). Claims for citizenship emanating from the grassroots are often depoliticised through the up-scaling of activities, a phenomenon that expanded since the 1980s when contestation from social movements shifted to the advocacy of rights by international (non-political) NGOs. In this world view,

> … strengthening civil society networks are regarded as positive because it enhances efficiency; collaboration of urban residents and municipalities is good because it furthers endogenous potentials and local growth; in this perspective we can reconcile local autonomy with international competitiveness, and sustainability with economic growth, we can have neoliberalism with a human touch (Mayer 2009:269).

A radical conception of the right to the city proposal needs to critically evaluate the nature of these proposed rights, not just judicial but also transformative, in the context of changing dynamics of the city, favouring the excluded, alienated, insecure, and directly opposed (Marcuse 2009).

5.1.2 Imagining alternative citizenship forms

However, the right to the city as political struggle/ideal has been criticised by, among others, Mark Purcell (2002, 2003, 2006). He argues that Lefebvre's radical claims to citizenship are more problematic than scholars portray them to be. Hence, he disregards the right to the city as a panacea, arguing that it is indeterminate and offers limited workable solutions in addressing the problems of disenfranchisement. He suggests that 'it must be seen not as a completed solution to current problems, but as an opening to a new urban politics, what I call an urban politics of the inhabitant' (2002:99). Moreover, the recent tendency to assume that the local scale is preferable to the global scale in negotiating urban democracy and that citizenship may lead to an 'urban trap'; the danger to 'prioritise the interests of local residents over wider publics' (2006:1923). The lack of comprehensive elucidation on what the right to the city will entail might lead to a convoluted discourse and fall into the 'local trap' at the expense of defining a new mode of urban citizenship. In an era of global restructuring, he argues that new notions of citizenship should be developed and Lefebvre's (1996) notion to the right to the city, in this context, is 'one particular set of principles on which to base such alternative citizenship forms' (2003:564). Contemporary changes in citizenship can be attributed to the rescaling (weakening of traditional forms), reterritorialising (the tight link between nation-state territorial sovereignty and political loyalty is questioned) and reorientation (away from the nation as predominant political

community) of traditional liberal democratic/Westphalian (LDW model)[51] citizenship forms. In this light, Purcell argues for an alternative citizenship based on Lefebvre's (1991) notion of the appropriation and participation in the production of urban space, empowering the inhabitant to exercise control over the decisions that shape the everyday lived space. It also transcends traditional liberal democratic/Westphalian notions of citizenship in that it transcends the 'social contract' and the primacy of the state as the sole political arena.

5.1.3 Complexity of crafting alternative citizenship forms

As discussed in Chapter 4, the concepts and constructions of democracy are under contestation, 'faced by a series of democratic deficits which are calling its very vitality and meaning into question' (Gaventa 2006:8). The search for new forms of citizenship, as Mark Purcell convincingly argues, is essential as contemporary forces are eroding traditional notions of liberal democratic citizenship. While the (normative) 'good governance' paradigm includes the concepts of 'civil society', 'building effective institutions', and deepening democratic engagement through such notions as 'participation', 'empowerment', and 'social capital', these new spaces for political engagement arguably derive their (contradictory) ideological architecture from dominant neoliberal paradigm (e.g. Cooke & Kothari 2001; Miraftab 2004; Cornwall & Brock 2005; Roy 2005; Leal 2007). At the grassroots level, Kadushin et al. (2005) argue that 'a lack of consistent regard for the complexities of the social structure of communities is responsible for a majority of the problematic interventions' (2005:257). They outline a few reasons why building effective community coalitions with the purpose of social intervention is so difficult to realise:

> Coalition structures and the concept of community are loosely defined; local structures attempt to cope with problems that have regional, state, national, and international roots; ethnic, class, and racial divisions lead to co-optation; the narrative of past failed interventions creates current problems; organisations with different sizes and institutional affiliations have problems in working together; and the presence of many organisations leads to confused decision-making processes (2005:255)

Hence, the state's resort to legitimising democratic practices, albeit its contradictory (neoliberal) design, interfaces with the context specific complexities of social structures navigating the dense and thorny issues of rescaled, reterritorialised and reorientated citizenship forms. The way civil society sees the state, and how the state sees them, i.e. how citizenship is perceived, understood and enacted on, influences the different kinds and trajectories of possible citizenships. Cornwall et al. (2011) explains how the new meanings and practices of democratic engagement lead to a multiplicity of understandings:

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[51] In Purcell's understanding, the liberal democratic notion of citizenship 'imagines that individual political actors agree to a 'social contract' with the state in which they consent to be ruled in exchange for certain privileges and protections' (2003:565). Moreover, 'the Westphalian aspect imagines one's primary political community to be a nation-state that is embedded in an international system of nation-states, each of which is sovereign with its territory' (Ibid). However, the LDW model is limited in its scope of addressing the destabilisation and reformations of global political-economic restructuring.

> Development narratives often view citizen engagement through the binary analytic lens of state-civil society relations. 'Civil society' appears in some narratives as a residual category framed by 'the state': a space in which all that is non-state, non-coercive, non-constraining, can take place. In others, it is 'the state' that is constructed as residual to an idealised 'civil society', reducing its chaotic, heterogeneous and normatively diverse elements to a monolith against which citizens struggle against all odds to exert righteous claims (2011:9).

These conflicting narratives and renderings of the modern experience of citizenship complicate the democratic terrain and much depends on the capacity and agency of civil society to ensure new forms of democratic engagement. While the state is prone to essentialise, romanticise and sanitise the agency of 'poor communities', the implications of these normative conceptions of citizenship and participation often lead to the misrepresentation of the poor (Ibid:9-10). Chatterjee (2004) argues that in reality, the urban poor are often perceived to survive by illegal means (e.g. invading land) and therefore seldom treated as 'right-bearing citizens'. By occupying land illegally, they challenge the sanctity of private property and hence they are not perceived as 'virtuous citizens'. Accordingly, the state's failure to recognise its developmental obligation to the poor and the reluctance to intervene in land markets often results in welfare provision and social control, rather than addressing core urban problems (Chatterjee 2004). Where the faultlines of state and civil society engagement interfaces, two possible propositions emerge:

> Firstly, state 'security'-oriented responses to violence can undermine key democratic principles, vitiating political representation, and eroding the meanings and practices of democratic citizenship, so that classic understandings of state formation – with their stress on legitimate monopolisation of violence – fall apart. In other words, security policies can interact perversely with democracy. Secondly, security provision can also be perversely related to violence itself. Rather than reducing violence, state security actors – sometimes in cooperation with non-state actors – can foster the reproduction of violence in the name of providing security (Pearce et al. 2011:7-8).

The three phenomena of violence, security and democracy interact in a number of ways to the 'effects that are potentially or actually detrimental to the exercise of rights and democratic freedoms and ultimately the opportunities available to the poorest sectors of society' (Pearce et al. 2011:8). Edgar Pieterse (2010) argues for a more rounded theorisation of urbanity/urbanism in policy deliberations on urban Africa. Responding to the challenge put forth by Jennifer Robinson (2006) and Achille Mbembe and Sarah Nuttall (2004) to take African cityness serious, Pieterse argues that without a deeper understanding of the sociology of African urbanity, often characterised by violence and other dysfunctionalities/social pathologies, there is limited scope for more responsive and relevant policy articulation. Pieterse (2010) contends that there is little doubt in the need for effective states characterised by the various 'good governance' imperatives, but that a research agenda is needed on how to 'bring such agendas into being when politics and social

life are irrevocably fragmented and reproduced by powerful vested interests that feed off dysfunction and low-intensity but routinised violence' (2010:12).

One of the central themes of this thesis has been the interconnectedness of space and power, where the '*role of space is less and less neutral*', according to Lefebvre (1991). Post-apartheid spatialities have been hotly contested. The following section considers, in very a broad (and limited) brush stroke (due to space constraints), the social implications of exclusive geographies on realising the right to the city.

5.2 The social consequences of exclusive spatialities in contemporary Cape Town

Cape Town, followed by Brazilian cities, has the unenviable reputation of being one of the most unequal cities in the world (UN-Habitat 2010a). Despite Cape Town's attempts at integrating its developmental priorities with spatial planning (targeting pockets of deep poverty), the dominant typology of urban development conforms to market logics whereby capital is consolidated and income inequalities are perpetuated (cf Chapter 2 & 3). The UN-Habitat Report (2010a:11) found that

> South African cities are expanding primarily through development of new housing areas which, being located beyond the existing urban periphery, are relatively unplanned. As a result, the urban periphery consists of pockets of housing developments that are isolated and separated from each other by trunk roads or open spaces.

The OECD Territorial Review of Cape Town (2008) suggested that the City Council has failed to regulate capitalist urban development and 'need[s] to better simulate the private sector' by introducing progressive taxation and impact fees and waivers to counteract suburbanisation and create more compact and inclusive cities (2008:192–196). Failing to counteract suburbanisation and urban sprawl leads to increased fragmentation and segregation and private speculation blunts local government's bargaining power to ensure the poor's right to the city by acquiring well-located land (not to mention its impacts on environmental sustainability) (e.g. Harrison et al. 2003, 2008; Napier 2009; Bhana et al. 2009; Brown-Luthango 2010). The failure to redistribute real income in urban systems, where urban expansion is geographically associated with costs and opportunities, means that struggles can occur between 'diverse groups who perceive that particular types of change will affect them positively or negatively' (Mabin 2005:41). Hence, it may be that the 'power of suburbanisation and the concentration of new economic activity in the suburbs of the larger cities has been grossly underestimated by most observers' (Mabin 2000:3). This geographic consolidation of capitalist interest has vast social and spatial consequences[52]. Karina Landman, a prominent South African researcher on this form of urbanism, contends that

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[52] Because of the focus on the social dimensions of urban gating, this section will not consider the redistribution of opportunities in Cape Town's urban systems (partly discussed in Chapter 3; also see e.g. Turok 2001; Turok & Watson 2001; Mabin 2005; McDonald 2008; Pieterse 2009).

> … physical space often creates the preconditions for the experience of social space. In the case of the gated communities in South Africa, it translates into questions such as: what can 'we' or 'they' do 'here/there'? It becomes a question of 'ours' and 'theirs', or an issue of 'inside' and 'outside'. A sense of place, community and belonging relates directly to these issues and, more specifically, to the question of 'whose place'. It is also associated with the behaviour of people inside the gated communities and use of space. This creates the precondition for a sense of identity, 'our people, group and neighbourhood' or simply 'our place'. It is linked to access control and regulations and/or community pressure (Landman 2010:58).

This section considers the phenomena of suburban gating and fortification and the (social) impacts this has on urban segregation and entrenching exclusive 'islands' in a 'sea' of urban poverty and disenfranchisement. As signified in the opening citation, the majority of social struggles of the poor in the post-apartheid era can be read as '*attempts to reconquer the right to be urban*' (Mbembe 2004:391; emphasis added). Considering the vested interests in the interfaces of place, identity and power (Ballard 2004), what are the prospects of realising the *post-apartheid* city? Is socio-spatial justice a realistically attainable goal/demand in the restructuring of urban space?

5.2.1 Fear and loathing in suburban Cape Town[53]

Gating and fortification is an urban phenomenon as old as the City's very foundations. Although colonial legacies have certainly shaped Cape Town's (European) character, contemporary privatisation of territories and urban gating, often driven by various (NIMBY) forms of fears and safeties/comforts, have been criticised for creating exclusionary spaces and facilitating 'uneven development', increased residential fragmentation and segregation, restricting movement and exacerbating social divides (Spinks 2001; Lemanski 2006; Harrison et al. 2008; Lemanski & Oldfield 2009; Tabulas n.d). Steven Robins argues that

> … although the 'Californiasation' of Cape Town is indeed taking place, it seems to be replicating itself less as Africa's Silicon Valley than as a fortress city of gated communities, 'zero-tolerance' policing, community policing strategies (e.g. neighbourhood watches, commandos and vigilante groups), private security companies, automated surveillance cameras, high barbed wire-fencing and vicious guard dogs on the side of the divide, and urban ghettos of racialised poverty and violence on the other (Robins 2003:87-88).

In many ways, the spatial logics of apartheid Cape Town can be understood by the conservative socio-spatial interpretation of 'human ecology', developed by the Chicago School in the 1950s and 1960s, which explains human behaviour by the determinism of Darwinist 'natural selection' of space, in which 'dominant social groups competitively secure beneficial spatial positions' (Spinks 2001:6). The notion that 'we got here first', regardless of how 'elementary and justifiable [the] basis for claiming the right to determine one's

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[53] See Lemanski et al. (2008) for comparative view on urban gating between Johannesburg, Cape Town and Durban

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environment' it may be, often results in the territorial defence of place (Ballard 2004:64, 65). The social and spatial engineering of apartheid control has not fundamentally been transformed and the phenomenon of urban gating and fortification has largely been driven by 'citizens seek[ing] to alleviate socio-spatial fear and mitigate the incidence of crime by providing a sense of protection via urban-form (e.g. walls protecting residence) and altered lifestyle (e.g. restricted spatial movement, limited social interaction)' (Spinks 2001:9). Although land invasions arguably 'undermine the apartheid patterning of the city' (Robinson 1997:378; cf Chapter 2), and informal settlement upgrading, rather than relocation, hold potential in realising the poor's right to the city/right to be urban, exclusionary discourses of NIMBYism emanating from gated communities impede such realisations. Lemanski and Oldfield (2009) point to the similarities and parallels between land invasions and gated communities' struggle for security and a sense of place when they argue that both these groups 'express a desire for security and autonomy, in particular the independence to select a lifestyle that the state is unable to provide for them' (2009:5). These parallel claims, as illustrated by Landman's (2010) comment, are highly political and a sense of place and belonging are intimately connected to power relations. However, the state's responses to these groups are very different. While the City has, in recent times, expressed concern over the seemingly unchecked urban sprawl (in contradiction with policy intentions of integration, compaction and reconstruction), its dominant approach to land invasions is characterised by (absence of) legal mitigation and policed moratorium on further construction (discourses that are broadly similar to the national turn of 'eradicating' slums by 2014/5; cf Chapter 2). These complex interfaces between place, identity and power are strong incentives for wealthy South Africans to defend their suburbs in the wake of post-apartheid change (Ballard 2004). The consequence of the state's failure to protect the life and property of *all* its citizens results in private alternatives to crime (including land invasions) prevention and control, which deepen social polarisation and aggravates social tensions (Tabulas n.d; Lemanski 2006).

The state's recourse to criminalise the efforts of the poor to access the city and to protect the interest of private capital undermines the establishment of robust urban governance. Urban gating perpetuates the fear of the 'other' as it inherently excludes and segregates the 'insiders' from the 'outsiders'. This considered, scholars have questioned whether the post-apartheid city even exists and what the prospects are for realising 'inclusive', perhaps even 'just', cities.

5.2.2 Questioning post-apartheid urban futures

South Africa's transition to democracy was preceded by effective social mobilisation characterised by root-and-branch resistance, generated in black townships, to the apartheid state where demands for better service delivery and access to opportunities played a fundamental role in constructing wide scale opposition, particularly through the affiliations of the United Democratic Front (e.g. Bezzoli 2004; Tapscott 2010). South Africa's 'brave new world' ideals and dreams were codified in the Constitution, in grand developmental visions

such as the RDP and moralistic narratives of the 'Rainbow Nation', 'unity in diversity' and calls for a South African citizenship that would transcend ethnicity and race, while respecting and recognising difference (Spinks 2001; Smith 2005; Swilling et al. 2010).

Negotiated post-apartheid local governance saw to three fundamental restructurings. Firstly, the dramatic deracialisation through demarcation and new local government structures meant that the autonomy of small suburban communities was ended. Secondly, new city administrations were tasked with a constitutional developmental mandate that included coordinating and developing their own integrated development mechanisms. Lastly, local government would become the 'hands and feet' of national government in delivering services on an equitable basis to all citizens, especially to the poor (cf Chapter 3 & 4). Although these restructurings are promising, the 'reading' of the post-apartheid city is very similar to that of the apartheid city. Freund (2010) argues that suburban middle class neighbourhoods' responses to increased[54] vulnerability, particularly property and violent crimes, have been marked by emigration (an estimated 10% of the white population, and many Indian and coloured individuals, have left the country since 1994) and, far more common, the retention of the suburban ideal (capital has moved out of the traditional city centre to far more controlled and exclusive access).

In contemporary cities, the ideals of multi-cultural and inclusive urban development are a mere gloss over the vast inequalities and attitudinal and structural exclusive geographies. South African urban futures/projections have been compared to Mike Davis' (1999) distressing account of Los Angeles' 'ecologies of fear' with 'wealthy citizens confined to protected enclaves, only exiting safety-zones within protected cars for brief exposures to "war-zone" public space' (Landman 2000 cited in Spinks 2001:32). Smith (2005) asks the question of whether social justice is possible in urban South Africa. To him, it seems as if none of the moralistic perspectives 'seem capable of challenging the predominant ethics and practice of (neo)liberal individualism' (2005:54). Khan's (2004) study on the iniquitous outcomes of urban transformation in the post-apartheid era leads him to believe that new forms of division and exclusion supplement inherited patterns of uneven development. These include:

> … the social divide between the abandoned city and enclaves of luxury and security; the widening gap between the township, inner city and suburb; and the deep divisions between township residents in formal housing, backyard shacks and informal settlements … [S]anitised and clinical suburban shopping malls, fantasy worlds ... and gated communities ... the play and living spaces of the affluent, these built environment interventions whose objective is to avoid and/or eliminate "difference"/"other" – perceived as overwhelming and dangerous (cited in Smith 2005:50).

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[54] Cities became much more open to poor inhabitants after the abolition of pass laws in 1985 and changes in policing. These changes have seen a considerable increase in crime, widely attributed to the urban poor. Social life in townships and informal settlements has also been severely impacted through this rise in crime.

Smith (2005) argues that social justice involves three common elements: the distribution of means of well-being (guided by the Bill of Rights), a concern with (in)equality (here understood as inequality among territorially defined population that geographically aggregates opportunities), and the structure of society and its institutions (institutional fairness and class advantages driven by market forces) (2005:55-57). Moreover, the sustainability of South African cities, premised on international consensus of 'intergenerational justice', has been questioned in recent deliberations (e.g. Bond 2002; Swilling 2004; Pieterse 2009). The question of (non-) redistributive justice is not only a moral dilemma but also has vast political consequences, as the elite tend to view the excluded majority as a threat to their privilege and power, thereby inducing new forms of social instability. Freund (2010) postulates that the balance of economic forces determines a contemporary urban investment and development faith that favour the interests of the private sector (which seeks insulation for preferred activities) and supports profitable high-end investments (such as housing and consumption projects). Consequently the poor's social development largely depends on initiatives of the state which, as this thesis has argued, is in turn pro-market via numerous neoliberal reforms.

Scholars have been sceptical of realising prospects of socio-spatial justice and more equitable and integrated spatialities when considering the evolving exclusionary trajectories of capitalist urban development (Spinks 2001; Lemanski 2006; Khan 2004; Smith 2005; Lemanski et al. 2008; Freund 2010). The final section on Hangberg looks at the lessons drawn from the learning process that rose from the ashes of the violent confrontation with Metro police. Sadly, it seems that the postulation made in Chapter 4 (that the state is more inclined to respond to violence than democratic engagement) holds true in the Hangberg case considering the sudden escalation in meeting the needs of the Hangberg community.

5.3   The Rise of the Phoenix? Future development prospects in Hangberg

The success of the Hangberg upgrade was dependant on an active and responsive City council and a committed and 'responsible' citizenry. Whether the blame of the seemingly stalled project falls on the City or on residents has been hotly contested. The political mud-slinging and culpability, familiar to Hout Bay micro-(anti)-politics, and the NIMBY factor, which stalled critical development processes (such as the integrated development proposals on the 16ha of public land), add a layer of density to the account. As mentioned in the previous chapter, political representation seemed to overshadow the real issues that face the community. The intensified political sloganeering in the lead up to the municipal elections threatened to remove the focus from the livelihood crisis. Fanie du Toit, chairperson of IJR, initially considered to play a mediatory role between the City and residents, noted that the much needed conversation on the housing crisis should not be politicised as this would not serve the ends of finding concrete solutions to complex problems (*Eyewitness News*, 12/10/2010). The unfolding narrative of the Hangberg upgrade, once considered having significant relevance to the recent national focus on informal

settlement upgrading (further discussed in Chapter 6), underlines enduring neoliberal governance logics.

This final section of the case study considers the present conjuncture and narrates events leading up to (and beyond) the local municipal elections on 18 May 2011. The Hangberg Community Peace and Mediation Forum (HCPMF), as per court outcome, is seen as a learning process that emerged from the ashes of conflict. Although the legally demarcated 'invited space' constitutes a formal participatory mechanism, the nature of such *mediated* democratic engagement could be considered an 'invented space' (cf Cornwall 2004). Viewed from the top, this section considers whether such 'invented spaces' have the potential to alter the terms of engagement and create 'inclusive collaboration' (de Lille 2011). Viewed from the bottom, this section hints at recent intra-community exclusion that might unravel social cohesion.

5.3.1 Hangberg Community Peace and Mediation Forum (HCPMF)

After the violent incident in September 2010, the City of Cape Town made haste and applied for an eviction order to dismantle a further 52 shacks on the firebreak. In the court hearing on the 18th October 2010, SAN Parks, once a co-applicant in the eviction order, was now added as a respondent in the case. This meant that the organisation had to explain why it was no longer backing the eviction order. The change of heart allegedly occurred as a result of political pressure from Minister of Environmental Affairs, Mr. Buyelwa Sonjica (ANC). Based on these allegations, Premier Zille maintained that these moves were politically motivated to tarnish the DA's reputation (SAPA, *Times Live*, 18/10/2010). The court case was postponed to 29th November and implicated parties were urged to seek a peacefully negotiated settlement in the meantime. The court case around the eviction order was then brought to a halt as the court settled on a mediated forum to discuss the way forward in the upgrading project and meeting housing challenges. During the 7-8 week period of December 2010 and January 2011, Hangberg residents democratically elected 39 representatives for the Hangberg Community Peace and Mediation Forum (HCPMF) comprising a core steering committee and representatives from every block in the wider Hangberg. The forum was intended to represent all those affected by the housing crisis in Hangberg, i.e. backyarders, overcrowded rental housing tenants and the informal settlement. Greg Louw, elected as the spokesperson for the HCPMF, said that the community was pleased with the first mediation talks held early February, facilitated by City-appointed consultant, Brian Williams[55]. Louw said:

> We wanted to know whether government took Hangberg residents seriously and they said they did. We wanted them to enter into a sustainable partnership with us. We asked them to give us their commitment in writing and lastly we wanted assurance that people would not be moved out of Hangberg and they have committed to all our key

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[55] The City argued that Williams' vast experience and previous work done with Provincial Government made him a more than suitable and able mediator (Hartley, *Cape Times*, 03/02/2011). The IJR was not considered for the mediation role considering its ties to Ehrenreich and Cosatu.

issues. Now we have an agreement signed by all parties so government can be held accountable because we have something in writing in our hands (cited in Nicholson, *Independent Online*, 01/02/2011).

Added to the demands of being taken seriously and entering into a sustainable partnership, Louw said that the negotiations should not be derailed by political agendas and that the concerns of the community should drive all future development (12/05/2011, personal interview). Once negotiations were underway, Williams commented that the 'foundation to bring peace has been built' and that the 'court case has now been stopped' (Nicholson, *Independent Online*, 01/02/2011). On the contrary, City lawyer in the matter, Deidre Olivier, said that the court case was not stopped but was being replaced by the mediation process, which, in the case of failure, will result in the City's litigation of the eviction order (Ibid). Hence, huge pressure rested on the mediated forum.

Soon after the meetings got underway, the Hout Bay Civic Association (HBCA)[56], an activist civic in Hangberg, distanced themselves from the mediation process as they felt Williams did not include them in the process. James Davids, a member of HBCA and recently elected ANC ward 74 candidate for the upcoming May 2011 local elections, said, 'Williams knows about an elected civic association representing residents, but he started another group. This created division in our community. The 39 people don't know organisation and don't question him' (cited in Hartley, *Cape Times*, 03/02/2011). However, Greg Louw, previously an committed member of the HBCA, argued that the civic has been 'hijacked' by the ANC who wanted to use the forum to 'push their own agenda' as local municipal elections approached, as they did with the peaceful march led by father 'Godfrey' (Ibid; cf Chapter 4). Davids and Williams continued to disagree on several accounts in the HCPMF (Barnes, *Cape Argus,* 13/05/2011). However, the community was growing increasingly worn out by Davids' politicking in the run up of the municipal elections on 18 May 2011 (Ibid).

Despite the temporary standoff between the mediator and the ANC party candidate, Densil Faure, project manager of the upgrade project, noted that since the mediation phase, 'huge strides have been made' and that 'all decisions get channelled through this forum' (02/05/2011, personal interview). The mediation forum also meant that the broader concerns of the community were taken on board and the City subsequently appointed four separate project managers: Densil Faure (informal settlement), Grace Blaauw (rental stock maintenance), Polly Haunit (new Community Residential Units (CRU)[57] development), and Johan Gerber (service delivery and overall project director).

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[56] The HBCA has consistently represented a large part of the informal settlement community throughout the unfolding narrative of the Hangberg upgrade. This civic was also instrumental and at the forefront of negotiating the informal settlement upgrade.
[57] The provision of Community Residential Units (CRU) is an option under phase 4 (housing consolidation) of the Upgrading of Informal Settlements Programme (UISP) and falls under Social and Rental Interventions of the National Housing Code (DHS 2009)

The potential for consolidated, integrated development was, and is today, well underway. In a final effort to salvage the ill-fated relationship, then-Mayor Dan Plato and senior City officials met the HCPMF on the 18th of April in a closed meeting to discuss the way forward for housing and governance issues. At the meeting, Johan Gerber said that the City would provide a 'Letter of Commitment' to tenants of 61 City-owned rental units. These letters would indicate the process to follow and estimated timeframes for the upgrade and maintenance and eventual transfer of ownership of the units to residents. Gerber mentioned that the construction of the Community Residential Units (CRU) on the newly acquired land[58] might begin in October 2011 (Hendricks, *VOC*, 19/04/2011). The relational partnership between the DA-led City and the community had to be restored as it had deteriorated significantly after the September 2010 incident, signified by the poor turnout in Hangberg polling stations (ward 74) (Boyle, *Cape Times*, 03/04/2011; Wagiet, *Eyewitness News*, 19/05/2011). Oppositional party campaigns[59] in the lead up to the local government elections frequently played the 'Hangberg card' – at the cost of 'DA reputation' – thereby worsening the current prospects of the proposed development. Hangberg has therefore become, much in the same way as the Makhaza toilet saga[60], a political 'hot potato' that is awkward to deal with.

Nevertheless, newly elected Executive Mayor Patricia de Lille (DA), inaugurated on the 1st June, made haste to restore the relationship. The sixty-odd 'Letters of Commitment' were handed over to residents of the 61 row houses, and at a public hearing on 14 June, De Lille (2011) reiterated that the future development plan for the Hangberg community included the following:

- maintenance of the flats and row houses;
- transfer of row houses;
- development of new community residential units;
- upgrade of the informal settlement;
- and greater roll-out of service delivery.

De Lille also committed to initiate the next phase of the *MyCiTi* public transport system on the Atlantic Seaboard area spotlighting Hangberg and Imizamo Yethu as primarily targeted beneficiaries (Ndenze, *Cape Times*, 07/07/2011). The initiation of the *MyCiTi* public transport system is said to give operational meaning to the expanded portfolio of the Department of Transport, Roads and Stormwater. This development plans is one of De Lille's

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[58] The new Community Residential Unit development is the proposed development on the two erven (8,894 square meters) the City purchased from Oceana Group in July 2009 for R8 million (cf Chapter 3).

[59] The ANC was particularly active in campaigning in Hout Bay's Hangberg and Imizamo Yethu and 'bigwigs' included Kgalema Motlanthe (deputy President), Trevor Manuel (Planning Minister), Fikile Mbalula (Sports Minister), Marius Fransman (ANC Western Cape) and Tony Ehrenreich (Cosatu Western Cape).

[60] Mayor De Lille also addressed the controversial Makhaza toilet saga, deemed as a violation of residents' constitutional right to dignity by Western Cape High Court judge Nathan Erasmus (De Lille 2011).

strategies in creating a 'caring and inclusive' city under the operating rationale of an '"opportunity city" in which people can feel safe and included, and cared for by an efficient government' (*SACN News*, 07/06/2011).

5.3.2 Reflections on the Hangberg Community Peace and Mediation Forum (HCPMF)

De Lille asserted that the partnership with the HCPMF had resulted in the positive strides made towards developmental outcomes while striving towards the goal of '*inclusive collaboration*' (de Lille 2011; emphasis added). She said; 'I am pleased that as a *direct result* of the mediation processes, the City is now able to provide services in these priority areas to the people of Hangberg' (Ibid; emphasis added). Project managers from the Department of Housing also heralded the effectiveness of the HCPMF. One manager[61], reflecting on the strides made in the HCPMF, said,

> I think what we should have had, right from the beginning, is a facilitator. Because obviously, we are civil people. Give us a road to build or sewerage to install and we can do that. But, and I think that is one of our shortfalls, we don't always know how to facilitate. We have tried to do this all along – we try and manage it as a whole. But in some instances, especially in Hangberg, you need skilled facilitators. I think through the mediation and peace process, we can now see the benefits of having someone on board that can liaise with the community, drill down into their structures, and speak to them on their terms. We don't have the luxury of doing that because we are not only dealing with Hangberg. We have got 200 odd settlements that we need to attend to. So I don't think institutionally we would have gained anything; it might have even been to the detriment of the project. Because now you come and try to enforce something. Rather have a peaceful mediator/facilitator; someone who can deal with that (personal interview, May 2011).

Another city official pointed the institutional dynamics that the Hangberg case has brought to the fore, and the need for cooperative governance across the spheres of government. He said:

> Given the pressures we are under to deliver, it is not always easy to achieve because we have different priorities, budgetary and resource constraints and all of that. The Hangberg project has now highlighted a way forward, in that we firstly need to look at social facilitation. When we get to a meeting from the city's side and we speak to the community, about service delivery, in many instances the community raised issues that are not even city competencies. Things like crime, health, education; those are all Provincial Government competencies. Now, through all of this, there is a realisation in Provincial Government that we need to partner and look at all the other social aspects, because in many instances, it is the soft issues, things like livelihoods, which is at the top of the list, economic and social development, that matter most (personal interview, May 2011).

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[61] Confidentiality is strictly maintained in this subsection

The aforementioned city official argued that the learning experience of informal settlement upgrading, which is a new practice for many city project managers, allows them to draft a checklist that will enable them to scope the community and identify provincial competencies, e.g. crime, health, social and economic development, unemployment, etc. that forms the basis of effective partnerships. The official said:

> We can then make contact with our counterparts at Provincial Government who now, for the large part, has been sensitised to the issues. So when we go out there, we appoint a social facilitator, we hear the needs and issues of the communities; can we can then respond by going directly to those departments and get people on-board. We then form an intergovernmental team, together with the community, and can then start tackling these things (Ibid).

From these comments, it is quite clear that the learning experience of the Hangberg upgrade has the potential to restructure the operational dynamics of intergovernmental partnerships when negotiating and implementing informal settlement upgrading. The goal of achieving *inclusive collaboration,* to use De Lille's term (2011), between cooperative governance and effective community engagement is the case in point.

As mentioned before (cf Chapter 2), informal settlement upgrading is increasingly gaining national acceptance in meeting housing backlogs. Whilst policy instruments introduced by Breaking New Ground (DoH 2004a) have been effectively embedded in the National Housing Code (DHS 2009:Part 3), evidence suggests that these have not been widely implemented (e.g. Huchzermeyer 2004a, 2006a, 2006b; Misselhorn 2008; Pithouse 2009; Topham 2010). This leaves a large learning gap in the institutional architecture still dominated by technocratic solutions to complex social- and poverty-related developmental maladies. If the right to the city is understood as the increased social control over the 'production of space' – through the right to appropriation and participation, empowering the inhabitant to exercise control over the decisions that shape the everyday lived space – then informal settlement upgrading can be considered to advance such a right and a renewed sense of urban life (see Addendum 1; Chapter 2). Comments of the city officials illustrate the complexity of navigating social structures through the paradigms of informality as a pure technical exercise. While it seems that the HCPMF has been successful in deepening democratic engagement, questions need to be asked through which dimensions these are attained. Such deliberations will only become clear with the unfolding of future developments and state-civil society relations.

5.3.3 The Wall

As mentioned earlier, the general trend of capitalist urban development is often characterised by gating and fortification, paired with exclusionary discourse that entrench the wicked complex of NIMBYism. This exclusion has also been evident in Hangberg. In April 2011, middle-class ratepayers of the Oude Skip area requested the City to build a dividing
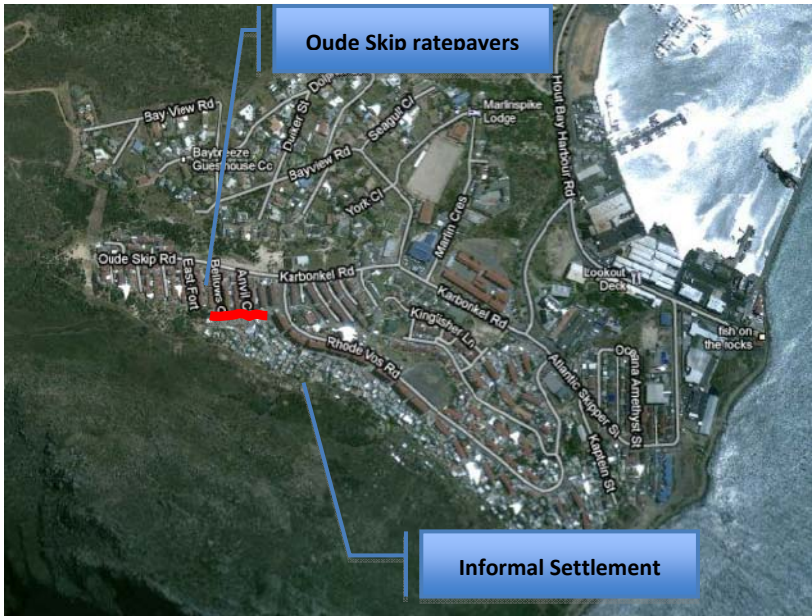
Fig 5.1. Satellite image of Hangberg. Location of dividing wall between informal settlement and Oude Skip indicated in red (Source: Google

wall between the north-western fringe of the informal settlement and the rental units of the Oude Skip road area (see fig 5.1). Greg Louw argued that the middle-class Hangberg ratepayers requested this wall on the basis of increased crime-related activities in the informal settlement and the long-standing intra community historical differences (07/07/2011, personal interview). The City subsequently constructed this vibracrete wall at the ratepayers' request. In the lead-up to the May elections, ANC senior politicians, notably Sports Minister Fikile Mbalula, likened the wall to a 'Berlin Wall' and the 'West Bank barrier wall' segregating the (relatively) rich from the poor (Davids & Nombembe, *Cape Times*, 26/04/2011).

Although Hangberg has been characterised by social cohesion and a relatively close bounded community throughout this thesis, the symbolism of walls has been closely related to its exclusion and segregation, compounding social unsustainability and sparking disunity. Due to limited research on 'the wall', this section merely hints to the possible antagonism that such symbolism may inflict on the social and developmental outcomes, as middle-class residents are segregating themselves from their poor neighbours (for recent case studies on 'walls', see e.g. Makdisi 2010).

5.3.4 Synthesis

This final section of the case study critically engaged the Hangberg Community Peace and Mediation Forum (HCPMF) as an 'invented space' rising from the ashes of September 2010 conflict. In turn, unfolding community dynamics raise cautious signs of a community fragmenting along class lines. The Hangberg case seems to reflect the postulation made in Chapter 4 that the state is more prone to respond to violence rather than democratic engagement. This suspicion was recently confirmed when residents said they 'suspect their clashes with officials and police last year have influenced authorities to pay attention to their needs' (Booi, *Eyewitness News,* 27/07/2011). The Hangberg community, acting as 'critical planning agents', have practiced a politics of redress, to which the state has been slow to respond. In this sense, the Hangberg case is an illustration of wider developmental challenges. In the following chapter, the thesis is wrapped up by completing the theoretical

and investigative circle stretching through Chapters 2, 3, 4 and 5, and critically engages the prospects of realising socio-spatial justice in the post-apartheid city.

6   Conclusion: Does the post-apartheid city exist?

The 'second wave' of urbanisation will radically transform the cities of Africa, Asia and Latin America. In Africa, predictions suggest that Africa's urban population will rise from one billion in 2009 (40% of total population) to two billion in 2050 (60% of total population) (UN-Habitat 2010b:1). As argued in Chapter 2, urban informality has become a new urban frontier. The rapid urbanisation is characterised by the 'urbanisation of poverty' where urban slums pose considerable threats to urban and political stability. The often-cited works of Robinson (2006) and Mbembe and Nuttall (2004) have been especially influential in crafting new ways of seeing and grappling with African cityness/urbanity. In this light, Beall et al. (2010) suggests:

> … [A]longside this picture of dire hopelessness and chaos there is another view of Africa that sees order and efficiency in what to the untrained eye seems to be random and out of control. This perspective pays attention to the resilience and intrepid agency of Africa's town and city dwellers as they seek to create for themselves meaningful identities, lives and livelihoods in the interstices of fast-changing and intersecting urban worlds (Beall et al. 2010:188).

Efforts to construct a more comprehensive and responsive planning 'paradigm' have been favourably viewed throughout this thesis, considering the emphasis on Lefebvrian relationship between space and power, particularly evident in the interfaces of the formal and informal (e.g. Lefebvre 1996; Bayat 1997, 2000; Huxley & Yiftachel 2000; Flyvbjerg & Richardson 2002;Watson 2008, 2009b; Kudva 2009; Yiftachel 2009).

In this final chapter, the core arguments, elaborated through the four theoretical prisms, are revisited. More pointedly, how does the case of Hangberg allude to the wider developmental challenges facing South African cities in the post-apartheid era? Completing this circle invariably implicates drawing attention back to the research questions identified in Chapter 1.

6.1   Synthesis of Argument

6.1.1 Hangberg revisited

The initiatives, lobbying and groundwork of the Hout Bay Civic Association (HBCA) (previously as the Action Committee), assisted by the Cape Town based NGO, Development Action Group (DAG), spurred local innovation and prompted the City of Cape Town to apply for the first Upgrading of Informal Settlements Programme (UISP) funding. The UISP route to incremental housing is significant in the light of the recent policy interest in such participatory, flexible, integrated and situationally responsive agendas, despite the instruments' lack of promotion and application (Misselhorn 2008; Pithouse 2009; Huchzermeyer 2010b; Topham 2010). DAG's presentation of the learning outcomes from the Hangberg case at the Roundtable Discussion on Informal Settlement Upgrading at University

of Witwatersrand (11 June 2008) and various comments of then-Mayor Helen Zille and other City officials pointed toward a progressive planning intervention. The project's success was dependent on an active and responsive City council and a committed and responsible citizenry. The first research question rises and falls on the implementation of this collaborative partnership. To recap, the first research question read:

> Why did the potentially transformative and progressive planning intervention of upgrading Hangberg's informal settlement, characterised by strong community leadership and NGO assistance, elicit such socially erosive and damaging governance complexities and power struggles?

To answer this question, I consider the view from below (community) and the view from the top (local government). Seen from below, the City's persistent failure to meet the community's housing and livelihoods needs is juxtaposed with a paternalistic, insensitive and distant political relationship. This resulted in a faction of backyarder dwellers of the wider Hangberg community, living in desperate conditions, to construct illegal structures (illegal in terms of the agreed moratorium), sending the community and the City council on a collision course. This negative depiction of the City is largely justified. Firstly, the enforcement of the Marine Protected Area (MPA) of Karbonkelberg Sanctuary in 2004, where Hangberg fishers have enjoyed customary fishing rights for decades, was implemented with no community participation, and subsequently forced fishers to poaching, often in perilous conditions, resulting in the losses of many lives at sea. Scholars have pointed to the injustices of not facilitating effective participation and not considering legal pluralism and common pool resources (Omari 2006; Hauck 2008; Tefre 2010; Sowman et al. 2011). Secondly, the rudimentary servicing of the Hangberg informal settlement under the ESIS project (2004) has been described as serving short-term political ends (rather than long term development plans). This was achieved through a 'carefully designed and managed community consultation/participation process … as a means of gaining the necessary cooperation from residents, while at the same time ensuring that the City's interests are protected' (Graham 2006:242). These two events spurred the community to engage the City with a long-term development agenda. Once the first phase of UISP funding was approved, and the new steering committee was elected to 'drive' the development (the Hangberg in situ Development Association (HiDA)), the moratorium was declared to maintain the project's feasibility. Hence, the third matter of contestation is the seemingly isolated project in the context of widespread poverty and housing needs, creating new power struggles between qualifiers and non-qualifiers, 'insiders' and 'outsiders'. The City failed to activate a special arrangement of community policing and law enforcement, in partnership with Hangberg Community Policing Forums (CPF), in enforcing the moratorium[62], leaving the HiDA in the difficult position of having to mediate (old and new) power struggles. At this time, oppositional political parties, pushing the community-initiated land audit (facilitated by IJR) for housing opportunities in the wider Hout Bay, which the DA-led administration was

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[62] The moratorium states that 'any person found to be in breach of this would be requested to remove his/her dwelling or extension immediately, failing which Council's Law Enforcement will be asked to intervene' (see Addendum 3). The study has argued the historical weight of the housing crisis are much more complex than simply issuing an ultimatum.

slow to respond to, called for the peaceful occupation of all unused land in Hout Bay. This complicated the already fragile situation. Fourthly, continued threats of market driven displacement through gentrification, culminating in reports of the Sentinel Mountain sold for private development, and continuing threats of evictions, resulted in increasing ambivalence on whether any material improvement would come from the UISP project. Protecting the community against gentrification was paramount in the design of the governance arrangement (HiDA 2008). The community was outspoken on their dissatisfaction with the City who was neglecting backyarders and residents in overcrowded rental stock who had been patiently waiting for housing opportunities. The City responded by buying more land for housing development. Lastly, the City's manipulation of an important public housing meeting, intended to address the issues of housing opportunities and electing a wider representative forum, was a direct impetus for the violent encounter between the Metropolitan Police and the community in September 2010. The City tried to cover up allegations of Metro Police shooting innocent bystanders in the face by misrepresenting photographic evidence[63]. Not only did this violent incident destroy critical trust relationships, it also raised several questions, akin to the Makhaza toilet saga[64], about the iniquitous use of power in 'enforcing' compliance.

From above, albeit through a history of contested local government restructuring, informal settlements have arguably been seen as a temporary phenomena and therefore the preoccupation with eradicating and relocating communities to site-and-serviced sites with a starter RDP house (as illustrated in the N2 Gateway Project mini case (cf Chapter 3); also see e.g. Huchzermeyer 2006b, 2010b; Robins 2008; Dewar 2008; Pithouse 2009; COHRE 2009a; Bradlow et al. 2011). This is also evident in Graham's (2006) findings of the ESIS project of 2004, under which Hangberg also received rudimentary services. Therefore, the UISP funding route is highly significant and breaks the stranglehold of a narrowly defined housing, rather than 'human settlements', interventions. With regards to enforcing the moratorium, city officials argued that the onus was on the community to reach consensus and relied on the HiDA to act as a mouthpiece between the community and the City. However, as Claassens (LEAP) mentioned in her consultation report to DAG, the contradictory nature of this governance arrangement meant that the HiDA, in its dual roles of representing the community and asserting state authority (with no legal power), was often left with the problematic responsibility of negotiating with disgruntled backyarders who were not catered for. In the lead up to the September 2010 incident, the City's view of the community became more pertinent. City press releases and senior politicians' statements asserted that the non-compliant residents were defiant 'Rastafarian druglords' who ensnared the community through their 'crime and drug syndicate' and who continued to 'flaunt the law' to benefit from the 'state of lawlessness'. Moreover, city officials were of the opinion that the divided community was unable to elect a wider 'Hangberg Development Forum',

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[63] As mentioned in the body of the study (cf Chapter 4), Alderman J.P Smith (Mayco member for Safety and Security) confessed that the City's photographic interpretation was erroneous and misleading (News 24, 02/11/2010)
[64] See footnote 62

identified by the community in 2008 as a way forward, because this group of defiant criminals continued to benefit from a 'state of lawlessness', and hence hindered such a realisation. Such a forum was only realised through the Hangberg Community Peace and Mediation Forum (HCPMF) as per court case outcome. City officials identified lessons learnt from the HCPMF that could potentially transform the operating logic of informal settlement upgrading (cf Chapter 5).

6.1.2 Hangberg as an illustration of wider developmental challenges

In answering research question 2, 'In what ways do the complexities of the Hangberg case allude to wider developmental challenges in the context of neoliberal reforms and governance regimes?', I draw attention to the ways in which the Hangberg case is atypical to status quo trajectories and, on the other hand, the ways in which the Hangberg case illustrates the enduring problematic of development challenges under neoliberal reforms.

As mentioned before, *in situ* upgrading of Hangberg's informal settlement via the UISP breaks the stranglehold of spatial marginalisation through peripheral subsidised housing. This local innovation has meant that the poor's right to the city has been promoted, characterised by spatial centrality and long term habitation of the city; the right to access to central decision-making; and the right to the creative (re)making of public spaces (Huchzermeyer forthcoming: Chapter 11; see Addendum 1). The community played a significant role in decision making processes by, for example, setting agendas for the upgrade project, compiling and managing the spatially referenced community register, and collaborating on producing conceptual planning layouts. Moreover, local innovation extended beyond lobbying for UISP funding and included attempts by the poor to (re)make public spaces. This was exemplified in the community initiated land audit for housing opportunities in wider Hout Bay (with Imizamo Yethu and facilitated by IJR) and mitigation against displacement, resulting from gentrification, through exchanges with Bo-Kaap residents (who fought arduous legal battles against displacement as a result of the CID). In this sense, the community of Hangberg acted as 'critical planning agents' whereby their 'grassroots urban planning' constituted different socio-spatial strategies than conceived by the state's partial remedies (de Souza 2006b). When the expanded definition of the right to the city is applied to the Hangberg case – for example, protecting the right to cultural and historical heritage and tradition, the right to safe and secure natural environment, and the (proposed) right to safe and affordable transportation – the poor's *collective rights* has been advanced. Therefore, local innovation promoting the poor's right to the city is atypical of the status quo.

However, as alluded to in answering research question 1, the governance complexities that the UISP project elicited can be seen as an illustration of the wider contradictions of neoliberal reform. I will answer this second part of the question by referring to the issues identified in answering question 1 and expand the argument by pointing back to the theoretical prisms spanning Chapter 2 to Chapter 5 (in no particular order). As argued in

Chapter 1, the prisms should not be seen as distinct and independent, but rather follow a narrative at various scales. From this angle, the question can be answered as a whole.

Firstly, as the moratorium spelled out, the HiDA was elected to *assist* the City's project team. From the City's perspective, the ultimate success of the project depended on the cooperation of the community (see Addendum 3). Failure to adhere to this governance arrangement would have meant legal enforcement (resulting in eviction). This narrow conception of collaboration was reflected in the HiDA's constitution that made no reference to *how* exactly the moratorium would have been enforced. By failing to activate special community policing and law enforcement strategies in collaboration with Hangberg Community Policing Forums (CPF) and simply resorting to law enforcement (evictions), the City of Cape Town forfeited an opportunity to collaborate with the community in negotiating solutions to the deep-seated housing crisis. The HiDA was left to bargain with disgruntled residents while at the same time 'asserting' *de facto* state authority (with no legal footing). The governance arrangement of this progressive project sits uncomfortably with the 'disempowering' effect of the City's 'outsourcing' of its control function and resembles unwittingly perhaps 'spatial governmentalities' through modernist conceptions of 'being' (cf N2 Gateway Project; also see e.g. Robins 2003, 2008; Skuse & Cousins 2007). The contradictory institutional design of this governance arrangement is juxtaposed with a moratorium that can arguably be read as a call to personal 'responsiblisation' and self upliftment (cf Addendum 3). This potentially obscures the state's responsibility/obligation to create a 'culture of community participation' where the community has a direct interest in the design of governance arrangements (cf Municipal Systems Act of 2000).

In this sense, the neoliberal mode of governance, which often resorts to 'buzzwords' for legitimisation, is conceptually vague and constitutes (micro-)discursive threads of 'anti-politics' (as a political strategy). This is done 'to conceal ideological differences, to allow compromise and the enrolment of different interests, to build coalitions, to distribute agency and to multiply criteria of success within project systems' (Mosse 2004 cited in Buscher 2010:29; also see Miraftab 2004; Cornwall & Brock 2005; Roy 2005; Leal 2007). However, in practice, this political strategy complicates interventions inasmuch as implementation agents are required to mediate complex political dynamics they encounter during implementation (Buscher 2010:29). Building community coalitions capable of promoting citizenship claims in the wider Hangberg had been remarkably challenging. This was arguably due to local structures having to contend with problems that had local and regional roots, the concept of 'community' was loosely defined (creating new 'insider-outsider' power struggles), and exasperated by enduring narratives of past failures (cf Kadushin et al. 2005; de Souza 2006a; Robins 2003, 2008). It could be argued that this was less by design rather than default, but this then raises bigger questions related to the state's sophisticated infrastructural support that is extended to the private sector versus social-institutional capacity building of the poor.

Secondly, the Hangberg case has illustrated how the state is more prone to responding to violence than to democratic engagement. As illustrated in Chapter 2, Hout Bay has historically been characterised by a housing crisis and informal settlements have been a part of the housing typology. Despite effective community mobilisation and local innovation, resulting in a community-led land audit for housing opportunities, the state's reluctance and the wicked complex of NIMBYism have deterred such a realisation. Threats of market-driven displacement (through gentrification) and evictions intensified in the months following the pre-planning of the UISP intervention, resulting in a skirmish between disgruntled residents and the police. At a public meeting in November 2008, the community's dissatisfaction toward the City was voiced, prompting discussions on a wider representative forum. In response, the City brought land from the company who evicted residents. This narration illustrates that the state reacted to community dissatisfaction, instead of extensive lobbying and democratic engagement by Hout Bay's poor.

Fast-forward to September 2010, when negotiations on the wider representative forum were still in progress. At a closed meeting between the City and community leaders, it was agreed that a steering committee of wider representation would be formed via the ward forum. In the lead-up to the public housing meeting on 17 September 2010, the City blatantly disregarded the community's push for establishing a wider representative forum. At the public housing meeting – intended to address 'housing in Hangberg, upgrading project to date, and election of the project steering committee' (official agenda) – Premier Zille and Mayor Plato manipulated the meeting agenda and instead threatened the community with evictions, withdrawing funding and collapsing the project. The failed meeting served as a direct impetus for the pre-empted violence, as displayed by Alderman J.P Smith's comments[65], leading to the draconian eviction processes administrated by the Metropolitan Police. 'Defiant' residents were portrayed as a 'crime and drug cartel' that ensnared the community through their criminal network and subjugated the community through fear, in spite of harsh criticism of the City's riot tactics (Underhill, *Mail & Guardian*, 08/10/2010; Kaganof & Valley 2010). Photographic evidence was manipulated to confirm the City's (false) allegations. These criminalising discourses, compared to the moderate opinions of local Hout Bay police captains (who seem to have the closest relationship with the community; cf Chapter 4), has the 'tendency to lay the blame of poverty on the poor and subject communities to collective punishment' (Kramer, *Cape Argus*, 06/10/2010). Despite the seemingly ill-fated political relationship, from the ashes of the violent encounter rose renewed commitment to the Hangberg community and progress made through the HCPMF has been celebrated for its potential to restructure the operational dynamics of informal settlement upgrading (cf Chapter 5).

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[65] Smith maintained that 'SAPS, metro police and law enforcement were *ambushed*' in a '*siege* that lasted four hours' in an '*attempted murder*' (cited in Underhill, *Mail & Guardian*, 08/10/2010, emphasis added). Smith defended the high-handedness of the operation seeing that violence was expected; 'I don't think it could have turned out any other way' (Ibid).

In this sense, the City's inclination to respond to violence rather than democratic engagement is in line with the postulations made in Chapters 4 and 5 that the (neoliberal) state is opposed to the organic 'invented' democratic spaces of the poor practicing a politics of redress (Cornwall 2002; Gaventa 2006; Pieterse 2010; GGLN 2011; Kimemia 2011; Cornwall et al. 2011; Pearce et al. 2011). Rather, the 'invited' space (for example, ward forums, IDP forums, consultations on service delivery) – limited by the politics of representation, structural limits to affect change, and the vested interests – are exclusively favoured with little prospect of legitimising and authenticating the autonomous 'invented' spaces of the poor (Oldfield 2008; Piper & Deacon 2009; Baicchi & Checa 2010; Murray et al. 2010). The analytical tool of '*actually existing neoliberalism'* not only 'underscore[s] the contradictory, destructive character of neoliberal policies, but also to highlight the ways in which neoliberal ideology systematically misrepresents the real effects of such policies on the macro-institutional structures and evolutionary trajectories of capitalism' (Brenner & Theodore 2002:353). Moreover, the 'process of neoliberalisation' also misrepresents the agency of the poor, as illustrated in the Hangberg case, as it seeks to eradicate political deliberation. According to Keil (2009:231), the 'normalisation of governmentalities associated with the neoliberal social formation and its emerging crises' has radically altered the 'rules of the game' as the process of neoliberalisation tends to transcend the 'moments' of neoliberal reforms (normalising and naturalising neoliberal concepts in policy and daily life) by building 'more and more on the existence of already socialised neoliberal subjects that have internalised neoliberal governmentalities' (2009:242). The state's apparent criminalisation and victimisation of the poor contending for the right to the city and alternative citizenship forms are evident in the national discourses surrounding the 'eradication', 'sweeping away' and 'war on shacks' (e.g. Huchzermeyer 2005, 2006b, 2010b; Charlton & Kihato 2006; Pithouse 2009; Cross 2010). These practices 'undermine the establishment of robust urban governance' (Beall 2001). In many ways, South Africa's political settlement, once characterised by RDP ideas of civic and liberal nationalism, i.e. 'that 'all people' are considered part of the nation regardless of their ethnic, racial, religious or geographic origins' (Chipkin 2007 cited in Kagwanja 2009:xvii), is highly contested and even close to collapsing. However, the political settlement extends beyond the political bargaining power of elitist social and economic interests and should rather be seen as the balance or distribution of power between contending social groups and classes, on which any state is based (Di John & Putzel 2009 drawing on M. Khan 2005). In this sense, critical engagements with inherited apartheid spatial legacy, arguably entrenched by ineffective state intervention and capitalist urban development, reflect on the (im)possibility of socio-spatial justice in the post-apartheid era.

6.2   Policy proposals for realising the post-apartheid city

In answering research question 3, 'What measures could possibly assist in ameliorating, or more radically transiting, the enduring exclusionary trajectories of (neoliberal) urban development?', I return to the question whether the post-apartheid city *actually* exists. This question is answered by looking at scholarly proposals of incrementally using existing policy

framework to more progressive ends, and also by considering recent policy deliberations of upscaling and rolling out the UISP on a larger scale (and associated policy reforms that support such, and other, interventions). I am fully cognisant of the danger of introducing (new) policy interventions/instruments not previously discussed in the main body. With this risk in mind, my intention is to underscore the potentials it holds for advancing the poor's right to the city. These proposed interventions could potentially advance the poor's right to the city, but are posed only as informants for future research.

6.2.1 Using current policy frameworks to progressive ends

Urban NGOs and learning networks, together with CBOs, social movements and academics, contending for the right to the city and the social use value of urban space (as opposed to exchange value), have steadily worked on devising innovative programmes and policy advocacy campaigns to use existing policy frameworks more effectively in transforming apartheid spatialities (see e.g. Napier 2009; SACN et al. 2009; Charlton 2006; Brown-Luthango 2010). Tapela (n.d) argues that the need to transform systemic behaviour is essential:

> While we have a broad urban development policy agenda in place for promoting spatial restructuring and inclusive cities, it is not sufficient to influence or change the behaviour of land and property markets to work for the poor, nor changing the current form of urban development practice that continues to reinforce the spatial 'imperfections' of the apartheid city (Tapela n.d:5).

Building on the collaborative work of the UK Department of International Development (DFID) and Swiss Agency for Development and Cooperation on the programme, 'Making Market Systems Work better for the Poor' (M4P) – a theme that is currently elaborated on and advocated by the South African Urban LandMark initiative (DFID funded) – various scholars have discussed the prospects of 'accelerating pro-poor growth by improving outcomes that matter to the poor in their roles as entrepreneurs, employees, or consumers of markets' (DFID 2005 cited in Charlton 2006). Urban LandMark's Mark Napier (2009) has pointed to the imperative of a healthy and transformed macro- and local economy characterised by shared growth. Such an economy should be aimed at deliberative and equitable urban restructuring. This potentially contributes to poverty alleviation through security of tenure and well-located settlements. Yet other scholars have suggested incremental (progressive) utilisation of current policy frameworks should receive priority. Presenting DAG's position statement on land value capture, Mercy Brown-Lunthango (2006, 2010) argues that current urban development trajectories, characterised by a substantial growth in the residential property market, fuelled by speculation and upper-end development, will not meet the urban and housing crisis through a market-orientated and trickle-down (neoliberal) approach. The scale of the crisis calls for bold, decisive initiatives and strategic interventions in the market to make it work better for the poor. Brown-Luthango (2010) argues that the M4P approach is useful in recognising that markets, without effective state interventions, will not redistribute land to the poor. However, this

approach has been criticised for being economically obsessed to the exclusion of other socio-political and legal remedies. She rather draws from the Brazilian City Statute[66], an example of a 'more progressive approach as it combines social policy and legal reform to regulate the use of urban land to ensure that land fulfils its "social function"' (2010:123).

DAG's (2007c) value capture programme – a concept that refers to a 'process by which all or a portion of increments in land value attributed to public and "community" interventions are recouped by the public sector' – seeks to provide solutions to the ensure the poor's right to the city, control urban sprawl, reduce the perverse effects of speculation and contend with growing informality in urban markets. This is accomplished by means of fiscal- (taxes and fees aimed at generating additional revenue) and regulatory tools (exactions and other development charges, incentive zoning through, e.g. density bonuses, and inclusive zoning) (DAG 2007c). Increases in land value can arise from three sources: changes in land use regulations, installation of infrastructure, and demand for land due to growth of the population and income (Doebele 2001 cited in Brown-Luthango 2006:6). Although South Africa had a long history of land-based taxation allowing municipalities to choose between tax levied on site-value of land, flat rate, or composite rating system, the enactment of the Local Government: Municipal Property Rates Act (MPRA) in 2004 effectively did away with pure site value taxation and composite rating and requires all municipalities to adopt flat rate system (Bhana et al. 2009; Hendricks et al. 2010). The MPRA does however allow for a differential rate to be applied and large metropolitan municipalities have already started to implement higher tax rates on vacant land, which 'promote productive use of land by forcing landowners to develop the land or release it to the market', a practice similar to that of Brazil (Brown-Luthango 2010:135). The MPRA also incorporates a pro-poor, redistributive objective alongside its fiscal goals, opening possibilities for framework at local level 'within which a transparent and fair system of rating, exemptions, reductions and rebates can be implemented' (SACN et al. 2009:1).

This section explored the transformative potential of the 'Making Market Systems work better for the Poor' (M4P) approach in general and DAG's value capture programme in particular. In the following section, proposed policy changes for the short- and medium term are discussed.

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[66] The Brazilian enforcement of the 'right to the city', through its 2001 City Statute and promulgation of the Ministry of Cities and the National Council of Cities in 2003, as a realisation of the 1988 Constitutional clause on Urban Reform, has been widely discussed for its transformative potential (see e.g. de Souza 2001, 2006a; Rolnik 2002; Huchzermeyer 2004b; Fernandes 2007). The City Statute has four main dimensions: conceptual (devises to interpret the constitutional concepts of the social function of urban property and the city); regulatory (new instruments for local governments to enforce the new urban order); democratic management; and legal (new instruments for regularisation of informal settlements in urban areas) (Rolnik 2002:27).

6.2.2 Proposed interventions

At a recent Cabinet Lekgotla (20 to 22 January 2010), the Presidency adopted the 'outcomes approach' comprising twelve developmental priorities that would drive future planned interventions. The Presidency's outcomes-based approach in turn fits into the ANC's electoral manifesto (post-Polokwane) and the Medium Term Strategic Framework, and is said to be monitored by the Performance and Delivery Agreements between the President and national executive ministers and implemented by establishing coordinating structures to ensure cooperation[67]. The newly created (January 2010) Department of Performance Monitoring and Evaluation (DPME), in close collaboration with the National Planning Commission (established December 2009), takes ownership of measuring the performance and delivery agreements between the Presidency and national executive ministers (DPME 2010a). This section discusses only two of these twelve outcomes (Outcome 8 (6.2.2.1) and Outcome 9 (6.2.2.2)), which have relevance to this study.

6.2.2.1   Outcome 8: Sustainable human settlements and improved quality of household life

Calls for informal settlement upgrading have intensified since the introduction of new instruments under Breaking New Ground (DoH 2004a) and the National Housing Code (DoH 2004b, DHS 2009), and culminated in the Presidency's new target of 'upgrading 400,000 households in well located[68] informal settlements with access to basic services and secure tenure' over the period May 2010 to April 2014 (Output 1[69], Outcome 8). These efforts are in line with South Africa's commitment to the Millennium Development Goals (MDG), especially Goal seven, target 11[70], and the Habitat Agenda (cf Chapter 2; Addendum 3). Moreover, the recent renaming and reorganisation of the Department of Human Settlements (previously Department of Housing) underscore the new priorities of developing well-located (sustainable) human settlements paired with a deeper understanding that housing is about more than simply providing houses. It also reflects that there exists a need for transforming apartheid spatialities, and building cohesive, sustainable and caring communities with improved access to work and social amenities (Zuma 2009). This (new) turn from 'eradicating' to 'upgrading' informality has been positively received by consultants and development agencies who have assisted local municipalities with implementation plans, although it is too early to assess its impact (Huchzermeyer forthcoming: Chapter 8).

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[67] See http://www.info.gov.za/issues/outcomes/index.html; accessed on 15/07/2011

[68] Here understood as locations within a 30 to 45 minute journey to work and services and using less than 8% of disposable income for transport by 2014.

[69] Other outputs under Outcome 8 include improved access to basic services (output 2), more efficient land utilisation (output 3), and improved property market (output 4). The interfaces between these outputs frequently draw on one another in achieving this outcome and the cross cutting role of the NUSP is underscored. Due to space constraints, only output 1 is discussed. This subsection also only discusses the upgrading of informal settlements, and therefore does not pay attention to the efforts at creating rental and social housing opportunities (20,000 opportunities per annum) for approximately 600,000 backyarders.

[70] MDG seven, target 11 aims to have 'achieved a significant improvement in the lives of least 100 million slum dwellers by 2020'.

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Meeting output 1 (upgrading 400,000 households) is premised on analyses that suggest current housing delivery programmes will only offer improved quality of household life for those living in 2,700 informal settlements (housing approximately 1.2 million households) by 2037 (not taking to account that settlements are growing at 2 – 6% pa across different councils; Topham 2010). Reaching the oft-stated goal of progressively 'eradicating' urban informality by 2014/5 (lately extended to 2020) requires strategic intervention. To this end, the presidency created the National Upgrading Support Programme (NUSP), in collaboration with Cities Alliance, with the aim of building capacity and increasing knowledge to implement upgrading. The NUSP has four main activity streams: 1) policy promotion and refinement (raise the profile of UISP and refine and improve implementation); 2) networks and forums (fill the knowledge gap and improve information flows by establishing 'community of practice'); 3) tools and information (furnish practitioners with good practice and shared experiences over and above the guiding framework of the National Housing Code (DHS 2009)); and 4) technical assistance (help provinces and municipalities develop upgrading programmes at project level) (DPME 2010b:48).

The success of the NUSP and the rolling out of the UISP project is dependent on sharpened intergovernmental relations in bringing about these interventions in creating sustainable human settlement opportunities.

6.2.2.2 Outcome 9: A responsive, accountable, effective and efficient local government system

After a decade of democratic local government (2000-2010), many municipalities are still in deep distress due to their faltering ability to deliver services, mismanagement of institutions, and lack of empowering public participation. The Delivery Agreement of Outcome 9 aims to create 'a responsive, accountable, effective and efficient local government system' which will see to a 'progressive series of intergovernmental initiatives to turn the tide in local government towards 2014' (DPME 2010c:5). In particular, but not exclusively, outputs 4 (actions supportive of the human settlements outcome; cf Outcome 8) and 5 (deepen democracy through a refined Ward Committee model) are relevant to this discussion.

As discussed above, the Presidency's commitment to creating better located sustainable human settlements is dependent on coordinated efforts of Provincial and Local Government. Largely drawing on the success of Output 1[71] (of Outcome 9), the success of Output 4 will be measured by the following (DPME 2010c:44):

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[71] Output 1 of Outcome 9 aims to 'implement a differentiated approach to municipal funding, planning and support'. Output 1 therefore considers the unique circumstances under which municipalities operating when providing National and Provincial support with regards to water, sanitation, electricity, waste management, roads and disaster management. To this end, Output 1 seek to (i) create a policy framework for differentiation; (ii) grant six metro's and top 21 municipalities more autonomy in respect to infrastructure and housing delivery; (iii) and assist smaller, poorer

- Facilitate the development of a policy framework to ensure densification.
- Facilitate the identification and establishment of human settlement committees in cities and large towns.
- Review SDF guidelines for cities and large towns within the framework.
- Support the review of the Land Use Planning and Management within the framework.
- Finalise the National Urban Development Framework.

By granting six metropolitan- and the largest 21 municipalities greater authority to manage the built environment under their jurisdiction (Output 1), the strategic intervention in local government functions of land-use management, planning, infrastructure development and provision of services, is aimed at bringing about more dense, integrated and well-located land for the poor (Output 4, sub-output 1). Moreover, the alignment of departments through 'Single Window of Coordination' policy approach[72], supporting the governance of Outcome 8, would lead to improved intergovernmental arrangements between the Department of Human Settlements and stakeholders in releasing (from various State Owned Enterprises) and acquiring well-located land (sub-output 2) and supporting the roll-out of informal settlement upgrading (UISP) through the NUSP in 49 priority municipalities (sub-output 3).

However, policy interventions from top-down are not sufficient in meeting the bourgeoning urban and housing crisis. Government is also required to address the problems associated with political disenfranchisement derived from inefficient participatory governance structures increasingly characterised by 'intra- and inter- party political factionalism, the alienation of people from meaningful decision-making, the widening disconnect between people and the local state, polarisation of interests, patronage and nepotism' (DPME 2010c:15). To this end, Output 5 (of Outcome 9) seeks to 'deepen democracy through a refined Ward Committee model' by strengthening a people-centred approach to governance and development. This Output seeks to remedy the situation by evaluating the current legislative environment with the view of broadening participation, strengthening stakeholder engagement framework, and amend the reporting of ward committees (DPME 2010c:50).

6.2.2.3   Draft Spatial Planning and Land-use Management Bill (SPLUMB)

As mentioned above, the interest in effective intergovernmental collaboration requires national government to support the review of the Land Use Planning and Management

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municipalities in producing IDPs, filling key vacancies and enhance management of revenue (DPME 2010c; paraphrased).

[72] Output 7 of Outcome 9 addresses the Presidency's proposed 'Single Window of Coordination' whereby this concept and organisational form is intended to bring about 'greater cohesion in the work of government, particularly, but not exclusively, at the national level' (DPME 2010c). The 'Single Window' approach comprising of a cross-departmental committee 'is essentially an institutional mechanism to lessen the fragmentation within the cooperative governance arrangements impacting on local government' (Ibid:16)

framework. The National Planning Commission (NPC) in the Presidency has proposed evaluation of the existing land-use management regulatory framework, which has been criticised time and again for its narrow, blue-print orientation and the complex overlapping of apartheid and post-apartheid legislative 'menus' (e.g. Mabin 2000; Harrison et al. 2008; Mammon 2008), that has led to the drafting of the (draft) Spatial Planning and Land-use Management Bill (SPLUMB) (Notice 280 of 2011). This Bill serves to replace the Development Facilitation Act (RSA 1995) by June 2012 because the DFA was found unconstitutional in 2010 due to provincial tribunals, set up in terms of the DFA, performing planning functions reserved for municipalities according to the Constitution (RSA 1996). The draft SPLUMB includes guiding concepts such as spatial justice, the recognition of informality, and the formulation of sustainability (s6). Commentators have celebrated the progressive elements of the Bill as a step in the right direction (Isandla Institute 2011; SACN 2011a; SAPI 2011). The Bill has an ambiguous role of repealing outdated legislation and setting new 'framework legislation', which also requires provincial and local government to enact new spatial legislation. By repealing outdated legislation, the Bill potentially leaves many provinces and municipalities massively disrupted (SACN 2011a:8). SAPI (2011) suggests that this framework legislation will only affect real change once the SPLUMB is implemented through provincial legislation.

Isandla Institute (2011) argues that while the concept of 'spatial justice' – calling for 'provisions that enable redress in access to land and property by disadvantaged communities and individuals' (s6(a)(iii)) – is potentially progressive in realising the 'social function of property', the Bill inadequately promotes the mechanisms of 'value capture' towards achieving this goal. Moreover, the realisation of spatial justice and the social use of the city require effective participation in land-use decision making and resource allocation, which the Bill does not go far enough to enhance. Insandla does however regard the Bill's references to making provisions for more flexible and incremental land-use management in informal settlements (s6(a)(iv) and s22(2)(c)) and emphasis on security of tenure (s6(a)(v)) as a possible interest in more positive approaches to engaging with informality and the needs of the urban poor. Lastly, Isandla (2011) finds that the concept of 'spatial sustainability' and 'spatial resilience', calling for the compliance with environmental legislation and Spatial Development Frameworks, runs the danger of duplicating processes contained in the Municipal Systems Act (and associated regulations).

This considered, SAPI (2011) argues that the Bill has an overly optimistic view of what spatial planning *per se* can achieve and suggests greater integration with current IDP and SDF processes. Gorgens (2011) argue that the recent interest in the urban land agenda needs to contend with three fundamental questions in constructing such an agenda. Firstly, questions about land are inherently political and therefore a coherent and purposeful approach to transformational land governance is important. Secondly, decision makers need to facilitate flexibility and responsiveness in planning because anticipated outcomes of interventions in urban land markets are partial. Thirdly, the 'multidimensional character' of urban land is often abandoned for an exclusive focus on the economic potential of land markets, which in

turn further marginalises the poor's reliance on land to enable important social, cultural and economic opportunities to support their livelihoods.

6.2.3 Synthesis

Recent policy and programme initiatives point to the growing realisation that the inefficient, unsustainable and unjust spatial forms of South African cities require strategic and developmental interventions. By answering research question 3, this section suggested ways in which current regulatory and fiscal tools can be utilised more progressively. The Presidency's outcomes-approach seems to point in the right direction, although it is too early to assess its impacts.

6.3   Conclusion

> Two groups of questions and two orders of urgency have disguised the problems of the city and urban society: questions of housing and 'habitat' (related to housing policy and architectural technologies) and those of … global planning. The first rises from below, the second from above, have produced … a new contradiction adding to other unresolved contradictions of existing society, aggravating them and giving them another meaning. In these difficult conditions, at the heart of a society, which cannot completely oppose them [the proletariat] and yet obstructs them, rights which define civilisation … find their way. These rights, which are not well recognised, progressively become customary before being inscribed into formalised codes. They would change reality if they entered into social practice … Among these rights in the making features the *right to the city* … to urban life, to renewed centrality, to places of encounter and exchange, to life rhythms and time uses, enabling the full and complete *usage* of these moments and places (Lefebvre, *Theses on the City,* 1967/1996:176 – 179; original emphasis).

> The question of what kind of city we want cannot be divorced from that of what kind of social ties, relationship to nature, lifestyles, technologies and aesthetic values we desire. The right to the city is far more than the individual liberty to access urban resources: it is a right to change ourselves by changing the city. The freedom to make and remake our cities and ourselves is, I want to argue, one of the most precious yet most neglected of our human rights (Harvey 2010:23).

Redreaming South African cityscapes has come in forms of critique and utopian projections, by aligning such 'dreams' to the 'politics of the possible'. It also seems that policy makers are increasingly converging on the prospects of intervening in urban development trajectories to realise more equitable and efficient urban spatial forms. Yet, as illustrated in Lefebvre's quotation above, 'two groups' of questions continue to produce contradictory outcomes. South Africa's transition to a neoliberal growth path has been 'dialectically intertwined' with the dissolution of more progressive, redistributary agendas, particularly in urban systems, where the apartheid regime's influence was very significant. This process of (neoliberal)

'creative destruction' has also altered inclusive conceptions of urban governance. The surge in new forms of non-conventional political participation, and the rise of new political actors, have transformed South African cities into theatres of citizenship claims, arising from below, arguably opening new possibilities for steering the state's questions of 'housing and "habitat"' in favour of pro-poor developmental outcomes. New political actors staking claims for rights-based development, although not well recognised, certainly have the potential of 'changing reality if they entered into social practice'.

The Hangberg case has illustrated how, through local innovation and effective lobbying, new political actors can alter the status-quo (in this case, the legacy of 'unintended consequences' in housing delivery). Yet, the enduring neoliberal governance paradigm, craftily obscuring the spirit of 'developmental local government' to deepen democracy, elicited and produced new geographies of local power tussles in the socially-bound Hangberg community, characterised by strong historical and cultural heritage ties. The contradictory architecture of the governance arrangement, and the seemingly distant and paternalistic city bureaucracy, characterised by discursive threads of micro-(anti)-politics (as a political strategy), have misrepresented the agency of the poor, contending for the right to the city. Making place for the poor in the exclusive spaces of Hout Bay has been opposed. The wicked complex of NIMBYism continues to obscure the realisation of the post-apartheid city. The entrenchment of apartheid spatialities through the consolidation of capitalist interests in urban South Africa requires bold and innovative intervention measures.

From the ashes of the September 2010 violent confrontation between the Metropolitan Police and Hangberg residents, new development plans and prospects have emerged. However, it seems that the state is more prone to respond to violence than democratic engagement. The production of new political and social spaces continues to reproduce the relations bound up within these spaces. In the light (and darkness) of the present conjuncture, Hangberg residents continue to strive for their rights of appropriation and participation; for empowerment to exercise control over the decisions that shape their everyday lived space. For, as Lefebvre said, the right to the city can 'only be formulated as a transformed and renewed *right to urban life*' (1996:158).

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Addenda

Addendum 1: Henri Lefebvre (Overview)

Andy Merrifield's (2006) depiction of the French Marxist philosopher, Henri Lefebvre – the man 'who wasn't afraid to think about politics and current affairs on a grand, sweeping scale or to philosophise what he called "the totality of life and thought"' – periodizes Lefebvre's ideas and politically active life, conjuring images of friends and foes, in the light (and darkness) of the present conjuncture (2006:xxxii)[73]. This book combines biography and theory in a critically important assessment of 'one of the great social theorists of the twentieth century' (2006:xxxiii). With the popularisation of Lefebvre's ideals, a plethora of articles, books, charters, legislation and so on, have been issued with the aim of transforming unequal and unjust spatial forms under capitalist urban development. I intend to briefly capture the essence of his more famous works on the right to the city, urbanity and revolution, and the (social) production of space. Due to limited space, a discussion on Lefebvre's ideas on globalisation and the state, the urban question as a scale question (socio-spatial theory), various implications of the 'explosion of spaces' and their impacts on the social production of space, and the questions of citizenship in the global city, falls outside the scope of this enquiry (see Brenner 2000; Merrifield 2006: chapter 7; Purcell 2003).

Right to the City

Merrifield notes that 'the Lefebvrian desire to conjoin young and old progressives around concerted anti-capitalist struggle remains as pressing and as instructive as ever; his theories about space equally resonate within analyses of globalisation, just as his notion of the 'urban revolution' and 'right to the city' endure as visionary democratic ideals' (2006:xxv). Lefebvre's diagnosis of the urban question leads him to believe that the 'capitalist epoch reigns because it now orchestrates and manufactures a very special commodity, an abundant source of surplus value as well as massive means of production, a launch pad as well as a rocket in a stratospheric global market: urban space itself' (Ibid:81). Hence, the urban question (as per Castells 1972) rather becomes a political question as 'class issues are now explicitly urban issues, struggles around territoriality' (Ibid:67). In this context, cities are more than places to earn money or merely live; it is in essence an inhabitation and taking part in social life, 'evoking urban living as *becoming,* as growing, as something dynamic and progressive' (Ibid:68). Lefebvre's text *Le droit a la Ville* (*The Right to the City*, 1967/1996) campaigned for a new humanism of the urban society, it emerges like a 'like a cry and a demand. This right slowly meanders through the surprising detours of nostalgia and tourism, the return to the heart of the traditional city, and the call of existent or recently developed centralities' (Lefebvre 1996:158). It is therefore not any pseudo right, but rather a renewed right to urban life, of belonging and becoming; of *inhabiting*. It is the 'right to information, the rights to use of multiple services, the right of users to make known their ideas on the

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[73] I draw extensively on Merrifield's work in this sub-section

space and time of their activities in urban areas; it would also cover the right to the use of the centre' (Lefebvre 1991:34). The right to the city imagines inhabitants to have two main rights: 1) the right to *appropriate* urban space and 2) to *participate* in the production of space. When speaking of the *appropriation* of urban space, Lefebvre is not referring to individual property rights but to 'full and complete' use of urban space in the course of their daily lives (Purcell 2003). David Harvey (2008:23), writing some decades later, argues that 'the right to the city [as 'working title and a political ideal'] is not simply the right to what already exists in the city; it is also the right to transform the city into something radically different'. Furthermore, 'the right to the city is far more than the individual liberty to access urban resources: it is a right to change ourselves by changing the city […] the freedom to make and remake our cities and ourselves' (Ibid). In true Lefebvrian tradition, Harvey's interpretation moves beyond individual freedoms to collective and structural change. In this regard, the need for an urban revolution is highlighted.

Urbanity and Urban Revolution

Merrifield (2006) notes that Lefebvre's notion of 'revolution' entailed a process of theoretical understanding of the capitalism's contradictions, and praxis of a practical problematic of neoliberal ideological thrust and its institutional base (2006:80). 'We must grasp the root and take this new reality by the root, Lefebvre says' (a Marxist term; 2006:81). On the process of theorising capitalistic urban development, *La révolution urbaine* (*Urban Revolution*, 1970/1993) argues that, in the double process of industrialisation and urbanisation, last mentioned becomes dominant and supplants the former. Hence, the key undertone in the text is one that identifies the 'structural collapse of industrialism and state managerialism whereby urban revolution symbolises a "post-industrial" revolution, a society no longer organised by planners but speculated on by entrepreneurs' (2006:80-81). On the problematic praxis of neoliberal reform, the text deals with the technocratic, *neo-managerialist* intervention of specialised planning of the capitalist urban society in the context of neoliberal reforms leading the destruction of public social spaces such as streets. Moreover, 'urbanism thus finds itself caught between the rock and the hard place, between those who decided on behalf of 'private interests' and those who decided on behalf of high institutions and power' (Merrifield 2006:89). Lefebvre transcends Marx's classical class struggle in that he suggests that 'the frontier line doesn't pass between the city and the country, but within the interior of the phenomenon of the urban, between dominated periphery and dominating centre' (Lefebvre 1970:152, 113 cited in Merrifield 2006:95). A view from below suggests that the urban revolution will see a contestation for a place of belonging as the globalisation of the economy reinforces the marginalisation of everyday life, scarring the 'urban fibre/tissue' in the process. To Lefebvre, an understanding of 'the production of space' provides a fitting mode of observation in explaining the revolutionary nature of the social change process.

Production of Space

Perhaps Lefebvre's most accomplished and most famous work, at least in the Anglophone world, is *La production de l'espace* (*The Production of Space*, 1974/1991). He states that,

> It [space] has of course always been the reservoir of resources, and the medium in which strategies are applied, but it has now become something more than the theatre, the disinterested stage or setting, of action. Space does not eliminate the other materials or resources that play a part in the socio-political arena. Rather, it brings them all together and then in a sense substitutes itself for each actor separately by enveloping it. Is space a medium? A milieu? An intermediary? It is doubtless all of these, *but its role is less and less neutral, more and more active, both as an instrument and as goal, as means and as end*'' (Lefebvre 1991: 410 - 411; emphasis added)

For Lefebvre, the production of space happens in three moments or conceptual tools that transcend mere concrete space. 1) The perceived space relates to the natural/physical/concrete/objective space in which people relate daily such as parks, streets, schools, and so on. 2) The conceived spaces are those abstract/mental/imagined creatively constructed spaces conceived by land uses, 'visioning' practices, etc. 3) Lived space is a complex amalgamation of the perceived and the conceived and 'it is fully imbricated in a person's everyday life such that it is not just a stage on which social life play out but represents a constituent element of social life'; 'social relations and lived spaces are inescapably blended together in everyday life' (Purcell 2003:577). Therefore, the 'production' of space necessarily reproduces the social relations that frame it (Ibid). Control over this production therefore intimately involves the social and spatial relations that produce it. In this sense, citizens have the right to 1) appropriate urban space and 2) participate centrally in the production of urban space (Ibid). The right to the city therefore play into this production cycle. 'The production of space seeks to 'detonate' everything, to readdress the schisms and scions; Lefebvre considers fragmentation and conceptual dislocation as serving distinctly ideological ends' (Merrifield 2006:104).

Synthesis

In this section I regarded a mere conceptual 'sample' of the vast/intricate/complex world of Henri Lefebvre. My intention was to spotlight Lefebvre's neo-Marxist interpretation of the embedded prejudice in the capitalist construction of cities, the neoliberal and managerial/entrepreneurial strategies of late capital and the socio-spatial implications of such an urban order. Lefebvre's diagnosis of this condition calls for the control of the production of space through the radically democratised right to the city, as a 'workable solution and political ideal' (Harvey 2008), through a renewed urbanity and urban 'revolution' (of theoretical understanding of capitalism's unstable/unpredictable urban form and problematic praxis). In Chapter 5, I seek to problematise both Lefebvre's radical notions in negotiating an alternative citizenship in the capitalist city and international policy networks' co-option of the inherent radical meaning of the right to the city.

Addendum 2: Reflections on the Habitat Agenda

The United Nations Centre for Human Settlements (UN-CHS) was promulgated in 1978, two years after the first Habitat conference in Vancouver. At this time, urbanisation and its impacts were less significant and hence constituted a lower priority on the United Nations' agenda. With meagre support, the Centre for Human Settlements struggled to cope with the implications of the urban revolution in the cities of the developing world. At the Habitat 2 conference in Istanbul in 1996, UN-Habitat assessed the two decades of progress since Vancouver and set fresh goals for the new (urban) millennium. The product of the conference was the Habitat Agenda, containing over 100 commitments and 600 recommendations, and the Istanbul Declaration, signed by 171 member states. The Habitat Agenda is premised on two goals: 1) shelter for all, and 2) creating sustainable human settlements[74]. The language that permeates this agenda is that of participation, empowerment, gender equality, democratic urban governance, and decentralisation among others, which is much in line with the internationally recognised praxis.

On a deeper level, the introduction of human rights in development is a recent phenomenon. Peter Uvin (2002) argues that for decades, the development enterprise lived in almost perfect isolation of the importance and significance of the human-rights system. He attributes the change during the 1990s to three main reasons: 1) the end of the Cold War opened the door to greater promotion of human rights, 2) the failure of SAPs, resulting in the widening of inequalities and the deepening of poverty, was largely blamed on the lack of government accountability, and hence the promotion of democracy and 'good governance' opened new avenues for rights-based development, and 3) the inclusion of human development in economic development discourses. However, Uvin has been a critique on the use of rights based language in constructing a 'moral high ground' while not upsetting the status quo of the development enterprise. While some have withstood his positions by calling into account the efforts of NGOs and civics using rights-based language to demand accountability from the state and transform constitutions (Slim 2002), there is a widely held sense of suspicion among progressives that the overly excessive use of 'buzzwords' is counteractive to the advancement of meaningful development transformation (Cooke & Kothari 2001; Miraftab 2004; Cornwall & Brock 2005; Roy 2005; Leal 2007); or as Uvin puts it, 'these statements essentially […] colonise the human-rights discourse' (2007:599). A new paradigm in the early 2000s meant that 'development and rights become different aspects of the same dynamic' (Ibid:601). In this approach, development should happen on the terms that include human rights as a constitutive part. Amartya Sen's best selling book, *Development as Freedom* (1999), is frequently cited in this regard. Sen suggests that the obstacles of achieving human capabilities should be removed: 'poverty as well as tyranny, poor economic opportunities as well as systematic social deprivation, neglect of public facilities as well as intolerance or over-activity of repressive states' (Ibid:1).

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[74] Adapted from http://www.unhabitat.org/categories.asp?catid=10 (accessed on 30/03/2011)

Huchzermeyer (forthcoming), drawing from Paul Nelson's (2007) work, shows how MDG approach to development is regressive, compared to rights-based development[75]. Firstly, in MDG terminology, the poor are treated as objects rather than agents, which have political implications. Furthermore, rights-based development, rather than goal achievement, binds governments to duties, which are highly contested. Secondly, monitoring and reporting on goals happens at a high level, whereas rights bind governments to be accountable to organised society and an electorate as a whole. Lastly, rights-based approaches call to attention causal drivers of poverty and urban informality and inequality, where goals focuses on the progress made on some of the worst symptoms of poverty.

That said, UN-Habitat, guided by the Habitat Agenda, Millennium Development Goal 7, targets 10 and 11[76], and the urban dimension of Local Agenda 21[77], amongst other declarations, continue to drive policy recommendations on the urban environment. During the period 2000-01, Habitat launched a two-track campaign with the explicit intention of reducing urban poverty through the *advocacy* of policies that emphasise equity, sustainability and social justice. These campaigns are 1) Global Campaign for Secure Tenure (advancing *Shelter for All)* and 2) Global Campaign on Urban Governance (advancing *Sustainable Human Settlements).* This section will consider these two campaigns through the lens of the ongoing process of neoliberalisation, at once present within and among cities, and the contradictory nature of capitalist urban development.

Global Campaign for Security of Tenure

> We reaffirm our commitment to the full and progressive realization of the right to adequate housing, as provided for in international instruments. In this context, we recognize an obligation by Governments to enable people to obtain shelter and to protect and improve dwellings and neighbourhoods. We commit ourselves to the goal of improving living and working conditions on an equitable and sustainable basis, so that everyone will have adequate shelter that is healthy, safe, secure, accessible and

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[75] Huchzermeyer, referencing Nelson, also argues that the roots of the MDG can be traced to the 1995 World Summit on Social Development where NGOs, activists and social movements participated. A stronger influence can, however, be traced to the OECD governments and international financial institutions since 1996, highly influenced by such publications as the OECD's *Shaping the 21st Century* and the World Bank/IMF Paper *A Better World for All* (2000). Bond (2006) therefore associates a strong neoliberal agenda with the MDG (cited in Huchzermeyer forthcoming).

[76] UN-Habitat is mandated to track the progress of and ensure the realisation of MDG 7 that aims to 'ensure environmental sustainability'. Targets 10 (Halve, by 2015, the proportion of people without sustainable access to safe drinking water and basic sanitation) and 11 (Have achieved by 2020 a significant improvement in the lives of at least 100 million slum dwellers) give operational value to the Goal.

[77] Agenda 21 (or Agenda for the 21st century) is the action plan of the UN related to sustainable development and was an outcome of the UN Conference on Environment and Development held in Rio de Janeiro, Brazil, in 1992. The Johannesburg Plan of Implementation, agreed at the World Summit on Sustaianble Development (2002) reiterated the commitment to realising Agenda 21. Local Agenda 21 (LA 21) refers to the to chapter 28 of the Agenda 21 document and involves the local implementation.

affordable and that includes basic services, facilities and amenities, and will enjoy freedom from discrimination in housing and legal security of tenure. We shall implement and promote this objective in a manner fully consistent with human rights standards.

<div align="right">Habitat Agenda, para. 39</div>

Since 2004, UN-Habitat, via newly created Shelter Branch, has been advocating for security of tenure in realising the full and progressive right to adequate housing through the Global Campaign for Security of Tenure (GCST). The GCST, which predated but complements Target 11 of the MDG, spotlights the issue of security of tenure as both a remedy to the impeding shelter crisis but also to address the underlying cause of urban poverty (UN-Habitat 2004). The GCST concept paper outlines some of the core premises: 'The Campaign encourages negotiation as an alternative to forced eviction, and the establishment of systems of tenure that minimise bureaucratic lags and the displacement of the urban poor by market forces' and it also 'recognises slum dwellers and their organisations as genuine partners, and seeks to promote their partnerships with government at all levels as essential tools for the upgrading, planning and management of cities' (Ibid: 9-10). Edgar Pieterse (2008) notes that the Advocacy Tool's allowance for multiple tenure options, as they have historically originated, breaks from narrowly defined, yet popularly adhered to, security of tenure through land titling, highly influenced by Peruvian economist Hernando de Soto's *The Mystery of Capital* (2000). In Pieterse's reading, however, the GCST fails to address the central governance issues in the aftermath of devastating structural adjustment policies that eroded national power, authority and capability (Ibid:51-52), even though frequent reference is made to the Global Campaign on Urban Governance. As Pieterse shows, the neoliberal undertone of de Soto's writings, giving the state the power to legitimise its privatisation agenda, is not sufficiently dealt with by the GCST.

De Soto's ideas in *The Mystery of Capital* aims for nothing less than solving the problem of global poverty (Pieterse 2008:48). Land titling has been a preferred intervention for international development agencies and national government since the early 1990s, notably World Bank funded projects in Peru in 1998 where it was found that land titling was an essential precondition for creating efficient land markets that was premised on the protection of private property rights (Payne et al. 2007). In this book, de Soto revives the discourse on land titling in reducing poverty when he argues that the 'major stumbling block that keeps the rest of the world from benefiting from capitalism is its inability to produce capital, and that whilst the poor already possess the assets they need to make capitalism work for them, they hold these assets in defective forms' (Ibid:2). He argues that bestowing freehold title is the best way to integrate slums back into the urban fabric (Pieterse 2009:45). De Soto regards the affluence of the West as being directly correlated to private ownership, opening avenues for collateral. Hence, the revival 'dead capital', i.e. the lack of titles to their properties that could be used for re-investment, is a central factor in social and economic development. In his estimation, 'dead capital' in the developing world amounts to $9.3 trillion.

However, severe critiques have been launched against de Soto's assumptions, calling into question the very premise of his arguments. Edesio Fernandes (2002), a Brazilian jurist and urban planner, points out that de Soto has 'failed to question the very nature of the legal system that has generated urban illegality in the first place'. Furthermore, Payne et al. (2009) calls into account the institutional hurdles in facilitating mass-scale titling; it is time consuming and costly, rarely adopts to varied tenure categories and does not guarantee access to mortgage. Perhaps most important, land titling has not necessarily ensured security of tenure as market-led displacement forces are increasingly common under mass titling. Durand-Lesserve (2006) notes that the liberalisation of land markets is increasing market pressure on urban low-income residents. Market-driven evictions and displacements occur when wealth is generated from more profitable uses of land and no capital is made available for housing and resettlement projects. Negotiated displacements, however equitable they may be, often lead to the deterioration of the poor's economic and housing condition, and ultimately leads to the perpetuation of slums. Among other social impacts, Payne et al. (2009) show how land titling can have an adverse impact on the political life of the urban poor and quotes the NGO Land Equity when they say that 'the formal land registration system in most countries is often not neutral, and where titling is implemented, people with customary tenure may in fact lose their rights' (Land Equity 2006 cited in Payne et al. 2009:458).

Huchzermeyer (2005) says that de Soto is wrong in believing that 'everyone will benefit from globalising capitalism within a country, but the most obvious and largest beneficiary will be the poor' (de Soto 2001:189). While de Soto's ideas have been widely criticised, 'his politically supported bandwagon rolls on regardless' (Payne et al. 2007). But more than land titling, De Soto is well known for his portrayals of the heroics of the urban poor and converges on the idea of 'helping the poor help themselves'. Roy (2005) notes that 'this celebration of self-help obscures the role of the state and even renders it unnecessary' as the neoliberal state legitimises its advancement on an agenda for privatisation through austerity policies (2005:148). In a previous section I explored the notion of the state having the power to determine and construct the categories of legitimacy and illegitimacy, and from this perspective, 'the legalisation of informal property systems is not simply a bureaucratic or technical problem but rather a complex political struggle' (Ibid:150).

The core message of the GCST allows for a various forms of tenure security in an enabling legal framework supported by good governance. Pieterse (2008) asks the questions, 'to what extent are these preconditions likely to exist [and] what are the factors that militate against their existence?' (Ibid:51). From this perspective, the GCST does not provide compelling arguments on the causal drivers or market based displacement as the neoliberal state advance on its privatisation agendas.

Global Campaign on Urban Governance

> Sustainable human settlements are those that, *inter alia*, generate a sense of citizenship and identity, cooperation and dialogue for the common good, and a spirit of voluntarism and civic engagement, where all people are encouraged and have an equal opportunity to participate in decision making and development.
>
> Habitat Agenda, para. 32

The shift in thinking on 'public management' from 'government' to 'governance' has been widely discussed and is now assumed as best practice. Moreover, urbanisation and international pressure have forced developing countries to accept the democratisation and decentralisation processes of democratic local/ urban governance as best practice (Obeng-Odoom 2009). In this context, the UN-Habitat Global Campaign for Urban Governance (GCUG) is premised on the 'shift from direct provision of goods and services by government to an enabling approach' (Taylor 2000). Furthermore, the emerging consensus that 'good governance' is essential in achieving sustainable development is firmly embedded in the intellectual architecture of the campaign. 'Good urban governance', with its normative imperatives, argued then-Head of Urban Development Branch at UN-Habitat, Paul Taylor (2000), is a complex and controversial ideal. He shows that definitions of this ideal differ between the UNDP and World Bank, notably because of the different agendas. UN-Habitat's definition of 'good governance' is derived from the Habitat Agenda where governments agreed to 'transparent, responsible, accountable, just, effective and efficient governance of towns, cities and metropolitan areas' (para. 45(a)). Taylor mentions that three aspects of the various definitions on governance are relevant for this campaign.

> First, governance is a neutral concept; it can come in many forms, tyrannical or benevolent, effective or incompetent. Second, governance is not government. As a concept, it recognises that power exists inside and outside the formal authority of government. In many formulations, governance includes government, the private sector and civil society. Third, governance emphasises "process". It recognises that decisions are made based on complex relationships among many actors with different priorities (Taylor 2000:199)

Moreover, the central theme of the campaign is the creation of 'inclusive cities', 'because inclusive decision-making is at the heart of good urban governance' (UN-Habitat 2002). The campaign is designed to operationalise a rights-based framework[78] that prioritise the special needs of children, sustainable management of all urban settlements, equal participation of men and woman, eradicating poverty, decentralising authority, and generates a sense of citizenship, cooperation and dialogue. Issues on participation in neoliberal spaces and the

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[78] The concept paper draws inspiration from commitments made in various UN Conferences during the 1990s. These taken together sets an agenda for an 'inclusive city' that combats exclusion resulting from 'physical, social or economic conditions, or because they are not politically recognized in the cities in which they live' that ultimately 'prevents certain groups of people from participating in city life and activities' (P. Taylor 2000:199)

quest for 'world-class' cities have been outlined in the introductory section, and therefore I will limit this investigation to the GCUG.

As argued before, neoliberalism has radically altered the conceptions of inclusive governance. Edgar Pieterse (2008:66-70) is quick to point out that the GCUG offers a new framework for enforcing a rights-based approach to development, premised on the ideals of an 'inclusive city'. However, the GCUG is weak for a few reasons. First, there is no explanation of why exclusion and inequality persists in cities. By failing to regulate the powerful and rich, post-colonial states legitimise the systematic exploitation of the poor. Secondly, as he critiqued the GCST, the organisations of the urban poor are homogenously presented. Very bad participatory processes can be facilitated by not disaggregating the social processes and dynamics of the urban poor (see Cornwall 2005). Lastly, he argues that concept paper relies on the consensus-building model of urban politics (Pieterse 2008:65-70). As mentioned in section 1, new understanding in planning theory suggests that power is unequally distributed in urban spaces, complicating and restricting the rationale behind consensus building. The applicability of normative principles has led scholars to challenge the relevance thereof in regions that are conflict prone (e.g. Watson 2003, 2008; Awuor-Hayangah 2008). Moreover, space making under neoliberal governance includes the rhetoric of 'empowerment', 'participation' and 'social capital', but many scholars have questioned the cooption and tyrannical strategies of the neoliberal state in 'participatory' development forums (Cooke & Kothari 2001; Miraftab 2004; Cornwall & Brock 2005; Roy 2005; Leal 2007).

Addendum 3: CoCT Moratorium

SERVICE DEVELOPMENT AND INTEGRATION

Development Services   2007-10 - 02

HANGBERG IN-SITU UPGRADING

Community and City of Cape Town Moratorium

Dear Resident,

As you may be aware of, the City of Cape Town in partnership with the community of Hangberg is embarking on an in-situ upgrading project for the Informal Settlement of Hangberg. This will uplift the whole community of Hangberg and provide better living conditions for residents.

The success of this project is depending on the cooperation of the Hangberg community, and to assist the Project Team during the course of this project, a Project Steering Committee, comprising of 10 members from the Hangberg community, was duly elected on 12 March 2007.

Whilst there are still a large number of steps to take before any physical work will be done in the settlement, certain pro-active measures should be put in place to achieve the goal. Unfortunately not all measures will be popular, but they are required in order for the project to be successful. It must be emphasized from the onset that everyone is currently occupying Council property.

With immediate effect:

1. No construction of any new dwelling or extensions to existing dwellings will be allowed.

Residents are urged to assist the project by assuring that no new dwellings or extensions to existing dwellings are allowed in Hangberg. Density is a huge problem, and further densification can prohibit the provision and construction of services to such an extent that it can derail the project completely. Any person thus found to be in breach of this would be requested to remove his/her dwelling or extension immediately, failing which Council's Law Enforcement will be asked to intervene. Only in certain cases will extensions/ renovations be allowed, and this must be agreed upon by the City of Cape Town and Project Steering Committee. Application forms are available from your block level representatives.

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2. No upgrading of existing dwellings with permanent material will be allowed.

Depending on the future layout of the settlement and the permanent services planned, no guarantee can be given that all existing dwellings will stay where they are. Should residents upgrade their dwellings to a "permanent" status, they run a real risk of having to demolish and ruin expensive material should they be asked to make provision for a new layout. In the event of a resident being asked to relocate his/her dwelling for this reason, no compensation can be claimed for any loss or damage to any building material.

Some individuals in Hangberg are also in breach of the occupancy agreement, in that some dwellings were constructed from permanent material and in some cases the maximum size allowed have also been exceeded.

Residents of dwellings which do not comply with formal building regulations and standards are therefore warned that there is a risk with regards to flooding, landslides, mudslides or collapsing foundations. As the safety of all residents is of paramount importance, these residents may be asked to take preventative steps to ensure the safety of their dwellings, should they be allowed to remain where they are.

3. No illegal connections to service infrastructure will be allowed.

Residents are requested to refrain from illegal connections to the existing services (water- and sewer pipes). Council's by-laws prohibit the connection to services other than by **Council appointed**, qualified persons. Unchecked connections are placing a huge demand on the available services, and can cause major maintenance problems.

4. Upgrading and building of footpaths will be allowed under condition.

Residents, who wish to upgrade or build footpaths, must first get the necessary permission from the PSC. Residents should however take cognisance of the fact that any work in this regard will be deemed temporary and future construction may result in these footpaths being removed. Residents must also make sure that in no way the flow of any storm water is diverted, as this can result in downstream erosion and the possible collapsing of other dwellings.

5. Fencing off of dwellings will be allowed under condition.

Residents, who wish to erect fences around their dwellings, must first get the necessary permission from the PSC. **Vibracrete fencing or brick or concrete walls (permanent walls) will not be allowed.** All fencing **must** allow storm water to pass unhindered and must have sufficient access for maintenance and emergency purposes. The erection of a fence around a dwelling **does not** give the occupant or owner of that dwelling any right or claim on the fenced off area. Should any fence create problems for other residents or maintenance or emergency personnel, said fence will be removed forthwith, with no compensation whatsoever to the erector.

6. Rights to the community register will be transferable only under certain conditions.

Once the community register has been finalised and accepted by the community, PSC and City of Cape Town , rights to the community register will only be transferable in the case of death, a divorce or an approved sale. This means that, should someone sell a dwelling to any

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other person who is not on the community register; he/she will be selling rights to the register and not the land on which the dwelling is located. The seller will also need to prove (affidavit) that they are either moving into a formal house or out of Hangberg completely. The buyer must be from Hangberg, a family (with children under the age of 18) and who does not already own another bungalow or house. The committee will not be responsible for identifying potential buyers.

In the event of the death in a registered household, the rights will be transferred to his/her next of kin. In the event of a divorce, normal separation procedures will be applicable, but the rights can only be transferred to the spouse (this could be either the wife or the husband).

The Project Steering Committee is counting on the cooperation of all residents of Hangberg to honour and to commit to the above measures, as without **your** cooperation this project cannot succeed.

Should you have any problems or questions on any of the above, please contact your representative on the PSC.

Please assist us in making Hangberg a better place for <u>YOU and your dependants.</u>

Kind regards,
City of Cape Town

CHAPTER 2

CHAPTER 4

CHAPTER 3

CHAPTER 5

Addendum 4: Hangberg timeline

2004

MARCH: Karbonkelberg Sanctuary established - Hangberg fishers denied customary rights to fishing

MAY – JUNE: Hangberg Informal settlement receives rudimentary services under ESIS Programme

MARCH: Mayor Zille hear plight of Hangberg community after 13th fisherman's drowning in 8 months

NOVEMBER: Public meeting with Mayor raises 5 critical concerns and discusses proposed in-situ upgrade

2006

MARCH: In-principal mayoral commitment to *in situ* upgrade. Local project steering committee (HiDA) democratically elected

DAG assists HiDA with the compilation of a geo-spatially referenced community register. 302 housing opportunities through upgrade project indentified

2007

DAG, HiDA and City form partnership to implement project. DAG facilitates capacity development

JULY: Business plan approved. City puts out tenders. No responses for community register/enumeration and tenure specialist. DAG approaches LEAP for advise

OCTOBER: City submits preliminary business plan to Province for UISP funding. A moratorium on erecting new structures is agreed and signed with the aim of maintaining feasible density of 120du/ha

NOVEMBER: Metro Police intention to break down illegal structures met with hostility. Threats of gentrification

2008

JULY: Sentinel Mountain goes up for auction. Residents protest at Chapman's Peak hotel and auction is called off.

Late NOVEMBER: At public meeting, wider community voice dissatisfaction of isolated project while housing need is dire. Need for wider representation and steering committee identified

2009

JULY: At public meeting after protest, issues of wider representation tabled. City announces land procurement for housing development in Hangberg.

AUGUST: Community leaders meet City officials in order to resolve representative issues and elect a project steering committee (PSC)

DECEMBER: Town planner produces 3 conceptual layouts of the upgrade in consultation with community

17 SEPTEMBER: Leaders meet officials - preliminary arrangement on PSC is reached. Public meeting is disrupted and no consensus is reached

2010

FEBRUARY: Court ruling of 2010 required City and Hangberg to proceed in peacefully mediated forum. Issues of representation threatens process

21 SEPTEMBER: After failed public meeting, Premier Zille authorises Metro Police to dismantle illegal structure. Violent confrontation follows

MAY: Hangberg is spotlighted in oppositional political campaigning for municipal elections. General apathy toward parties is evident

2011

OCTOBER: Cosatu suggests IJR facilitates mediation process. City urges Cosatu not to be involved

JUNE: New mayor Patricia de Lille hands over 'letters of commitment' to transfer ownership to 60 residents in state owned rental flats

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