capacity as South Africa's Minister of Defence (SDI, 2009). In 2010 FEDUP [?]
announced its intention to approach the new Human Settlements Minister, [?]
Sexwale, 'to serve on the UPFI Board of Governors, or to nominate [?]
Minister Zoe Kota-Fredericks as the representative from the South [?]
government'.

9. This Act was tightened several times in the period leading up to the [?]
the apartheid state's repressive shack eradication drive in the mid-1970s [?]
1982).

10. The Provincial Government of the Western Cape has also conceptualised [?]
region for the less densely urbanised surroundings of Cape Town.

11. A conflict over municipal and provincial powers (in particular the City [?]
Johannesburg's Development Planning and Urban Management Directorate [?]
the Gauteng provincial planning tribunal) in relation to township establishment
and rezoning reached the Constitutional Court, with a judgment handed [?]
on 18 June 2010. The Court restored a level of autonomy for municipalities
by declaring sections of the Development Facilitation Act, which allowed
the Premier (the political head of the province) to overrule provisions in the
municipal Integrated Development Plans (IDPs), unconstitutional (Jafta, 2010)
Nevertheless, Gauteng Province and the City of Johannesburg then together
approached the Court for a declaratory order, to clarify the issues at hand
(Harrison, personal communication, 25 October 2010).

12. Melanie Sampson's unpublished research in 2006 into the encroachment of the
security industry into development first alerted me to this trend.

13. Anton Harber (2011: 168–169) provides a journalistic narrative about this same
categorisation, having interviewed City of Johannesburg's Mayor Amos Masondo and
the Mayoral Committee member for development planning and urban management.

14. The figures for decrease and increase in informal settlement numbers are from
City of Johannesburg (2010b).

Chapter Six

Flagship 'slum' eradication pilot projects: flaws and controversies in the N2 Gateway in Cape Town and Kibera-Soweto in Nairobi

*... the planners' dream of sanitary paradise is rarely the social panacea it at
first appears, and in practice, if it does not simply mask the whole issue (slum
dwellers being forced into even worse conditions so that middle class housing
can be built on the land cleared) it often creates more intractable social
problems than those it set out to solve.*

(Bujra, 1973: 1)

In 2004, within a month of one another, South Africa and Kenya each launched
what were initially planned to be national 'slum upgrading' pilot projects.
Both projects, responding to the state's embarrassment with visible informal
settlements, would distort the meaning of 'upgrading' as an approach to
dealing with informal settlements and would find partners in global
organisations professing to promote *in situ* upgrading. In South Africa's
tourism capital, Cape Town, the tellingly named N2 Gateway Project targets
informal settlements that no visitor can avoid noticing when entering the city
from the airport on the N2 highway. In Kenya's capital, Nairobi, the pilot project
of KENSUP targets Africa's iconic 'slum' Kibera (whose size, as discussed
in earlier chapters, is often exaggerated), visible in particular from Langata
Road, which leads tourists to Wilson Airport and the gates of the Nairobi
National Park. In both cases, modernist conceptions of 'slum' eradication have
shaped these pilot projects, translating 'upgrading' into redevelopment that
involves erection of expensive, attractive-looking multi-storey blocks of flats,
with considerable disruption to the lives of the affected informal settlement
residents. Striking images of 'before' and 'after' announced the pilot in both
Cape Town and Nairobi, leaving no space at all for resident households and
interest groups to shape the development model. In both cases, a perceived
urgency of the need to improve urban competitiveness complemented the
governments' 'slum' eradication commitments in justifying this approach.
Temporary relocation areas or decanting sites, though developed to very
different standards in Cape Town and Nairobi, form part and parcel of the

'slum' redevelopment model. Both projects have overrun their budget substantially and are delayed by controversy over the redevelopment model. In Cape Town, the global NGO SDI shifted from critic to partner of the state in the N2 Gateway Project. And in the case of Nairobi, UN-HABITAT plays a direct, though shifting and seemingly uneasy, role as a high-level partner of the Kenyan government. The KENSUP pilot has been no less contradictory than the N2 Gateway Project of the reality of its host city, its target population and the core values that SDI and UN-HABITAT profess to represent.

The N2 Gateway Project displacements: flagship distraction from entrenched policy and good practice

In Cape Town, the apartheid state's resumption in the mid-1980s of low-income residential developments for African households led to transit camps and sites-and-service areas as well as core housing developments, but only on the distant and sandswept periphery of the city. Not surprisingly, in the ambiguous late-apartheid years informal settlements emerged on unused parcels of more conveniently located land. After lobbying and contestation, the early post-apartheid state integrated the residents of some of these settlements into nearby formal developments, making exceptions to the otherwise continued apartheid patterning of the city. Examples are Marconi Beam in the seaside suburb of Milnerton and Imizamo Yethu in the hilly and leafy luxury suburb of Hout Bay.

Best located of the 'black' apartheid/pre-apartheid era townships is Langa, 12 km from the city centre and adjacent to Cape Town's early 'garden city' suburb of Pinelands (Figure 6.1). As per accepted engineering practice, the township is separated by a wide road reserve and stormwater ditch from the N2 highway, which leads past it and into the city centre. The first shacks appeared on this land in the early 1990s (Dhupelia-Mesthrie, 2009: 27; Sizani, 2009) and came to be known as Joe Slovo informal settlement after the first post-apartheid Minister of Housing. This settlement became the target of the first phase of the N2 Gateway Project. Housing Minister Lindiwe Sisulu, whose 2004–2009 term in office was intertwined with the trajectory of the N2 Gateway Project, explains that 'in 1990, the ANC decided to mobilise society, saying "occupy all the vacant land that belongs to the state". One such group occupies Joe Slovo' (Sisulu, 2008b). Around 2002/3, in a bid to reduce the risk of fire and improve the living conditions in Joe Slovo informal settlement, the City of Cape Town provided electricity, communal toilets with waterborne sewerage and communal taps. The government, however, did not
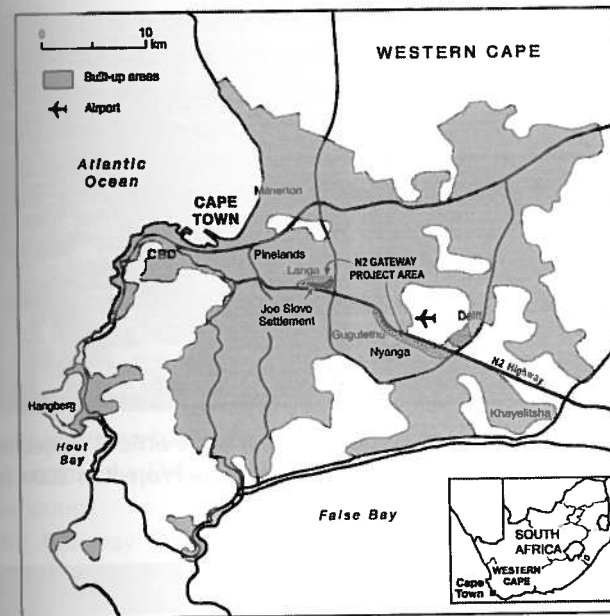

Figure 6.1: Location of Joe Slovo informal settlement and the N2 Gateway Project within Cape Town

Source: Adapted from Parliamentary Monitoring Group (2010)

formalise the residents' rights to occupy the land. By 2004, the municipality estimated that 5 600 households lived in the partly upgraded Joe Slovo informal settlement bordering Langa (Oscroft, personal communication, 11 November 2010).

Early challenges and unlikely partnership in shack clearance and temporary relocation

The N2 Gateway Project announced itself to households living along the N2 highway, including the Joe Slovo informal settlement, in September 2004 through the media (COHRE, 2009: 11). Soon, through a somewhat unclear series of events, households in the first targeted portion of the settlement found themselves shifted aside onto vacant portions of the remaining settlement, to make way for the planned construction (Figures 6.2, 6.3).[1] The displaced residents understood that they had been 'promised permanent homes' in the areas they had vacated (ibid: 12; Merten, 2005a). However, the state, endorsed by the highest court, later disputed the legitimacy of this expectation.

Figure 6.2: Joe Slovo informal settlement (left); the official projection (from the opposite direction) for the N2 Gateway Project in 2004 (right)

Source: Courtesy of City of Cape Town

Figure 6.3: Phase One of the N2 Gateway Project under construction in 2005

Source: Courtesy of City of Cape Town

In early 2005, a sweeping shack fire in Joe Slovo settlement and the adjacent hostel area rendered 3 800 households homeless. The N2 Gateway Project subsequently accommodated 2 500 of these in a 'communal tent camp' (DAG, 2007b). The project disallowed the rebuilding of the burnt shacks, as the fire had conveniently opened up land for the planned construction of new

housing. Instead, the project accelerated its plans for TRAs. As its attempts to secure well-located land had met with objections from neighbouring landowners, the project resolved to develop its TRAs on vacant land (which had been earmarked for a future cemetery) in Delft, 15 km further from Joe Slovo towards the urban periphery (DAG, 2007b). Former Joe Slovo residents from the communal tent camp were moved to the first of these TRAs, which contained 2 000 temporary units in what came to be known as the 'Tsunami' TRA. Delft is a sandy, windswept island of low-cost housing, bounded by the Cape Town International Airport on one side, highways on two sides and a major arterial road on the fourth. The name 'Tsunami' refers to the stress residents experience living under the control, confines and isolation of the TRA, with uninsulated corrugated iron rooms cheek-by-jowl—'it's a disaster waiting to happen' (Joubert, 2007d). Dhupelia-Mesthrie (2009: 28) observes that the Delft TRA 'bears all the hallmarks of an apartheid era relocation camp'.

The N2 Gateway Project attempted to cater for households needing regular care from the local clinic in Langa. It therefore established a small TRA adjacent to Joe Slovo settlement in the Langa township, the 'Intersite TRA', referring to the company that owned the land (Oscroft, personal communication, 11 November 2010). However, those displaced by the Joe Slovo fire and not accommodated in the tent camp invaded these units. The project removed them to the 'Tsunami' TRA in Delft, where they joined others from the tent camp whom the project had already relocated (DAG, 2007b).

In the previous chapter I summarised various reservations voiced about the N2 Gateway Project. I included criticisms voiced by the influential SDI, namely that the project was attempting to 'create the façade of a slum free-city' (SDI, n.d.: 36). However, SDI, with the South African federation it supports, shifted its position from critic to active role player and partner in the project. In the wake of N2 Gateway relocations, in May 2005 Minister Sisulu was invited by the then South African Homeless People's Federation (SAHPF—soon renamed and restructured as FEDUP) to a 'mass public meeting in an informal settlement' in Durban (Baumann, 2005). There, she committed herself to a partnership with the HPF, including financial support for building skills training and, remarkably, a request for HPF assistance in surveying shack dwellers in Cape Town's N2 settlements' (ibid). Thus, the SAHPF, with a professional team from SDI, took on the particular task of facilitating the unpopular relocations through an 'enumeration' process.

This involves training of community members for door-to-door collection of household data, in a process that is intended to share information about pending developments or unavoidable relocations, empower ordinary residents and facilitate the organisation of communities (UN-HABITAT & GLTN, 2010).[2] SDI/HPF's decision to partner with the state on the N2 Gateway Project occurred in the context of internal turmoil and crisis within the federation and its SDI-affiliated NGO, People's Dialogue. The powerful and much acclaimed Victoria Mxenge community, a stronghold of the SAHPF in Cape Town and centred around its flagship housing project, was striving for autonomy. As a result, SDI severed its ties with this group, and most of the SAHPF's remaining savings groups formed FEDUP (Baumann, 2006).[3] The NGO People's Dialogue was also closed down in this period and the SDI-affiliated Community Organisation Resource Centre (CORC) took over many of its support functions. The SAHPF continues to function as a federation of savings groups in Cape Town and beyond, under that name, but without SDI and donor support. Interpretations of the 'crisis' that led to this split remain contested.

A year later, the dust had settled over the SAHPF–SDI/FEDUP split and the latter's partnership with the Ministry of Housing flourished. At SDI/FEDUP's suggestion, the Department of Housing funded the extravagant International Slum Dwellers' Conference in the world-class Cape Town International Convention Centre mentioned earlier.[4] At the conference, SDI/FEDUP reported on the enumeration and on how its enumeration team had tried to help the City of Cape Town update its informal settlement information. My own enquiries with the housing research unit of the City of Cape Town on the same day revealed no knowledge of the enumeration or its findings (Kuhn, personal communication, 18 May 2006). Later enquires clarified that 'although SDI had tendered to enumerate the targeted settlements at no cost to the City, the City had not contracted with SDI' as such (Oscroft, personal communication, 11 November 2010).

More disconcerting, however, were SDI/FEDUP's statements at the International Slum Dwellers' Conference regarding Joe Slovo residents' resistance to the N2 Gateway relocations. Rose Molokoane, the FEDUP chairperson, SDI board member and 2005 recipient of a UN-HABITAT scroll of honour, publically explained SDI/FEDUP's position in relation to the households refusing to relocate from Joe Slovo to the TRA in Delft: 'We identify it as a problem that for example in Langa people are demanding and not helping themselves. SDI and FEDUP are offering to speak to these people to help them enter into negotiations' (Molokoane, 2006). SDI's

response to the N2 Gateway Project evictions was that they were 'going to happen regardless' of criticism and suggestions for alternatives (SDI, n.d.: 9). It is interesting that Ananya Roy (2010) explains and subtly questions a similar strategic–pragmatic positioning in the SDI-affiliated NGO SPARC in relation to evictions in Mumbai. Like SDI in South Africa, SPARC 'rejects rights-based approaches to inclusion that seek to confront the state' (Roy, 2010: 153). Ironically, rights-based or legal action by the Joe Slovo residents ultimately led to the abandonment of the Phase Two eviction in the N2 Gateway Project. At that point, as I will show, SDI happens to have switched its position and stepped in to promote *in situ* upgrading of Joe Slovo settlement, an approach that the Joe Slovo community had demanded all along in its resistance to relocation to the Delft TRAs.

SDI explains its shift from project critic to collaborator in the planned relocation as follows:

> *Instead of arguing for holistic and participatory development that created decent built environments close to public facilities and places of work, [SDI's office in Cape Town, CORC] agreed to participate in* the city's ill conceived master plan *that involved the relocation of 10 000 families to transit housing and private developer construction of (not so) low cost rental accommodation ... Federation members followed [the relocatees to the Delft TRA] and began to mobilise them into savings groups.*[5] (SDI, n.d.: 36, my emphasis)

However, the description here of the N2 Gateway Project as 'the city's ... master plan' is not accurate. In December 2005, the state took a decision to terminate the then ANC-led City of Cape Town's involvement in the N2 Gateway Project altogether. In place of the City, the national Department of Housing appointed the ill-fated Thubelisha Homes, a government-initiated special purpose finance vehicle, then tasked with managing the project 'under contract to the provincial Department of Housing' (Oscroft, personal communication, 15 November 2010). 'The change to the MoU [Memorandum of Understanding], which formally relieved the City of its role as Developer, was signed off by the ANC Executive Mayor Mfeketo in February 2006' (ibid). Soon after this, in the 2006 local government election, the Democratic Alliance (DA) took over the Cape Town municipality from the ANC. The new mayor (2006–2009), Helen Zille, distanced herself from the project, complaining about improper planning and implementation and the 'unfunded mandate' which the municipality had carried and which now translated into 'huge claims from various companies involved' (Thamm, 2006a). The ANC saw her criticisms as 'mischievous and divisive' (IOL, 2006).[6] By 2009, Thubelisha

Homes had become technically insolvent and was closed down. The newly established Housing Development Agency (HDA) took over Thubelisha function in the N2 Gateway Project. According to the Parliamentary Monitoring Group (2009), 'Thubelisha had a troubled history from the start due to under costing and its involvement in the N2 Gateway Project, which was dogged with political problems'.

Very few of the households that were relocated at the time when the first phase of the N2 Gateway Project was initiated could afford to return and move into any of the 705 units that had been constructed in neat-looking multi-storey blocks (Figure 6.4). Rentals were too high. Municipal housing official Peter Oscroft explained that the nearby Hostel to Homes project in Langa had achieved 'affordable rentals', whereas the first phase of the N2 Gateway Project, for bureaucratic reasons, had to rely on the 'social housing policy whose cost recovery rental structure rendered the units unaffordable to residents of the informal settlement' (Oscroft, 15 November 2010). The project allocated these units on a market basis (Baumann, 2005; COHRE 2009; Thamm, 2006b) to people from other lower-income parts of Cape Town. Many interpreted this as a breaking of the original promise to upgrade the informal settlements along the N2. Minister Sisulu's (2008b) justification for this shift from informal settlement upgrading to housing for richer groups

Figure 6.4: Rental housing, Phase One of the N2 Gateway Project

Source: Author's photograph (2006)

was the need for mixing income groups—'because we are committed to overcoming apartheid spatial planning, we will not build only for the poor'. However, controversy went beyond the question of who the legitimate target groups were for the N2 Gateway housing. Once constructed, the buildings themselves were marred with controversy over construction standards and rapid deterioration (COHRE, 2009; Joubert, 2007b; Parliamentary Monitoring Group, 2010). While this became the subject of lengthy investigation by the auditor-general, in what follows I focus merely on the struggle that unfolded over relocation versus informal settlement upgrading within the N2 Gateway Project.

Legal challenges to extended removal and temporary relocation

In Phase Two, the remaining mainstream partners in the project (the national Ministry of Housing, the provincial government and Thubelisha Homes) (SDI/FEDUP's role being merely that of facilitating the relocation) then planned to construct 3 000 mortgaged homeownership units along the N2 freeway, again not for the displaced Joe Slovo residents holding out in the distant Delft TRA, but for formally employed 'bankable' households. The project undertook to construct further TRA units at Delft to allow the remainder of the Joe Slovo shack dwellers to be cleared for Phase Two. Phase Three of the project now envisaged building permanent housing affordable to the erstwhile Joe Slovo residents in Delft, rather than attempting in any way to accommodate them within the visible and far better located parts of the N2 Gateway. Adding to the project's controversy, poor households living as backyard tenants in permanent low-income estates in Delft invaded these new housing units before they were officially allocated to the intended beneficiaries (Chance, 2008; Joubert, 2008a).

Meanwhile, residents in the remaining parts of the Joe Slovo informal settlement raised objections to 'the threat of forced removal to Delft' (COHRE, 2009: 16). They established a formal task team, replacing an inactive system of committees (Sizani, 2009: 38). The task team 'criticised the government for dumping them "in a slum called Delft" more than 30 km on the outskirts of the city' (COHRE, 2009: 16). The Housing Minister responded that while she understood people's anxieties, this had to be balanced with eradicating slums that were both a blight on democracy and unsuitable for human development' (ibid: 17). Dissatisfied with the response, the residents barricaded the N2 freeway. In an ensuing clash with the police, 'more than 30' of these residents were injured (ibid). The Minister then announced her intention to use a legal route to compel the Joe Slovo residents to move.

Jointly with the Western Cape provincial MEC for Housing and Thubelisha Homes, Minister Sisulu 'secured an interim eviction order' from the High Court (ibid: 18). In response, '3 500 Joe Slovo residents walked to the Cape High Court ... and individually lodged their objections' (Joubert, 2007c). The media reported this as 'one of the biggest class action cases brought in South Africa' (ibid). The legal representative of the residents, Advocate Geoff Budlender, highlighted the seriousness of this case to the media, observing that he did not 'remember another case in which government started the eviction of a settled community of 20 000 people where people have lived for as long as 15 years' (Budlender, quoted in Joubert, 2008b).

However, in March 2008 the High Court ruled in favour of the eviction, finding that the 'residents of Joe Slovo had no legitimate expectation or any right to remain in Joe Slovo', given that the state was providing 'more than adequate temporary accommodation' (COHRE, 2009: 18–19). With legal support from CALS, COHRE, the Community Law Centre (CLC) at the University of the Western Cape (UWC), the Legal Resources Centre (LRC) and the Western Cape Anti-Eviction Campaign (AEC) in different capacities, the Joe Slovo community's task team and one other committee from the settlement appealed the judgement in the Constitutional Court.

The state's excuses for not upgrading in situ

A large delegation of Joe Slovo residents, supported by members of the AEC, travelled to Johannesburg to attend the Constitutional Court hearing on 21 August 2008 (Figure 6.5). The state's representatives at the Court, and the formal papers submitted by the state, exposed the official thinking about the N2 Gateway Project and the rationale for the relocations. The *Amici Curiae* (Friends of the Court) in turn gave evidence that the BNG policy document identified the N2 Project as an informal settlement upgrade pilot, arguing therefore that the then 'Chapter 13 of the Housing Code' (the Upgrading of Informal Settlements programme) ought to have been implemented in the Joe Slovo settlement. The *Amici Curiae* demonstrated that the principles of this programme applied to all informal settlements, including those where relocation could not be avoided because of engineering interventions (Community Law Centre & COHRE, 2008). They argued that current implementation of the 'N2 Gateway Project in relation to the Joe Slovo residents is fundamentally at odds with the principles on which BNG is based' (ibid: s.16).

The Minister of Housing, in her response to the Joe Slovo applicants, admitted to a shift from an original undertaking to upgrade the N2 informal

Figure 6.5: Representatives of the Joe Slovo community and the Western Cape Anti-Eviction Campaign at the Constitutional Court in Johannesburg
Source: Author's photograph (2008)

settlements, stating that '[t]he Project has evolved over time' (Minister of Housing, 2008: s.155). She referred to the N2 Gateway broadly as the 'pilot project of the BNG policy' (ibid: s.167.5). The Minister provided a list of reasons for not attempting to upgrade or relocate through a participatory process as set out for informal settlements under BNG. When setting out these reasons, she referred to an affidavit by former Deputy Director-General of Housing Ahmedi Vawda who 'was tasked specifically with rewriting national policy' (ibid: s.142), i.e. under whom the BNG policy was formulated:

- 'South Africa as a nation has little experience with *in-situ* redevelopment and none of it on a scale such as would be required at Joe Slovo';
- 'high degrees of skills' and 'human resources' are required;
- delivery is slow;
- partial relocation would require consensus to be reached in the community 'on who would go and who would stay';
- implementation is 'hard';
- '[e]ngineers, builders and surveyors are generally averse';
- '[t]here are no institutional mechanisms available to the Housing Department to undertake an *in situ* upgrade' (ibid: s.226.1–8).

The very purpose of pilot projects is, of course, 'to create experience from which others can learn' rather than to shy away from such experience (Mattingly, 2008: 129). Four years after the adoption of BNG with Chapter 13 of the Code, by which time the state had originally envisaged full implementation of the upgrading programme, each of the above challenges ought to have been addressed through pilot projects. Experience, skills and support from the professions should have been actively developed, and institutional mechanisms created. Consensus on partial relocation would almost certainly have been easier to negotiate under Chapter 13 of the Code than on the deeply contested relocation to poorly located Delft TRAs via the High Court and Constitutional Court. The resources and time absorbed by the contestations over the first two phases of the N2 Project could have been used for upgrading in terms of Chapter 13 of the Code. And as Charlton (2006) points out, isolated *in situ* upgrading programmes in the early 1990s, including the large-scale Besters Camp upgrade in Durban, resulted in the development of skills and experience that should have been built upon. However, in her response, the Minister of Housing further justified the approach to the N2 Gateway Project by arguing that '[t]he eradication of informal settlements (of the nature that exist at Joe Slovo) is consistent with the State's obligations' (Minister of Housing, 2008: para. 178.2). In the Minister's usage, the term 'eradication' means 'clearance', 'demolition' or 'removal'.

Less than a week after the Constitutional Court hearing, the Wits Institute for Social and Economic Research of the University of the Witwatersrand in Johannesburg hosted Minister Sisulu as respondent to a lecture by internationally acclaimed cultural anthropologist Arjun Appadurai. Professor Appadurai himself has had a close relationship, fascination and affinity with the SDI and its methodology, and through SDI had also made close acquaintance with Minister Sisulu. Appadurai's favourable analyses of SDI's practices among 'slum dwellers' in Mumbai over the past decade highlighted SDI's contributions, in achieving 'deep democracy' (Appadurai, 2001, 2002), in spreading a positive 'politics of patience ... constructed against the tyranny of emergency' (ibid, 2001: 30), in achieving 'risk-taking' among bureaucrats (ibid: 34), and in building poor people's 'capacity to aspire' (Appadurai, 2004). Anthropological research on SDI practices in South Africa, meanwhile, has pointed to limits in the applicability of Appadurai's concepts, in particular that of 'deep democracy', in the operation of SDI's savings groups and federation in South Africa (Robins, 2008). Nevertheless, Professor Appadurai, possibly unaware of the N2 Gateway controversy and the Constitutional Court hearing in the previous week, delivered his paper to the University of the Witwatersrand

academic audience with reference to these concepts, alongside statements of deepest admiration for the Minister and the leadership of SDI. In her response to his lecture, Minister Sisulu (2008b) was at pains to set out her Ministry's position on the N2 Gateway controversy. Although the Constitutional Court case centred on an appeal against the state's court order for eviction, Sisulu somewhat mischievously argued that

because of our history, there are certain terms we would like to erase from our vocabulary. We do not evict. We remove people. We would like to tamper with the language, replace it with 'temporary relocation' ... In order to rehabilitate the land, we built what we learnt from India—a transitional area—so we can build an integrated settlement where they can live.

To the alarm of many in the audience, she then adopted two concepts which Professor Appadurai had unwittingly warmed up for her, namely a 'politics of patience', lacking among the evictees who had taken her Ministry to court, and 'risk-taking'—seemingly implying that government was carrying a disproportionate burden of risk in the N2 Gateway Project when compared to that carried by the Joe Slovo residents. While Professor Appadurai had no direct doing in this, the Minister's use of these concepts demonstrated the legitimising role of her close relationship with SDI, against a rights-based critique and rights-based action.

From constitutional endorsement of the relocation to the eventual adoption of in situ upgrading

The irony in a 'pilot project' that fails to 'pilot' escaped the Constitutional Court judges, though to be fair, this was not at the core of the case at hand. In a much delayed ruling in June 2009, the Court endorsed the eviction 'with regard to humane consideration' (COHRE, 2009: 20). This included a stipulation that 70 per cent of the units built (in Delft) in the third phase of the project be allocated to the affected Joe Slovo residents, that the TRA units comply with certain standards (which they already did) and that the residents participate or be 'meaningfully engaged' in the relocation decisions. The Court essentially condoned a flagship 'vanity project', even though an auditor-general report two months earlier had presented a damning assessment, citing improper planning and wasteful expenditure (ibid: 22). Legassick (2009) lists the project's deficiencies and describes them as 'a morass of officially committed illegality'. In a further display of wasteful illegality, the state authorised First National Bank (FNB) to construct some 40 bonded homeownership units at Joe Slovo, adjacent to Phase One. Constructed in

2008, these have since stood vacant as 'the land is owned by the City but the parent erf [i.e. stand] and title deed issues have yet to be resolved, which has prohibited any transfers and sales' (Oscroft, personal communication, 11 November 2010).

With political changes in provincial and national government, political leaders at various levels found themselves inheriting the problematic N2 Gateway Project. After the 2009 general elections, Helen Zille of the DA inherited the role of project partner in her capacity as Premier of the Western Cape Province. Already as Cape Town Mayor, she had voiced her support for *in situ* upgrading as the 'only way ... to improve shack dwellers sustainably' (Joubert, 2008a). Zille herself has a background as a development consultant and is familiar with the debates around informal settlements. The NGO Development Action Group (DAG) had also lobbied and assisted the City of Cape Town in submitting the first application in the country for *in situ* upgrading under Chapter 13 of the Housing Code (the Hangberg Project, which I briefly return to in Chapter 7). When the President appointed Tokyo Sexwale as the new Housing (subsequently renamed Human Settlements) Minister in 2009, Sexwale and Zille resolved the 'tensions between the spheres of government that had marred the N2 Gateway project' (IOL, 2009). However, in her new position as Defence Minister, Sisulu continued to defend the N2 Gateway Project, blaming its failures on 'political infighting in the Western Cape' (Rossouw & Mataboge, 2010). Displaying the high political stakes and ambitions involved in heading the Housing Ministry, she also blamed her successor, Sexwale's, concerns over the N2 Gateway Project and other 'failures of the national housing programme' on his ambitions to become 'the next president', therefore 'seeking to neutralise other potential contenders' (ibid).

Sexwale adopted a cautious approach to the N2 Gateway. Initially, he postponed the Joe Slovo residents' removal to Delft, acknowledging people's need to live near their sources of livelihood (*Cape Times*, 2009, quoted in Sizani, 2009: 45). This message raised new hopes for a permanent *in situ* solution for the Joe Slovo residents. By October 2009, he 'had approved an agreement that had apparently been reached between the residents and the developer and the MEC to the effect that *in situ* upgrading would take place' (Ngcobo et al, 2011: s.11). In March 2011, the Constitutional Court accepted the government's commitment to *in situ* upgrading and issued a judgement in which it 'discharged' (i.e. withdrew) its earlier eviction order, arguing among other points that '[t]here is no reason why the threat of eviction ... should continue to disturb the applicants' (ibid: s.37(f)). SDI, meanwhile, had

adjusted its role accordingly, developing models for *in situ* improvement of Joe Slovo settlement including the establishment of communal toilet facilities (Adlard, personal communication, 3 November 2010; A. Bolnick, 2010b).

Critics predicted the failure of the N2 Gateway Project from the start, affected informal settlement residents exercised their rights in opposing the project, and with hindsight it is now seen by many as a malignant outgrowth in policy implementation. Controversy over the constructed Phase One rental units and the TRAs lingers on, but in current and future phases the project now seeks to implement the legally entrenched Upgrading of Informal Settlements programme. However, a lasting legacy is an increased confusion over the term 'upgrading', and the readiness with which city and provincial governments will propose the removal of an informal settlement on well-located land and its replacement with 'inclusionary' or 'mixed-income' housing (with the inevitable displacement of poor households), as I show for the Harry Gwala informal settlement in Chapter 9. In Nairobi, the Kibera-Soweto 'slum upgrading' pilot project to which I turn next follows a comparable development model. It is driven by similar visions, legitimised by similar interests and, through similar diversions from policy, it has led to excesses, controversies and challenges that are yet to be arrested.

The KENSUP Kibera-Soweto pilot project—'slum' redevelopment for the middle class?

Africa's iconic 'slum' Kibera has long formed a functional part of Nairobi. Previous attempts at redevelopment have failed to reach scale, and have catered to the housing needs of the middle class and not Kibera's 'slum dwellers'. While the current clearance and redevelopment attempt as a pilot of KENSUP is fraught with delays and controversy, the government has not abandoned or changed its approach.

If no longer considered the largest, Kibera is certainly among the oldest 'slums' on the African continent. It 'was established under military administration in 1912 ... for Sudanese soldiers' (White, 1990: 49) who enjoyed usufruct rights on the land (ibid: 146). At the time, Kibera was outside the town boundaries. In the decades that followed, which also saw Kibera's incorporation into Nairobi and the formal growth of Nairobi beyond Kibera (Figure 6.6), the settlement came to accommodate tenants. By the late 1960s, poor migrants to the city 'outnumbered Nubian [Sudanese] landlords' in Kibera 'two to one' (ibid: 216). To accommodate their tenants, landlords packed tight rows of rooms made of wattle and daub and corrugated iron in 13-16 so-called 'villages' (COHRE, 2005c) on the
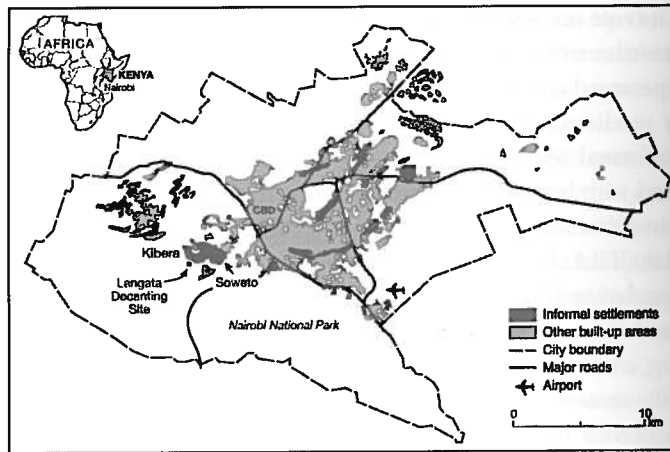
Figure 6.6: Location of Kibera within Nairobi
Source: Adapted from Huchzermeyer (2011: 165)

110 hectares of land (Government of Kenya, 2004). In essence, Kibera is one continuous mass of single-storey rooming establishments (interspersed with some owner-occupied structures) along narrow paths that double as drainage (Figure 6.7). Access to water and sanitation is precarious. An analysis of Kibera in 2000 established a 4:1 ratio of tenants to landlords (Olima & Karirah-Gitau, 2000: 28, cited in Omenya & Huchzermeyer, 2006). By all accounts, many of the landlords or 'structure owners' do not live in Kibera, and the area has a reputation for being 'the most profitable' 'slum' in Nairobi (Mwaniki, 2009).

UN-HABITAT's role in legitimising modernist 'slum' redevelopment in the name of 'upgrading'

Following isolated attempts at 'slum' upgrading in different parts of Nairobi, the first comprehensive initiative began in 2000 with an agreement between President Moi and UN-HABITAT, which is based in Nairobi. This gave birth to KENSUP. Predating KENSUP, in 1999 the newly established Cities Alliance had received 'a proposal for slum upgrading in Nairobi' (UN-HABITAT, 2007). This led to Cities Alliance's subsequent support for KENSUP. An early decision was to pilot KENSUP in the iconic Kibera, after a detailed situation analysis in 2001 (Syagga et al, 2001). A Cities Alliance grant agreement was also signed in July 2002 (Ministry of Housing, n.d.). Early in 2003, the new National Rainbow Coalition (NARC) government

Figure 6.7: Typical view of Kibera from the Mombasa-Uganda railway line (left); intense commercial activity in Kibera's narrow streets (right)
Source: Author's photographs (2004, 2005)

under President Kibaki renewed the KENSUP agreement with UN-HABITAT (Omenya & Huchzermeyer, 2006). 'This was the birth of the Nairobi Collaborative Slum Upgrading Programme focussing on Soweto village in Kibera' (UN-HABITAT, 2007: 1). A year later, on World Habitat Day in October 2004, the two partners launched the Kibera-Soweto pilot project with graphic media presentations of the planned redevelopment of the 'slum' into orderly blocks of flats with 50 m^2 two-bedroom units to be privately owned (Kiprotich & Mugo, 2004). After the 'inception phase' had been funded to the tune of US$110 000 by UN-HABITAT, funding for the 'preparatory phase' was made up of US$240 000 from Cities Alliance and US$60 000 from the Kenyan government (UN-HABITAT, 2007).

At that point, in 2004, the plan was to 'decant' residents from Soweto Village to a temporary or 'decanting' site in Athi River, about 30 km from Kibera. In 2004, a COHRE mission to investigate evictions in Nairobi found that Kibera's residents feared future displacement, particularly once they had been 'decanted' to the distant Athi River site (COHRE, 2005c). This temporary relocation plan was subsequently shelved (Omenya & Huchzermeyer, 2006). Instead, the project identified a site adjacent to Kibera, now termed the Langata decanting site.

Despite UN-HABITAT's involvement, and also to some extent as a direct result of some of its employees' ideas, the KENSUP 'slum' upgrading pilot from the outset envisaged the complete demolition of Kibera and its replacement with attractive-looking multi-storey blocks of flats. In 2004, my visit to the offices of UN-HABITAT as part of the COHRE mission revealed that UN-HABITAT officials were drawing up (and vigorously defending)

plans for two-bedroom flats with car parks, clearly designed for middle-class consumers. A specialised mortgage was envisaged to enable select 'slum' dwellers to become homeowners by renting out the two bedrooms to other households. This model had been tried before in Nairobi. In the Nyayo High Rise development of the National Housing Corporation (NHC) in the early 1990s, adjacent to Soweto-Kibera, 'slum' dwellers made way for middle-class homeowners, through high-level corruption (Huchzermeyer, 2008b). The corruption was, of course, enabled by the adherence to middle-class design standards and does beg the question of whether a replication of this design (by UN-HABITAT) provided any obstacles to the same corruption unfolding.

At this time, all indications were that UN-HABITAT was adding little value to the concept of the KENSUP pilot project, which would have unfolded in much the same manner had the UN agency been replaced with the NHC. For unclear reasons, the Housing Ministry was 'shutting out the NHC' from KENSUP (Anonymous Group, personal communication, 12 October 2005), although at the same time the NHC was tasked with the second phase of the Pumwani-Majengo 'slum' redevelopment in Nairobi. Here the NHC applied exactly the same model. Single-room tenant households in high-rise blocks with two-bedroom flats were to finance the asset accumulation of a few households selected for homeownership. Attempts at achieving affordability for former 'slum' dwellers through this model were unconvincing when compared to rents in 'slums' and in multi-storey private tenements elsewhere (Huchzermeyer, 2008b). The extent to which this approach is actually hostile to the very 'slum' upgrading that all UN-HABITAT's documentation promotes, is exemplified in the following extract of a pamphlet issued by the NHC (2005), directed at the public:

> The main lesson learned from this project [Pumwani-Majengo 'Slum' redevelopment] is that it is possible to remove or get rid of slums by redeveloping rather than the concept of upgrading which only postpones the problem. (my emphasis)

Proceeding along these lines, the Soweto-Kibera pilot project developed the Langata decanting site. Unlike the South African TRAs, the plan for the decanting site was to construct permanent multi-storey housing and to use this temporarily for the purpose of relocation (three households per three-bedroom flat) while construction would be under way on the cleared site in Soweto. Seventeen five-storey blocks with a total of 600 units were planned for Langata, and were 'expected to be completed in 2007' (Ministry of Housing, n.d.). Unlike the temporary relocation area in the N2 Gateway Project, shelter in the Langata decanting site was to be a distinct step up from the 'slum'

accommodation, and on a par with the housing ultimately promised back in Soweto. However, this was to come at a cost. KENSUP communicated from the outset that rents would be charged for this temporary housing.

UN-HABITAT's U-turn: dual messages and a dual KENSUP pilot

By 2007, construction at Langata was far from complete. UN-HABITAT, seemingly having come under criticism for its problematic role in this project, reviewed its position in relation to KENSUP and the Kibera-Soweto pilot.[7] Most KENSUP initiatives within UN-HABITAT were 'moved to the Water, Sanitation and Infrastructure Branch' under the Human Settlements Financing Division (UN-HABITAT, 2008: 9). Speaking to the different projects within KENSUP, not only the flagship Soweto-Kibera pilot, the UN-HABITAT Executive Director announced a 'new focus' in 'our involvement with KENSUP', introducing and testing 'the provision of basic infrastructure such as water and sanitation, as an entry point into slum upgrading' (Tibaijuka, 2008).

One of the reasons for this shift was UN-HABITAT's own fragmented nature, where projects related to KENSUP were 'scattered amongst many different units and branches within UN-HABITAT, each with their own objectives, strategies and *modus operandi*' (UN-HABITAT, 2008: 9). This had made communication 'between UN-HABITAT and its KENSUP partners, particularly the Ministry of Housing', difficult (ibid). Ongoing monitoring had not taken place and

> [t]he fragmentation within UN-HABITAT has also caused a lack of an effective implementation strategy, which has contributed to UN-HABITAT's failure to deliver enough tangible results in the programme. (ibid)

Presumably referring to practices such as the drafting of building plans that I witnessed in the UN-HABITAT headquarters in 2004 (though not addressing the problems with the middle-class models that were being drafted), UN-HABITAT's strategy document adds: 'This has further been compounded by UN-HABITAT's KENSUP staff "remote controlling" development in the field from the headquarters in Nairobi' (ibid).

In a separate document, UN-HABITAT notes that '[t]he vast majority of water and sanitation initiatives have not been integrated: water, solid waste, sanitation (excreta management), and drainage need to be addressed simultaneously in settlements like Kibera if there is to be a perceivable improvement in the living environment' (UN-HABITAT, 2007: 2). UN-HABITAT therefore aimed 'to mobilise resources in an efficient and timely manner to implement integrated water and sanitation projects under a governance

structure that is conducive to expansion and upgrading ... [T]he initial intervention will be carried out in the Kibera "villages" of Soweto and Laini Saba' (ibid).

Thus started a dual process, at least as viewed from the outside. The media reports described the UN-HABITAT Executive Director, Dr Tibaijuka, handing over 'to the residents ... toilets, bathrooms, water kiosks and water storage facilities' in Kibera 'built by her organisation' (Ojow, 2008). At the same time, the media reported statements from the Kenyan Housing Ministry promoting a very different concept for the same area. In August 2008, the Minister of Housing, Soita Shitanda, confirmed that 'shanties' in 'Soweto East ... would be demolished to open up land for 1 000 high-rise houses' (Ogosia, 2008). Minister Shitanda further proclaimed that 'Kenya was capable of upgrading its slums like Singapore, Malaysia, Egypt and the Asian tigers did' (ibid), implying complete 'slum' redevelopment and not *in situ* improvements.[8] Permanent Secretary of Housing Tirop Kosgey perhaps tenuously implied UN-HABITAT's continued support for this approach:

> *The government is determined to eradicate slums in all parts of the country by partnering with organisations such as UN Habitat and constructing modern houses to replace the informal settlements.* (Mwaniki, 2009)

Similarly, the national coordinator of KENSUP, Leah Muraguri, proclaimed to Soweto residents that 'KENSUP ... was started by government in 2004 with the aim of resettling all the people living in slums into decent houses' (*Daily Nation*, 2009a). For the 'kick off' ceremony of the 'relocation' to the Langata decanting site, the media mentions the presence of President Kibaki and Prime Minister Raila Odinga (Kibera and Langata fall into the latter's constituency), but not the UN-HABITAT Executive Director (Kiplagat, 2009b).

Kenya's 'slum' eradication target as part of its urban competitiveness vision

In an ever clearer parallel to South Africa's target-driven 'slum' eradication drive, the Kenyan media reported that '[t]he government plans to remove all shanties in 10 years' (Kiplagat, 2009a). Further, the Housing Minister confirmed that the project to transfer Soweto residents to 'modern houses' was 'the first in a series of planned slum upgrading activities, which seek to do away with shanties in 10 years' (Koross, 2009b). While the dominant media in Kenya remained critical and sceptical of this approach, others internalised the government's messaging, pointing to 'the eye sore on Nairobi's landscape', which Kibera had become and the importance of

face-lifting Kibera', and suggesting that '[t]he future is at last looking bright from Kibera' (Jagero, 2009). Linking the Soweto pilot not only with face-lifting, vanity or beautification, the *Daily Nation* (2009b) observed that the Kibera upgrading approach with the costly modernist makeover is 'in line with Vision 2030 development strategy'.

The Kenyan government launched the *Nairobi Metro 2030: A World Class African Metropolis* (Ministry of Nairobi Metropolitan Development, 2008) in December 2008. As already mentioned, the vision speaks to the needs of investors and visitors, and seeks to position Kenya's capital within a competitive city region: 'a world class business setting, recognised nationally, regionally and globally' (ibid: v). The first listed 'policy intervention' under 'enhancing quality of life and inclusiveness' reads as follows:

> *Housing and Elimination of Slums Programme: will include a comprehensive urban regeneration & renewal plan, fast tracking and up scaling the Kenya Slum Upgrading Programme (KENSUP) ... and to obviate growth and proliferation of slums.* (ibid: 71)

The vision document further underlines a 'focus on achieving the vision of a metropolitan [sic] without slums' (ibid: 74). Under the objective of 'Housing and elimination of slums', there is no mention of water and sanitation interventions of the kind UN-HABITAT had adopted (within KENSUP) for Kibera in 2007 (ibid: 76). Instead, the focus is entirely on regeneration, renewal and expansion of the formal housing stock. To underline the obsession with obliterating the embarrassing icon Kibera, the vision further claims that '[e]limination of slums, of which Kibera gives the NMR [Nairobi Metropolitan Region] an infamous image as host to the largest slum in Africa, is critical to these strategies' of promoting and branding the metropolitan region (ibid).[9]

Delays, protest and legal action in the Kibera-Soweto pilot

Completion of the 600 units in the multi-storey blocks at the Langata decanting site took two years longer than envisaged. In August 2008, in anticipation of the completion, but also of 'slum' dwellers' fears of corruption in the allocation process and therefore their displacement, Housing Minister Shitanda reassured the official target population that the new housing would be 'occupied by residents of Soweto East' (Ogosia, 2008). The Minister was also at pains to demonstrate to all residents of Nairobi (who might feel entitled to the two-bedroom units at Langata) that the flagship KENSUP pilot project was not the only housing project it was planning for the city. In particular, he highlighted projects earmarked for civil servants (often the beneficiaries

of corruptly allocated state-funded units intended for the poor). However, he also created new sensitivities by announcing that the vacated 'shanties' would be demolished to open land for 1 000 high-rise houses' (ibid). This raised two sets of concerns: one among Nubian structure-owners, whose forefathers had received rights to the land from the colonial government; the other among tenants who derived a livelihood from trading from these structures. Responding to the demands for compensation, in August 2009 the Minister treated all the livelihood claims with one brush: 'They have earned from the slum for a long time. This is government land and there is nothing to compensate' (Koross, 2009b).

The Housing Ministry repeated its assurances that Soweto residents would occupy the new flats as the anticipated completion date shifted from July 2009 (Mwaniki, 2009) to August of that year (*Daily Nation*, 2009a). Due to the many postponements 'since the project began in 2004, Kibera residents [read] mischief, adding that this might be a plan to shut them out of the project' (Koross, 2009b). The Minister again 'gave assurance that only Kibera dwellers will benefit from the project unlike the past where outsiders have invaded such projects' (ibid). However, tenants' fears of costs imposed in the modern decanting site were not allayed by further statements from the Minister: 'We have not set out the exact amount they are going to pay [as] ... [w]e fear that giving a big figure will be like telling them to stay put in their shanties. The ministry will tailor a payment that will suit the income of the occupant' (ibid). The Minister added that full cost recovery from the 'slum' dwellers was needed in order to raise money for the ambitious 'slum' eradication programme (ibid).

On 14 August, the 'slum' dwellers received notice 'to vacate their structures' within one month (Kiplagat, 2009b). As the often postponed opening ceremony for the Langata decanting site drew near, the media reported that 84 resident structure owners of Nubian descent had sought legal representation to claim their property, refusing to leave their structures on that basis (ibid). The High Court ruled that while the government was 'advancing its cause of bettering the lives of residents by upgrading the slum' the group had raised 'issues dealing with fundamental rights' (Kiplagat, 2009a). Justice Abida Ali-Aroni put a week-long hold on the demolition (and relocation) process, pending further representation in the court (ibid). More than a week later, as residents threatened to stage a protest outside the Ministry headquarters, the Minister pleaded with them 'to be patient as we wait for the court case to be concluded' (*Daily Nation*, 2009b). At this point, residents were still asking 'how much they [were] supposed to pay for the new houses' (ibid). The Ministry (contradicting earlier charges it had announced), gave a figure of

KShs 10 000/month per room, half of this made up of rent and the other half of water and electricity. It also announced that 'businesses that were taking place in the slum ... will continue ... in the new houses', with the exception of illegal activities such as brewing (ibid). In a nasty political turn, the Minister also blamed the Nubian land claim on Prime Minister Raila Odinga, in whose constituency Kibera falls (ibid). By mid-September, tensions had risen in other parts of Kibera 'as members of the Nubian community threatened to evict all residents from the area claiming that it is their ancestral land' (*Daily Nation*, 2009c). 'Nubian youth set fire on an office used by Nubian elders' collaborating with the 'slum' upgrading programme (ibid).

On 16 September 2009, residents finally received the green light for their move to Langata. 'Prime Minister Odinga ... arrived to flag them off' (Koross, 2009a). He assured the Nubians that their claims were legitimate and that they would 'not be left out of the programme' (ibid). Despite 'a court injunction stopping the demolition of the structures', the project would nevertheless go on as scheduled' (ibid). However, 'rowdy youth' were already threatening to invade the vacant houses left by those who had moved' (ibid). Ten months later, the land claim was still not resolved, the vacated structures had not been demolished and construction for the envisaged 1 000 buildings was delayed indefinitely (Irin News Service, 2010b). Controversy also arose from the allocation process for temporary occupation of the housing at Langata (Figure 6.8). It is alleged that flats were allocated to '200 outsiders' (ibid). Legitimate relocatees claimed to have been approached repeatedly by officials asking for bribes. They also knew of fraud in the registration or enumeration process prior to their relocation (ibid).

The account I have presented here from 2008 through to 2010 is largely drawn from the Kenyan media, which makes no mention of the approaches UN-HABITAT (2007: 66) spells out for the KENSUP 'Kibera slum upgrading initiative'. The same process is otherwise known as the 'KENSUP slum decanting initiative' (Irin News Service, 2010a). UN-HABITAT's wording seems suggestive of an *in situ* approach, a distancing from the pilot redevelopment project as it unfolded. UN-HABITAT's approach includes an improved layout plan for Kibera' and 'formation of housing cooperatives' (UN-HABITAT, 2007: 66). UN-HABITAT has maintained an official 'partnership' with a state that has little intention of following its guidance. In what could make for a bizarre caricature, UN-HABITAT upgrades *in situ* while the Kenyan government demolishes and carries out a modernist redevelopment in the very same 'slum'. Perhaps explaining UN-HABITAT's caution not to offend African governments throughout the first decade of the new millennium, its

Figure 6.8: The Langata decanting site

Source: Photograph by Baraka Mwau (2011)

Executive Director since 2000, Anna Tibaijuka, stepped down in August 2010 to follow her long-rumoured ambitions of becoming a leading politician in her home country, Tanzania.[10] At one of the farewell ceremonies for her, Kenyan 'Prime Minister Raila Odinga thanked Mrs Tibaijuka for her service and said he was certain that after the elections in Tanzania, he would be meeting her in a new role as Cabinet minister' (Mutiga, 2010). The media further speculated that she was a strong contender for the post of Minister of Foreign Affairs, 'traditionally viewed as the president-in-waiting' (ibid). However, her appointment to the Tanzanian Cabinet in November of that year was as Minister of Human Settlements, Housing and Urban Affairs (*Daily Nation*, 2010). Joan Clos, a Spanish medical doctor, Catalonia Socialist Party politician and former Mayor of Barcelona, replaced Tibaijuka as Executive Director of UN-HABITAT. Clos was responsible for the ambitious but also 'controversial 2004 Universal Forum of Cultures' in that city, a mega-event that boosted the city's international standing (City Mayors, 2006). During his terms as mayor, Barcelona underwent 'massive urban redevelopment', but also absorbed 'hundreds of thousands of immigrants' and served 'as the political center for greater autonomy for Catalonia from the Spanish government' (ibid).

■ ■ ■ ■

The flagship N2 Gateway and Kibera-Soweto pilot projects reflect many of the themes introduced earlier in this book. Both projects focus squarely

on symptoms, the embarrassing shacks or 'slums' seen from tourist routes. The pilot projects form pillars of the respective countries' 'slum' or informal settlement eradication drives, and are motivated as (and criticised for being) part of a necessary stride towards achieving urban competitiveness. Near-defeatist positions of global organisations that profess to stand for participatory *in situ* upgrading of informal settlements, yet partner in their clearance and redevelopment, legitimise the pilot projects' determination to remove the symptoms and replace them with more acceptable-looking housing developments. Both pilot projects relegate the subjects of embarrassment, the 'slum dwellers', to temporary relocation or decanting areas without providing certainty about timeframes for their subsequent move to a permanent neighbourhood.

Both project trajectories include a struggle for *in situ* solutions, in large part a struggle over the definition of informal settlement 'upgrading'. As 'upgrading' pilot projects, the N2 Gateway and the Kibera-Soweto pilot have promoted 'slum clearance' and 'redevelopment' under the banner of 'upgrading'. While in the Kibera-Soweto pilot UN-HABITAT changed gear and attempted to demonstrate an '*in situ*' approach to water and sanitation improvements, in the N2 Gateway it was rights-based action that challenged the slum-clearance-as-upgrading approach, and ultimately (though not directly through the Courts) provided the possibility for *in situ* upgrading. It is these themes that I explore further in the last part of this book. Within a new national commitment to informal settlement 'upgrading' in South Africa, the contestation over the meaning of 'upgrading' continues. It is in this context that rights-based work is making a hard-fought and poorly recognised contribution, ultimately towards a right to the city.

End Notes

1. According to City of Cape Town housing official Peter Oscroft (personal communication, 15 November 2010), Phase One of the N2 Gateway Project was built on land already vacated before the initiation of the project and 'identified as low hanging fruit to kick start' the project.

2. It should be mentioned at this point that the SDI was not the only former N2 Gateway critic won over by the Ministry of Housing. *Mail and Guardian* journalist Marianne Merten, one of whose articles on the N2 Gateway Project I cite earlier in this chapter, became the official spokesperson for Minister Sisulu's department.

3. SDI-affiliated federations in several countries have chosen the name FEDUP. In Chapter 4 I mention FEDUP in Nigeria. These are country-specific formations, though there are regular exchanges between them facilitated by SDI.

4. The first two days of this conference were dedicated to setting up an 'African Platform of the Urban Poor', and the remaining three days to celebrating the Minister of Housing's pledge to ring-fence 9 000 subsidies per year for FEDUP (Sisulu, 2006).

5. Like most SDI publications, this magazine has no date (in keeping with the leading SDI professionals' puzzling anti-professional philosophy). However, it is likely to hail from 2005 or 2006. The magazine, produced for one of SDI's funders, the British Lottery, was distributed at the May 2006 International Slum Dwellers' Conference in Cape Town.

6. The media's interpretation was that Minister Sisulu, via 'the forum for Ministers and MECs (MINMEC)', removed the municipality from the N2 Gateway Project (IOL, 2006) and that the ANC and ANC Parliamentary Caucus welcomed and supported the decision (ibid).

7. Already in 2003, Warah (2003) noted a 'discrepancy between advocacy and implementation' within UN-HABITAT in the KENSUP pilot project. As of 2007, UN-HABITAT's involvement in a road through Kibera entailed substantial demolition without relocation (Van Soest & Levine, 2009).

8. São Paulo's infamous 'Cingapura Project' during the city's centre-right municipal administration from 1993 to 2000 redeveloped *favelas* or informal settlements that were visible from major highways in the city into multi-storey blocks with flats for purchase by the erstwhile *favela* residents. The rationale for these flagship projects was to boost 'the urban economy through the construction industry' (Huchzermeyer, 2004b: 36). Having part-financed the project, the Interamerican Development Bank also evaluated it, finding problems with corruption, lack of cost recovery, circumvention of regulations, and illegal trade of the units (ibid).

9. In 2010, the World Bank developed a loan agreement with the Kenyan government for a Kenyan Informal Settlement Improvement Programme (KISIP). This is in parallel with KENSUP, the Kenyan government's partnership with UN-HABITAT, and UN-HABITAT's more recent water and sanitation interventions within KENSUP. In what seems to be a lack of coordination between international agencies, and a tendency for duplication of donor-funded initiatives by the Kenyan government, a 2010 report for the Ministry of Housing on the Environment and Social Management Framework for KISIP makes no mention of KENSUP, UN-HABITAT or the Kibera-Soweto pilot programme (Repcon Associates, 2010). The report does, however, articulate with Kenya's Vision 2030, of which Nairobi Metro 2030 forms a part (ibid). In a media announcement in March 2011, the World Bank's team leader for KISIP highlights the programme's role in 'enhancing competitiveness of cities' (Kelley, 2011).

10. Tibaijuka managed the difficult transition from the United National Centre for Human Settlements—UNCHS (Habitat)—to the organisation's new status in December 2001 as a fully fledged Programme within the UN, to which she was then appointed as the new Under-Secretary General and Executive Director (UN-HABITAT, 2010a).

PART THREE

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The struggle against 'slum' eradication in South Africa