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# The parallel claims of gated communities and land invasions in a Southern city: polarised state responses

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**Abstract.** We identify and explore the parallels and differences between gated communities and land invasions as forms of residential territory in cities of the South. Using the case of Cape Town, South Africa, the parallel narratives regarding the reasons for invading or gating land are analysed and placed in contrast with an inconsistent state response. For while both ‘gaters’ and ‘invaders’ are driven by similar desires for a secure home and private autonomy, the state responds very differently, regulating the former as rational residents, and disparaging the latter as unreasonable criminals. Thus, we explore the legitimacy of the two territories, challenging traditional responses to gated communities and land invasions, and arguing for an understanding of both as reflective of citizens’ desires for secure homes. Although gated communities and land invasions represent diverse housing types, we suggest that it is useful to analyse them in direct empirical relation. In doing so, we do not narrowly conceptualise Southern cities as slum nuclei or divided postcolonial citadels (Robinson, 2003), but as complex and contradictory sites in which diverse residents and urban processes function in the context of state (dis)engagement.

## Introduction

In reviewing research on land invasions and informal settlements, Rao (2006) suggests that conceptual arguments about slums link to urban “notions of the future, of crisis, emergency and visibility” (page 232). Interpretations of slums, informal settlements, and land invasions thus act as a critical discourse through which Southern cities and struggles of poor citizens are understood. These challenges are highlighted by target 11 of the United Nations Millennium Development Goals, the improvement of slum dwellers’ lives (Hasan et al, 2005; James, 2006), and, concurrently, but more controversially and violently, programmes for slum clearance, mass evictions, and the ‘cleaning up’ of several African cities (du Plessis, 2005; 2006, pages 197–200).

In contrast, stories of gating and walling off homes and communities, and of building fortified and privatised urban enclaves, highlight an equally powerful but different lens on the Southern city and urban experience. Through these analyses, Southern urban futures are understood as increasingly exclusionary, unequal, and fragmented, with islands of elite privilege scattered in a sea of urban poverty. Private territories and gated communities in Southern cities are criticised for creating exclusionary spaces, increasing residential segregation, restricting freedom of movement, and exacerbating social divides (Caldeira, 1999; 2000; Coy and Pöhler, 2002).

Gated communities and processes such as land invasions that lead to the development of informal settlements occupy separate, unequal, and often divided physical and symbolic spaces and actors in Southern cities. Although both shape the broad ways in which we theorise urban development, they are rarely analysed side by side, understood problematically as poles apart in housing and residential development processes and thus by definition as diametrically different. Here, however, we analyse gating

and invading in relation to each other. In doing so, we do not narrowly conceptualise Southern cities as slum nuclei or divided postcolonial citadels (Robinson, 2003), but as complex and contradictory sites in which diverse residents and urban processes function in the context of state (dis)engagement.

Specifically, then, we identify and explore the parallels between gated communities and land invasions as forms and processes of residential territory in the city of Cape Town, South Africa. By analysing these residential territories alongside each other we draw out the parallel narratives that underpin their logic and that of residents (and developers) driving their development, as well as the different and unequal ways in which the city and state engage and regulate them. In these differences lie claims on land and urban space, practices of citizenship, and the state's fragmented and unequal engagement with residents. For while residents of both gated communities and land invasions are driven by similar desires for a secure home and autonomy, the state legitimates gating while prohibiting invading. The legality of gated communities vis-à-vis land invasions, however, is complex: while the former often restrict access to public land, clearly inhibiting the freedom of movement enshrined in South Africa's constitution, land invasions support the post-apartheid drive to build an integrated and inclusive city that provides a 'home for all'. Ironically, while this vision of a unified city is thwarted by 'legitimate' gated communities, the latter goal of universal housing is in fact facilitated by 'illegitimate' land invasions. By demonstrating the legitimacy of land invasions, we highlight the inconsistencies of state responses, thereby challenging technically driven assumptions of 'legitimate' and 'acceptable' land use.

There are limits to our comparison. Foremost, gated communities refer concretely to a housing type driven by developers and opted for by individual family choice. Land invasions,<sup>(1)</sup> in contrast, involve an illegal process organised through individual and community activism that produces houses and a settlement. Clearly not identical processes, they draw together different actors, policies, and illicit contrasting state responses. We thus use the phrases 'gating' and 'invading' to examine the experience and identities expressed by residents in each context that together allow us to highlight the parallel ways in which diverse urban residents negotiate their right to the city and relationships with the state.

### **Divided Southern city spaces**

Rapidly increasing poverty and slum development are dominant characterisations of urban conditions in cities of the South (Davis, 2006). The Southern urban development literature is rich with case studies of slums and the challenges of poverty alleviation and upgrading in often desperate, informal, and substandard housing conditions (Askew, 2002; Burra, 2005; Fernandes, 2003; Huchzermeyer, 2004; Payne, 2005; Pithouse, 2006; Schlyter, 1998; Smit, 2006). A linked literature tells us about residents' struggles to survive (Sharma, 2000), to seek out secure tenure (Budds and Teixeira, 2005), and to self-regulate and organise in spaces of neglect (Beall et al, 2000; Oldfield, 2000; 2002); the uneven trajectories and politics of postcolonial state initiatives to regulate and often eradicate squatting and slums (Boonyabanha, 2005; Myers, 2006; Zikode, 2006); and programmes and policies to develop housing (Khan and Thring, 2003; Rolnik and Cymbalista, 2003; Tomlinson, 1998).

An alternate vision of the Southern city is represented through gating, whereby the middle classes and elites erect walls and privatise security to ameliorate fears related to

<sup>(1)</sup> Although land invasions lead to a form of informal settlement, we do not focus on informal settlements in general but rather focus on the experience of residents who have invaded public land and have then been classified as illegal 'land invasions' by the city or provincial government.

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insecurity stemming from crime and ‘difference’, often perceived as emanating from ‘slums’. A different urban literature, initially dominated by representations from the north (eg Blakely and Snyder, 1997; Davis, 1992; Marcuse, 1997) but growing in Southern city imagery, particularly Latin American (eg Álvarez-Rivadulla, 2007; Caldeira 1999; 2000; Coy and Pöhler, 2002; Salcedo and Torres, 2004), examines gating, largely focusing on its negative impacts such as fragmentation and exclusion for the city and its citizens.

Both bodies of research provide a rich and varied sense of the challenges of urban development in Southern contexts of inequality where poverty and wealth coexist in uneasy tension, evident in an urban experience that is characterised as ‘splintered’ and fragmented (Graham and Marvin, 2001), and polarised (Beall et al, 2002; Turok, 2001). Although in some instances processes such as gating and invading land are brought together (eg Alsayyad and Roy, 2006; Askew, 2002; Beall et al, 2002; Robins, 2002), they serve as tools to highlight the Southern city as a site of difference and division rather than as mechanisms for understanding Southern city processes themselves. While generally understood as common evidence of, and local responses to, neoliberal policies (Bond, 2000), we analyse how gating and invading operate socially and spatially and thus remake the city. This analytical base is critical for understanding and critiquing the state’s regulation of such land forms, with broader implications for building equality of citizenship and accessible cities in the urban South.

### **Urban space in South Africa: divided and unequal**

The manipulation of residential land for social goals has a long history in South Africa, and continues to dominate contemporary experiences in terms of both the physical legacies of divided group areas, and also the exclusionary mind sets of many residents, conditioned by the apartheid system.

Remapping South African cities’ apartheid landscapes is fraught with conflict, fuelled by identities rooted in the “(very present) ghosts of apartheid spatiality” (Robinson, 1998, page 546). Despite significant political and economic progress, with three open general elections, a progressive constitution, and a growing black middle class, apartheid’s sociospatial structure remains dominant. While black urbanites now have the spatial potential to move from segregated areas on the urban periphery to central areas (through purchasing, renting property, or invading land), in reality this is constrained by a powerful private property market in well-located suburban, often former ‘white’, areas of the city.<sup>(2)</sup> In fact, postapartheid state housing for low-income groups, predominantly black, has almost exclusively been situated on the urban periphery, where land is available and affordable, thus perpetuating the apartheid city geography of sociospatial division. Indeed, Cape Town is criticised for functioning as a “starkly polarised city” dominated by the juxtaposition of centrally located affluent suburbs and economic centres, alongside poverty-stricken and overcrowded settlements located on the city edges (Turok, 2001, page 2349), and Cape Town’s Unicity Commission described the metropolis as “a divided city full of racial, political and social divisions” (Unicity Commission, 2000, page 3).

A number of postapartheid state initiatives attempt to address social inequalities through the expansion of a universal welfare system, the provision of a ‘home for all’ by building houses for low-income families without access to adequate shelter and

<sup>(2)</sup> Apartheid racial classifications of Bantu/African, coloured, Indian/Asian, and European/white still retain credibility and dominance in both everyday and official discourses (although ‘Bantu/African’ is updated to ‘black African’) and are therefore used throughout this paper. Use of ‘black’ refers to all nonwhite population groups.

secure tenure, as well as the provision of basic services to areas of the city previously discriminated against. At the same time, however, there have been serious flaws in the process. As the housing backlog continues to grow at an unmanageable rate, those waiting in some instances have sought to secure their own home by invading available land (Graham, 2006; Huchzermeyer, 2003a; Khan and Thring, 2003). As crime has spread concurrently into previously protected predominantly former white areas, South Africa has witnessed the growth of private forms of territoriality such as gated communities, improvement districts, exclusive shopping malls, and a growing reliance on private security, striving to distance citizens from crime in the 'outside' and unprotected world (Ballard, 2004; Hook and Vrdoljak, 2002; Jürgens et al, 2003; Landman, 2000a; Lemanski, 2004; 2006a; 2006b). Thus, adequate security has become the preserve of the wealthy of all races rather than a white 'right' as in the past.

In the Cape Town metropolitan area, gated communities and land invasion areas account for roughly 10% of residential areas (approximately 5% each). Gated communities—developer-constructed residential zones where a cluster of houses are secured by perimeter walls and 24-hour security controls access—appeared much later in Cape Town than elsewhere in South Africa (Lemanski et al, 2008). Today they are increasingly common across the city landscape. Eighty percent of all new single residential development for high-income groups in the past five years have been gated, and approximately 30% of all developments for middle-income to lower-income groups.<sup>(3)</sup> Furthermore, they are disproportionately located in wealthy regions and occupied by white residents, the spaces and social groups previously protected by apartheid.<sup>(4)</sup> Two principal gated community types exist in Cape Town: entirely private 'prohibited access' complexes in which everything 'behind the wall' is private, all services are provided by (typically elite upper-class) residents and from which the public are legally excluded; and semipublic 'controlled access' developments housing private residences and public roads behind a perimeter wall, with major services provided by the municipality (eg refuse collection, sewerage, storm-water drainage, street lights, road maintenance) and minor maintenance (eg gardens/public open spaces) provided by the (typically middle-class) residents, with public access only 'monitored' by security guards. However, these hybrid 'controlled access' developments typically exclude nonresidents in practice.

In contrast, practices of land invasion and problems of homelessness and landlessness have characterised poor people's struggles in Cape Town historically (Mngxitama, 2006). Presently, with a growing awareness of the city's slow pace of housing delivery and increasing frustration with waiting, many families and communities have moved onto vacant land, or have 'invaded' in the city's language, to organise homes for themselves.<sup>(5)</sup> In November 2006, settlements in 109 areas were identified as 'invasions,' with approximately 12 000 families residing in these areas (*Cape Argus* 2006). Close to 300 000 families are listed on the housing registry, a database of households

<sup>(3)</sup> Interview on 29 March 2006, and further correspondence, with J van der Westhuizen, Head of Land-Use Management Department, City of Cape Town.

<sup>(4)</sup> This paper draws from two fieldwork periods: March–May 2004 in a single security estate, and March–May 2006 in a number of different types of gated community. Research involved semistructured interviews with residents, complex managers, developers, and city officials.

<sup>(5)</sup> This paper draws from in-depth studies of two 'land invasions' (7 de Laan established in 2002 with 96 families and 8 de Laan established in late 2005 with just over 350 families) in a neighbourhood formerly classified 'coloured'. The research draws together survey work conducted with the Valhalla Park United Front Civic and interviews with leaders of settlements identified as land invasions in other parts of the city through an International Labour Research Group workshop series in 2007 with landless groups.

requiring state-subsidised housing, representing approximately one million people in substandard or informal housing in established and variously serviced informal settlements, backyards of formal housing, as well as in areas identified as 'land invasions' (City of Cape Town, 2006).

### **Parallel claims: a common search for security and autonomy**

Moving to a gated community and invading land are fuelled by a similar desire for a secure home to protect oneself and one's family in the absence of state provision. Whilst gated communities manifest security in the form of high walls, gates, electric fences, and 24-hour security, land invasions seek security of tenure in their social mobilisation to access land and thereafter in the building of a stable community. Both land uses and processes are a consequence of perceived state failure, whether a failure to curb crime or a failure to provide housing, leading citizens to take control of their residential form. The reasons that people choose to invade or move to gated land are remarkably similar. Residents of both gated communities and land invasions express a desire for security and autonomy, in particular the independence to select a lifestyle that the state is unable to provide for them.

### **Gated communities: 'security, security, security'**

Issues of security and the provision of a safe home for themselves and their family are the primary motivation that drives residents of gated communities. This security manifests in various ways ranging from the physical presence of walls, gates, and security guards, the economic security of a strong property investment, the lifestyle security of a utopian idyllic, and the security of independence from a state structure perceived as unreliable and disinterested in wealthy residents' needs.

In relation to physical security, residents spoke about the protection such an environment offered for their family.

"I've got a young family so security is very important to me ... I know the stats on my daughter getting raped ... This place is the lifestyle I dreamed of for my children: we don't have to lock the door, children just come in and play ... We all leave our children on their own and it's fine ... It's about having a safe space around your home" (M J-P, 9 March 2004).<sup>(6)</sup>

Residents also emphasised the freedom that living in a gated community offered to experience family life without the fears and constraints of a crime-riddled world.

"Here the kids can have a normal upbringing. I let the eldest ride his bike around, but where we lived before I would never let them out. Even if they disappear I know they're at someone's house" (M J, 6 May 2004).

In this sense, residents expressed their desire for an idyllic utopian family lifestyle, perceiving living in a gated community as synonymous with a peaceful village. This notion links with Ballard's (2004) understanding of gated communities as a form of 'semigration': although citizens remain in South Africa rather than emigrate, they separate themselves from its increasing 'African-ness' and instead create islands of modern Western culture (much like apartheid's European group areas) in the midst of an African nation, albeit within walls and gates. Thus, moving to a gated community is effectively an in situ emigration to the dreamed-of 'foreign paradise', without the emotional and logistical realities of foreign emigration.

The provision of private security, in the context of the perceived failure of the state, was also a crucial factor in residents' decisions to live in a gated community, with particular emphasis on adequate protection for property, family, and lifestyle.

<sup>(6)</sup> In order to protect the identity of interviewees their names are coded, alongside the interview date.

“If I moved [to a nongated suburb] I’d have to provide my own security—or you sit here and don’t even have to lock your door at night. It’s wonderful” (J S, 5 May 2004).

By handing over responsibility to an outside agency (the developer and security company), an idyllic image of crime-free and worry-free living becomes a powerful driving force for choosing to live in a gated community.

Finally, economic security was important in relocating to a gated community, with respondents wanting to ensure they had sufficient resources to provide for themselves and their family in the future.

“I bought a plot on quasi-speculation, thinking maybe I’ll move there. It started at R345 000 per plot and now it is R1.6—1.8 million for a plot ... I moved here for the valuation ... It’s been a very good investment” (A K, 28 April 2004).

Linked to perceptions of the state’s failure to provide protection for residents from crime as well as economic and lifestyle insecurity, many citizens have responded by alienating themselves from civic engagement and responsibility through gating (Hook and Vrdoljak, 2002). By securing autonomy as a private property owner, rather than accepting dependence as a citizen of the state, residents perceive increased security in all aspects of their everyday and future life. As summed by a developer:

“The main issue is security, security, security.”<sup>(7)</sup>

#### **Finding security in claiming a place in a land invasion**

Desperation drives families to invade land. It is not a choice as such, but in most instances a response to unbearable living conditions, the expenses of renting, and insecure tenure in friends and families homes. In most cases, invading land is a solution to homelessness, and an alternative to living in the bush and on the streets of Cape Town. Although there is not one motivation for joining a land invasion, a common logic and need to find secure housing underpins invasions.

Overwhelmingly, families are searching for an affordable place to live. A resident explains:

“I never was able to settle down properly because I don’t have a job so I don’t have money. I moved here with my five children [ages 23, 20, 25, 11, and 8] where I stayed with my wife and my parents. We had no cash so it was hard to find a place to live. I can’t pay rent. I had to move from one place to another to another to another because I can’t afford any type of rent” (P, 8ste Laan, August 2006)

Although the specific reasons that families end up in land invasions and informal settlements are very different than those that underlay the formation of gated communities, strikingly, land invaders, like families in gated communities, seek security and space, which often articulate as a relative peace found in the land invasion.

“I moved in here with Evelyn, my boyfriend’s mother, and him and our baby. I had to move out of my parent’s house because I didn’t have a good relationship with them. I like it here. It’s nice and quiet ... We have our own space to do our own things and we don’t have to share the house with all my family” (B, 8ste Laan, September 2006).

For many individuals and families, the space of a shack offers autonomy and privacy not afforded in their past transitory lifestyle moving between various relatives and friends’ floors (L A, 6 August 2006), often in overcrowded public housing (M B and M H, 14 August 2006). Unlike gated communities, where security is paid for, building security demands particular types of social behaviour and the careful

<sup>(7)</sup> Interview with J Matthews, Chief Executive Officer of Garden Cities Incorporated, on 12 April 2006.

maintenance of the physical space in the invasion, as well as building neighbourliness and tight linkages between families (Ross, 2005).

Overall, however, residents of gated communities and land invasions identified security as their prime motivation. This security is both physical, in terms of walls (from shack exteriors to electric perimeter fences), and reflected in the seeking of a secure 'home' for families. Yet their claims to land and the practices that underpin and consolidate them are, of course, strikingly different.

#### **Territorial legitimacy: market versus historical claims to land**

Although most homeowners in a gated community have no prior links to the area, they have purchased the land on which their property resides and thus within a capitalist system are supreme as a homeowner.

"People pay a lot to live here and have a right to be protected" (A J, 24 March 2004).

"There's no sense of community here because they've paid to live here and feel no further duty I guess" (L H, 22 April 2006).

Gated community homeowners extend their understanding of property rights to an imagined 'right' to security based on financial payment. Under the South African constitution, every citizen has the "right to freedom and security of the person" (RSA, 1996, section 12.1). However, in the context of perceived state failure to provide security that enables citizens "to be free from all forms of violence from either public or private sources", security has to a certain degree been privatised and thus has become the preserve of the wealthy.

While those in gated communities perceive these physical, economic, and lifestyle securities to be a 'right' afforded by their financial ability to pay, residents of land invasions express their expectations for similar securities in a constitutional 'right' to housing. Despite the absence of technical or legal ownership, their claims of legitimacy are based on such rights and on long-term residence in neighbourhoods. In a meeting of landless people from areas identified by the city as invasions, a community leader explained:

"I have lived there [in an invasion in Grassy Park, Cape Town] for my entire life, and my father has been there for 60 years. My kids are the sixth generation to grow up there. This shows us that council doesn't do the work as they should do it ... We don't own property ... if it's a democratic land that we live in, they don't treat us like they should ... We want to stay in the areas where we are now. We must stay in our areas" (L, International Labour Research and Information Group meeting, 4 April 2007).

In many cases, like this family, residents have lived in their areas, if not in each invasion itself, for a significant time. Yet, many areas interdicted by the city as 'illegal' land invasions have been instructed to move to 'resettlement sites', predominantly Happy Valley, an area with no facilities or shops and little formal housing on the northeastern edge of the city (Joubert, 2007).

A leader from Khoisan Village, an invasion in Belhar in the northeast of the city, explained his struggle to stay:

"We fight for land. I'm beyond houses now. They moved us to Belhar, to Delft [through apartheid removals in the 1970s and 1980s] ... Since that time, I said I'm not going out of Belhar [the location of his settlement]. We must give this message to the President, over and out. We will not go out of our areas—we must be where we vote" (S, 27 March 2007).

The historical claim for territorial legitimacy, absent in the gated community context, motivates not only their goal to formalise and maintain their present settlements but also a steadfast refusal to be removed by the city to settlements on the urban periphery.

In sum, both gaters and invaders claim territorial legitimacy, the former implicitly through private ownership, and the latter explicitly based on relationships to the place they are squatting and their constitutional rights.

### **Polarised responses: the state's shifting policies and human targets**

State responses to gated communities and land invasions differ significantly. Historically, gated communities have been accepted by the state while land invasions have been rejected. Indeed, while gated communities are seen as a rational response to rising crime, state responses to land invasions decry them as illegal and their residents as illegitimate. Despite new policy changes (detailed below), the overarching state response remains opposed to land invasions and accepting of gated communities.

### **Regulation or prohibition? The 'secure communities' policy**

In general, state action, as opposed to rhetoric, recognises and legitimises gated communities as legal, acceptable, and in many cases desirable housing options. Until very recently, the city of Cape Town has not had a specific gating policy—instead, land zoning has allowed developers to construct gated communities using preexisting town-planning regulations, and gated communities have become the dominant form of private sector housing construction. However, in recent years both national and municipal governments have begun to recognise the problems created by private territories with impenetrable boundaries, indicated by President Thabo Mbeki's 2005 scorn of their 'prorich' credentials (*Cape Argus* 2005).

In November 2006, under the new Democratic Alliance leadership, an open 'hearing session' was held to discuss the development of a 'Secure Communities Policy' for the City of Cape Town. The sentiment of the session implied a tacit acceptance of gated communities, emphasising regulation rather than prohibition. Indeed, the final policy (adopted in November 2007, implemented from February 2008) primarily provides planning guidelines for developers proposing gated developments (City of Cape Town, 2007). However, whilst the policy is perceived as draconian in prohibiting gated developments which enclose public roads and which receive municipal services yet exclude the public (ie 'controlled access'), the more radical outcome is that all-private gated communities (ie 'prohibited access') receive no change in status and are welcome to flourish, albeit with increased regulation, effectively legitimising gated communities only for the ultra elite.

Thus, the state's verbal opposition to gated communities has only very recently developed into any action to prevent or restrict their proliferation and at present is limited to a municipal policy with a mixture of regulation and prohibition based on gated type. This mix reflects competing opinions within the state on the consequence of gating and the lack of political will to enforce prohibition. While some political parties see them as 'necessary evils' that prevent human and capital flight in the context of rising crime, others perceive gated communities as an unacceptable blight on the post-apartheid landscape of freedom and equality. The Cape Town policy confirms this, rejecting only the 'mild' types of gated communities favoured by the lower middle classes and effectively legitimising the ruthlessly exclusive style favoured by elites. Thus, despite official opposition to postapartheid processes of privatised territorial space, gated communities have continued to thrive and multiply across South Africa at a tremendous rate. The potential for the new Cape Town policy to stem this tide is weak.

### **The city's informal settlement management: controlling or turning the tide?**

Although a Master Plan on informal settlements is in the process of development, at present the City of Cape Town has an interdict and moratorium approach to land invasions. A legal process to evict land invaders is initiated through a court interdict.



At the same time, the city enforces a moratorium on any further building on the invaded land, prohibiting additional families from moving onto a site. As part of the Informal Settlement Management Unit, law-enforcement officers monitor settlements, demolishing additional shacks built after the moratorium is declared. At the same time, rudimentary services (communal access to water and portable toilets and in some cases electricity) are provided through the Emergency Servicing of Informal Settlements Project (Graham, 2006).

This mix of prohibition, monitoring, and provision of services reflects the City of Cape Town's experience of forcibly removing land invasions and challenging their legality in court. Three important court cases have set a mix of precedents for land invasions on publicly owned land in the city. In the *Grootboom* case, the City of Cape Town's attempts to evict squatters were condemned by the constitutional court as a violation of the constitutional rights of families, particularly vulnerable groups such as children and women (Huchzermeyer, 2003a; Sachs, 2004). Following *Grootboom*, interdicts against invasions were overturned by the Cape high courts in Valhalla Park (*City of Cape Town v Neville Rudolph and 49 Others* 2004), and in Philippi where families had invaded a road verge (*City of Cape Town v Residents of Philippi Road Reserve* 2003).

Collectively, these cases set limits on the ways in which the city interdicts land invasions on public land. The costs, time, and publicity they have generated also have forced the city to develop a policy. The establishment of 'temporary relocation areas'

"to provide 'legitimate' informal sites, as well as to act as a tool to support the 'decanting' of households from settlements which are too dense to develop" (DAG, 2007, page 6)

are central to the city's longer term response. Temporary relocation areas are intended to provide rudimentarily serviced sites, much like those that invasions are sited on at present, but in places on the periphery designated and regulated by the city. Residents of so-called land invasions are generally unreceptive to removal to these areas, arguing that the city's mere provision of materials for building shacks and the area's location 30–40 kilometres from the city will make their lives untenable. Those facing possible removal to the newest site, Happy Valley, consider it a 'dumping ground', reminiscent of the apartheid past, and more poorly located than the worst township on the Cape Flats (E, 8 March 2007; International Labour Research and Information Group workshops on 27 March 2007 and 7 May 2007).

Overall, the City of Cape Town's policies and reaction to land invasions reflect broader debates and shifts in government housing and informal settlement policy in South Africa. Until 'Breaking New Ground,' the housing policy formulated by the National Department of Housing in 2005, there was no policy for upgrading informal settlements (Huchzermeyer, 2002; 2004). Instead, the provision of low-income housing through subsidies was intended as a total solution to informal settlements and the housing shortage (Graham, 2006). Clearly insufficient, policy tools and financing for upgrading informal settlements have been developed in the National Housing Code (Huchzermeyer and Karam, 2006). Time will tell what the implementation of these policies mean at the local level in cities like Cape Town.

#### **Residents: rational decision makers or unreasonable criminals?**

The state characterises and engages with key players in contexts of gating and invading in starkly polarising ways. Although the state is increasingly opposed to gated communities, opposition is directed at developments and developers rather than at residents. Residents are perceived as rational decision makers in the context of rising crime, and neither party is considered an illegal actor—rather, the consequences of

their actions are considered problematic for urban development (City of Cape Town, 2007). Policy responses are based in the town-planning department because they are perceived as a ‘technical’ problem, requiring a new land-use policy. In contrast, land invasions are viewed as a ‘social’ problem, demanding immediate response from law enforcement and longer term solutions from the housing department. Most strikingly, opposition is directed at residents, perceived as ‘law breakers’—as criminals rather than as rational beings seeking to secure their constitutional right to housing.

In both cases, residents of gated communities and land invasions in Cape Town often resent the state for its lack of action, and are increasingly aware that the state opposes their quest for autonomy and independence, particularly the forms their territorial strategies produce. A resident of a gated community reflects:

“The government is not very much for security estates because they don’t like the exclusivity” (G C, 5 May 2006).

Similarly, residents of land invasions strongly invoke the state’s failure to provide access to their socioeconomic, constitutionally enshrined, rights to land and homes in the post-apartheid period. In general, they feel targeted and harassed and that their poverty and homelessness have been criminalised, arguing:

“The city has failed us and been cruel to us. The city shot at us, rubber bullets, they threw our shacks down with bulldozers. That day we started building shacks, there was nobody in the police station, they were all here—the police, law enforcement, even the South African army. They treated us like criminals. People were shot and ended up in hospital. But when they left, we continued building anyway” (G S, February 2007).

In fact, class is the key factor in shaping the city’s response. Gaters and invaders, and the spaces they occupy in the city, poles apart in terms of class, both equally disturb the government’s idealistic vision of an integrated postapartheid city (Pieterse, 2003) in which the working classes and middle classes mix in tranquil suburban and inner-city areas. While gaters refuse to comply with this vision of an integrated new city, and are sufficiently wealthy to successfully extract themselves from the city and its integrative goals, invaders are too poor to successfully engage in the city’s vision of mixed residential areas (ie suburbia). Thus, both gaters and invaders distort the state’s normative vision of integration as predominantly middle class and its form in urban development.<sup>(8)</sup>

### **Conclusion: impeding or facilitating the imperative of urban integration?**

Although state action implies that gated communities are a legal form of residential land use, albeit a problematic one, while land invasions are illegal processes, albeit tolerated ones, in fact the legality of gated communities and land invasions is not clear cut when considered in the context of wider postapartheid national and city goals and policies.

The postapartheid government consistently asserts a prointegration message, encouraging all races jointly to build a new nation, manifest in the normalisation of phrases such as ‘the new South Africa’ alongside media adverts emphasising commonality for all South Africans based on a single nonracial nationality. At a city level, Cape Town’s first democratically elected municipality (1996) declared its vision of Cape Town as “a city that works for all” (now the city slogan), implying both urban integration and service provision as city priorities (Nahnsen, 2003, page 137). Indeed, the integration of Cape Town’s different spatial areas and residents is a key city goal, embodied both in the 2000 ‘unicity’ reorganisation of local government into a single authority as well as the City Development Strategy objective to promote “social integration and inclusion” (Pieterse, 2003, pages 170–171).

<sup>(8)</sup> Thank you to Richard Ballard for pointing to the importance of class in this analysis.

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However, despite historical acceptance, gated communities in fact oppose these city integration objectives by allowing citizens to physically remove themselves from public spaces and civic responsibilities. At the same time, gated communities restrict access to certain parts of the city, thereby impeding citizens' constitutional right to freedom of movement. Moreover, the decision to reside in a private territory in South Africa has been identified as partly a decision to disengage with society and to abstain from civic engagement and responsibilities (Hook and Vrdoljak, 2002). Thus, South Africa's gated communities facilitate residents' desires to secure independence from both the state and society at large in order to wield individual power as a private owner rather than submitting to the state as a citizen. Whilst this might appear a rational decision in the context of South Africa's growing crime and limited state capacity to reduce it, the collective consequences of this exclusive residential form are problematic, facilitating both spatial and civic fragmentation.

In contrast, land invasions, despite state rejection, in fact serve to promote the provincial government's objective of a 'home for all', and meet citizens' constitutional rights to housing. Land invasions also challenge legacies of the apartheid city, by giving low-income and predominantly black African and coloured households, groups previously disadvantaged under apartheid, the opportunity to reside in better located parts of the city in some instances, and, in others, the chance to maintain residence in former coloured or African neighbourhoods where they have historically lived, avoiding removal to new areas of low-income and informal housing on the outskirts of the city. Residents make a strong case that the neighbourhoods where they invade and occupy land are where they work, where their children attend schools, and where they have social networks and relationships that help sustain them in poverty-stricken conditions.

Invading public open land not only enables families to survive in challenging economic contexts, but also contributes to a broader goal of integration, sometimes actively transforming apartheid settlement and living patterns. State policy to remove land invaders to temporary transit areas or to new sites with limited or no services on the outskirts of the city not only isolates families socially, but also adds further financial strain with higher transport and living costs. In invading land and in building shacks, families claim a home and assert their place on unoccupied or marginally utilised city land. In doing so, they challenge their marginalisation and segregation.

The challenges that land invasions and gated communities confront cities with are not unique to Cape Town, but are evident in large and small cities across South Africa<sup>(9)</sup> and the South.<sup>(10)</sup> In examining the parallel narratives and claims that invading and gating build on, and the unequal although often ambiguous city response, we need careful interpretation of the logics of local processes such as gating and invading, as well as a more precise assessment of the state's engagement with these urban development processes. This sort of analysis helps to specify territorial strategies, the parallel search for security, and the often diametrically different ways in which cities address and manage elite and poor urban spaces and processes. A more contextualised assessment of these processes also clarifies the specific targets for policy and political advocacy to create fairer, more just, urban processes and spaces in increasingly divided Southern cities.

<sup>(9)</sup> See on invasions: Harrison et al (2003), Huchzermeyer (2003b), Khan and Thring (2003), Royston (2003). See on gating: Bremner (2004), Landman (2000a; 2000b; 2004).

<sup>(10)</sup> See on invasions: Durand-Lasserve and Royston (2002), Jenkins (2006), Martin and Mathema (2006), Omenya and Huchzermeyer (2006). See on gating: Álvarez-Rivadulla (2007), Caldeira (1999; 2000), Coy and Pöhler (2002), Mycoo (2006), Salcedo and Torres (2004).

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