

CASE STUDY 1

JOE SLOVO: CAPE TOWN, SOUTH AFRICA

CONTEXT

This case highlights the immense complexity and potential for conflict which characterises State attempts to engage with informality and to formalise the informal within the African city.

Joe Slovo informal settlement is one of 223 informal settlements in the Cape Town Metropolitan Area. Unlike most informal settlements Joe Slovo is on well located land, with easy road and rail access to the city and adjacent industrial areas which offer employment and livelihood opportunities.

Under apartheid the State implemented a wide range of 'influx control' measures to restrict the access of black people to the city. The migrant labour system dictated that people from rural areas could only stay in the city if they had work and permission. Migrant workers were largely housed in single sex hostels for the duration of their employment contracts. Their families were confined in impoverished and overcrowded rural 'homelands'. Even in the apartheid era people constructed informal settlements in defiance of State controls. Such settlements were frequently bulldozed and their inhabitants dumped back in rural areas.

Shortly prior to the transition to democracy influx controls were scrapped and urbanisation accelerated. Many people who had been crowded into hostels or backyard shacks in existing townships occupied vacant land and constructed their own shelter.

Joe Slovo was established in 1989 by former occupants of the Langa hostels and people living in backyard shacks in the township. The settlement expanded rapidly between 1996 and 2003. In May 1996 the City of Cape Town recorded that there were 1 195 informal homes. These had increased to 2,153 by May 1998¹ and by the year 2000 the number was reported to have grown to 4,300² dwellings – an increase of 100% in two years. By 2003, it was reported that there were 5,431 dwellings in Joe Slovo.³

The rapid growth of the settlement and its proximity to Cape Town International Airport and the main N2 Highway contributed to Government targeting the area for a high profile mega housing project – the N2 Gateway (N2G), which was launched in 2005.

ACTORS

There is an enormous diversity of state and non state actors that have become involved in a complex, dynamic and multilayered contestation.

Actors include:

- different spheres of government and successive provincial and city administrations dominated by opposing political parties;
- government officials, planners and implementing agents;
- local leaders and committees with varying spatial and political allegiances seeking to represent different interests amongst the residents;
- settlement residents remaining onsite and those removed after a large shack fire to temporary relocation areas on the periphery of the City;
- informal settlement residents and persons representing various interests in Langa and neighbouring localities including backyard dwellers and bonded home owners bordering the settlement.

¹ Abbott, J. (1999) in DiMP (2002)

² The Development Support Department of the City of Cape Town conducted the 2000 count

³ City of Cape Town IDP (2004/2005)

Over time various NGOs and community based organisations (CBOs) have sought to work with local residents in pursuit of their respective programme objectives and activities (savings promotion, fire risk reduction, informal settlement upgrading, community based spatial redesign and realignment of shack settlements – ‘blocking out’, self survey etc).

The N2G has become at the centre of a web of competing interests and development actors and has come to represent an opportunist space for the forging of shifting political alliances.

FOCUS

Ostensibly the N2G flagship development project aimed to provide rental-housing stock for the poor and enable *in situ* upgrades. However in practice first two phases of the project served only to marginalise poor local households and was instrumental in pushing the poor to the periphery.

Phase 1 of the N2G revolved around the construction of higher density social rental housing. However this proved to be unaffordable to nearly all households originally removed from the site. It was estimated that not more than five households who previously lived in the Joe Slovo informal settlement were accommodated through the N2 Gateway (Phase 1) project.

Plans for Phase 2, revolved around the construction so called gap housing, consisting of 3000 bonded houses in a relatively low density development which were to cost between R150,000 and R250,000. Given that most people in the Joe Slovo informal settlement earned less than R1,500 per month it was clear that they would be excluded from Phase 2 as well.

PROCESS

In 2007 the continuing marginalisation of informal households led to protest actions by the residents who occupied the main highway into Cape Town. Government responded by seeking an eviction order against people continuing to live in shacks in Joe Slovo which was granted in the Cape High Court in March 2008.

Two separate committees acting on behalf of Joe Slovo residents, secured legal support from human rights lawyers to appeal this order in an action which was heard in the South African Constitutional Court – the highest court in the land.

Five judges from the Constitutional Court handed down their judgment on the 10th June 2009. Although the Constitutional Court upheld the eviction order, the conditions embedded in their judgement made it hugely expensive for government to relocate the residents. This was one of two key factors influencing a change of approach by the State. The Constitutional Court also ordered that 1050 houses (70%) of the 1500 houses to be constructed in Phase 3 should be reserved for Slovo residents.

The second factor influencing the change of approach was the findings of the self enumeration survey of shack dwellers living within the settlement. The self survey found that the settlement population consisted of 7946 persons living in 2748 shacks – substantially less than previous government estimates which had been extrapolated from dwelling counts from aerial photographs.

The Provincial Department of Local Government and Housing calculated the cost of relocating all the households cited in the ejection order at R68 million. In this light it was proposed that third phase housing construction should rather take place as part of an *in situ* upgrade. The Department has since announced plans to construct 2800 units (1300 more dwellings than the 1500 originally envisaged) and to allocate all of these to people currently staying in Joe Slovo.

The Department set out to establish a ‘steering committee’ for the third phase of the project – a process which proved to be highly volatile given the different interests and organised formations in the settlement. The

composition of the Committee challenged the hegemony which the Task team had begun to enjoy in the settlement and has challenged its effective functioning.

PLANNING PARADIGM, ACTOR ROLES AND COLLABORATION APPROACHES

The case reveals how mega projects of this nature are driven by high level political agendas which are often significantly out of step with the needs and priorities of the poor and the realpolitik of provincial and local government relations. It illustrates how competing rational technicist planning scripts (with a bit of participation rhetoric thrown in) were countered by insurgent action and planning from below. However it needs to be recognised that the latter is also prone to be messy and conflicted.

The case illuminates the elusive and slippery nature of the State which pulls this way and that as contesting political and bureaucratic actors vie for influence and power. It also highlights the fragmented and dynamic nature of the 'community' which is variously defined and shaped by local development actors who position themselves in different ways. (See Fig 3 below)

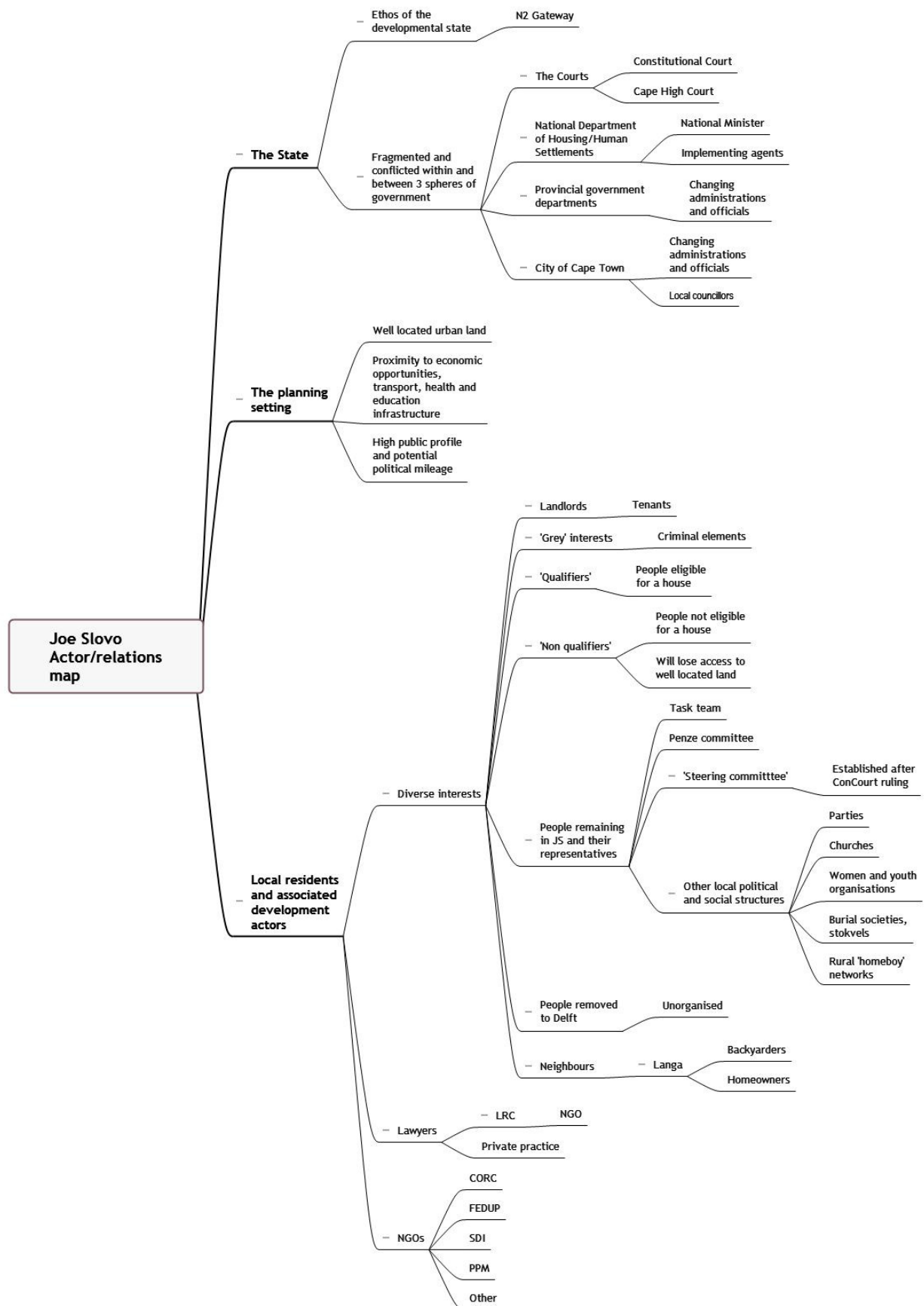


FIGURE 1: JOE SLOVO ACTOR/RELATIONS MAP

The engagement of the Community Organisation Resource Centre (CORC) “a nucleus for professionals and grassroots activists who think independently yet plan and act collectively” and related networks such as the Informal settlement Network (ISN) and the Federation of the Urban Poor (FEDUP) with the Joe Slovo Task Team resulted in the self enumeration survey. This is one of key ‘rituals’ of organisations affiliated to Slum/Shackdwellers International. While the self enumeration is thought to have provided more accurate information on the settlement than was previously available this process was not without its problems.

The survey approach also appeared to gloss over “the complex micro politics” of informal settlements and the existence of sub groups within the settlement who could be excluded or hostile to the survey process. The self survey overlooked the possibility of landlord tenant relations within the settlement which is a key component which distinguishes the design of other self enumeration surveys carried out in Kenya and India. Only once the survey was in process did actors surface who would not participate and who saw the process as a mechanism to promote particular interests within the settlement.

ASSESSMENT

The original top down planning approach associated with a flagship project initially only served to exclude the poor who had gained access to well located land. It was only after action from below, facilitated by an unusually supportive institutional and legal framework that residents were able to mount a defence to their right to the city.

In practice these rights were segmented in that the survey identified some people who had already qualified for a housing subsidy elsewhere who were subsequently categorised as ‘non qualifiers’. There is also some evidence that the self survey process might have excluded those who were hostile to the dominant leadership grouping or who were suspicious of the process as a whole. Despite the Courts recognising the rights of those people who had previously lived in the settlement and who the State has removed elsewhere, many of the residents who remained on site no longer regarded them as legitimate rights holders. This meant that the survey effectively excluded their voices and in the process may *de facto* have extinguished their rights.

The case illustrates how approaches to actor collaboration need to accurately identify the actors and their interests. It cautions against simplifying and homogenising notions of ‘community.’ In the case of Joe Slovo a presumption of conflict is a logical and useful starting point and could have opened the door to a process which notated interests and negotiated pragmatic but reasonably fair outcomes without the huge expense and wastage of resources which came to characterise the case.

However it needs to be noted that the killer assumption underpinning all approaches to actor collaboration is the presence of reasonably resourced, ethical and progressive planners with a mandate to act within a responsive and adaptive planning framework. In practice many planners operate within the rubric of predetermined and outmoded policy scripts which constrain their abilities to engage meaningfully with informality and limit collaboration strategies to outmoded versions of ‘public participation.’