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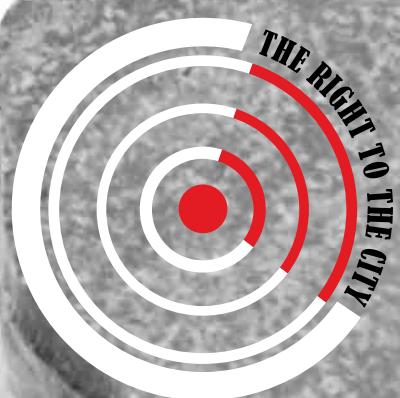
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# THE RIGHT TO THE CITY IN A SOUTH AFRICAN CONTEXT

NGO SUBMISSION AND NATIONAL ROUNDTABLE REPORT

# 2011

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The Right to the City Dialogue Series, hosted by Isandla Institute, Community Organisation Resource Centre (CORC) and Informal Settlements Network (ISN), has sought to bring together a wide variety of NGOs working on urban issues and organisations of the urban poor to discuss the contextual appropriateness and mobilising potential of the Right to the City in South Africa. The dialogue series has consisted of two parallel, cascading (upwards) sets of dialogues that fed one another. The first set of three involved representatives of the urban poor, drawn from the Informal Settlements Network and other community-based organisations in Cape Town, in which they, informed by the Right to the City, reflected on the most salient issues they face in their everyday lives, their urban development priorities and the partnership-based approach they seek to address these issues. These, in turn, shaped the agendas for the second set of dialogues between representatives of urban NGOs (as well as selected representatives from community dialogues). The progress achieved during each of these dialogues formed the basis of, and were fed into, the next dialogue of the urban poor and so on. This document is a reflection of the outcomes of the dialogues with the urban NGOs and should be read with the accompanying pamphlet, 'we've got a right to the city', that summarises the primary outcomes of the dialogues of the urban poor. While each of the documents reflect common themes emerging across the dialogues, participants felt that it was important that the voices of each 'segment' were captured independently to allow differences in emphasis and nuance to be expressed.

This Dialogue Series has been generously supported by the Foundation for Human Rights, the Department for Justice and Constitutional Development and the European Union.



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## **THE RIGHT TO THE CITY IN A SOUTH AFRICAN CONTEXT**

### NGO SUBMISSION

Since 1994 the state has attempted, in many guises, to achieve greater coherence in planning the development and governance of South African cities. However, the majority of initiatives it has thus far pursued have been relatively ineffective, overly technocratic, and lacked popular support from either government officials or communities. The Right to the City has been increasingly prominent in the discourse of international organisations, national and city governments across Latin America and Europe and the organising of civil society and social movements across the world. It is being used to emphasise the full gambit of rights that urban citizens should be able to claim, the importance of truly democratic processes of planning and decision-making, and the need for social solutions in the realization of the right of the urban poor to land and housing.

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**THE RIGHT TO THE CITY HAS BEEN INCREASINGLY PROMINENT IN THE DISCOURSE AND WORK OF INTERNATIONAL ORGANISATIONS, NATIONAL AND CITY GOVERNMENTS ACROSS LATIN AMERICA AND EUROPE, AND THE ORGANISING OF CIVIL SOCIETY AND SOCIAL MOVEMENTS ACROSS THE WORLD.**

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This submission reflects a series of dialogues by NGOs working on urban issues around the contextual relevance and mobilising potential of the Right to the City in South Africa.<sup>1</sup>

## 1. UNDERSTANDING THE ORIGINS AND DEBATES ABOUT THE RIGHT TO THE CITY

The phrase was first used by Henri Lefebvre as a title to a piece of work ("Le Droit à la ville") in 1968 in which he decries the commodification and privatisation of urban space occurring in cities around France. He argues that the use value of the urban environment, particularly scarce commodities like urban land and communal space, is increasingly being overwhelmed by its exchange value – thereby fracturing and eroding the social life of urban centres. He adopts the term to begin to sketch a framework for urban social struggles that could extend beyond traditional concepts such as class struggle. It, however, stops short of proposing concrete alternatives; ending with a call to "reach out towards a new humanism, a new praxis" in which inhabitants are enfranchised to participate in the use and production of urban space.<sup>2</sup> Nonetheless, two core ideas can be seen as the heart of his conception of the Right to the City:

- the right to **participation**: the right of inhabitants to take a central role in decision-making processes surrounding the production of urban space at any scale. "Unlike the indirect nature of liberal-democratic enfranchisement in which the voice of citizens is filtered through the institutions of the state, the right to the city would see inhabitants contribute directly to all decisions that produce urban space in their city"<sup>3</sup>.
- the right to **appropriate** urban space. That is, it should be produced in such a way as to enable the "full and complete use" of urban space by inhabitants in their everyday lives. It therefore includes the "right to live in, play in, work in, represent, characterize and occupy urban space... The conception of urban space as private property, as a commodity to be valorized (or used to valorize other commodities) by the capitalist production process, is specifically what the right to appropriation stands against"<sup>4</sup>.

The specific rights to appropriate and to participate are claimed by inhabitants meeting particular responsibilities and obligations, primarily their commitment to active participation in the (re-)making of their cities. The Right to the City, therefore, is a collective right that can only be realised through collective action, and it demands solidarity and new forms of alliance between different stakeholder groups within society<sup>5</sup>.

Its ability to act as an intuitive 'umbrella phrase' for government officials, international and local NGOs and radical social movements has supported its spread and adoption. For example, it has been 'populated' (i.e. its components have been defined) and institutionalised in divergent ways between its formal recognition in Latin American governments, including Brazil, Ecuador, Bolivia, and Mexico, and First World cities such as Toronto; a World Charter on the Right to the City spearheaded by NGOs under Habitat International Coalition (HIC); its use in the latest 2010/11 UN-Habitat State of the World Cities report; its adoption by a range of 'traditional' South African NGOs and its use as a radical 'call to arms' by the Right to the City Alliance emerging out of Los Angeles

or Abahlali baseMjondolo in South Africa. Despite these differentiated approaches to the term, there does seem to be crosscutting agreement that the Right to the City framework is able to create a base set of common 'ethical orientations'. Internationally, most approaches seem to share three fundamental axes<sup>6</sup>:

1. The exercise of full citizenship, namely the realization of all human rights to ensure the collective well-being of inhabitants and the social production and management of their habitat;
2. The democratic management of the city through the direct participation of society in planning and governance, thus strengthening local governments and social organisation; and
3. The social function of the city and of urban property, with the collective good prevailing over individual property rights, involving a socially just and environmentally sustainable use of urban space.

However, these attempts to stabilise and institutionalise the meaning of the term, especially those driven by state or NGO coalitions, have been treated with scepticism by those who warn about the success neoliberalism has had in hijacking and incorporating formerly emancipatory discourses<sup>7</sup>. There are broadly, therefore, two 'bipolar polemics' that can be seen in organisations adopting the term: the first driven by government and NGO 'bureaucrats' that will use the Right to the City 'logo' to "administrate human rights, count the

Due to the collective character of those rights they cannot merely be negotiated in an abstract way by a group of people, however smart they might be, and then put into practice on the ground. Those rights have to be commonly developed. Moreover, due to their non-universal character, or, more precisely, because they have to be understood as rights specifically for those formerly deprived of full rights, they will not simply be gained or recognized as entitlements but have to remain contested. This contestation of collective rights, however, is not a claim to plain access to what already exists. Starting from claiming rights and shaping the city according to people's needs, from fighting for land and housing free of market speculation and for urban spaces beyond boundaries of gender, race or age, the [Right to the City] movement clearly heads towards a totally different urban. Its concept bears not only a critique of the actual but targets the possible. Thus, this movement has the potential to fundamentally reconfigure the central categories on which a capitalist society is based.

Horlitz, S. and Vogelpohl, A. (2009). *Something Can Be Done! — A Report on the Conference 'Right to the City. Prospects for Critical Urban Theory and Practice'*, Berlin November 2008. *International Journal of Urban and Regional Research*, 33 (4): 1067-1072, p. 1072.

## 2. THE RIGHT TO THE CITY IN A SOUTH AFRICAN CONTEXT

victims and express indignation", while the second involve 'transformative movements' that will use the Right to the City "as an experiment to amplify desires for disturbances in the continuity of the legal in/exclusion"<sup>8</sup>. This is a dichotomy that is widely commented on by those criticising the use of the term – with an implicit or explicit favouring of its more utopian and transformative elements. However, both 'polemics' are important in constructing struggles that result in greater equality:

In fact, human rights and real movements, the pursuit of happiness and the desires for change, immanence and transcendence can be sides of the same coin. Ethical principals are only becoming true through real life and struggles, and the real life and struggles need ethical orientations, which are transcendent to immanent claims and particularities. Demands are directed to institutions, thus relate to them. There is no discourse or struggle which is not affected by institutions or the state. But [in] institutions, [the] state in [particular] the dominant discourses cannot change without demands. Any serious struggle is a struggle for local demands and institutional change at the same time. The Right to the City is neither an anarchist nor statist ideology. It can be a sphere of diagonal transformations<sup>9</sup>.

This process of moving from the particular to the global, and from its use to meet immediate needs to imagining a new form of urbanism, represents its strength rather than its weakness. The Right to the City takes shape based on the specific local needs, conditions and opportunities facing the urban poor, and constantly needs to be remade in the active work of communities and development organisations. This document, therefore, represents the beginning of a South African conversation that must be expanded, contested and built upon.

The adoption of the Right to the City as an animating call to reassess the relationship between the state and poor citizens can be met with three sets of concerns about the applicability and appropriateness of a focus on cities in a South African context:

1. It seems to imply a focus on the metros to the exclusion of smaller secondary cities, towns and settlements<sup>10</sup>.
2. It seems to exclude rural issues and communities who continue to experience extreme levels of poverty and are serviced by local government that is under-resourced and under-capacitated.
3. A political climate currently exists that remains ambivalent, or even openly hostile, to initiatives that display an 'urban bias'<sup>11</sup>

While these represent pertinent concerns, participants agreed that there are four compelling reasons to continue using the term: (1) the distinct nature of cities; (2) the current economic, social and environmental trends in South Africa; (3) the relationship between urban and rural areas; and (4) the strategic advantages of building on an internationally recognised concept. These are briefly discussed here.

### 2.1. THE DISTINCT NATURE OF CITIES

Urbanists, geographers, sociologists and economists, to mention a few, have long struggled to capture the distinctiveness of cities. They are increasingly not regarded as "fixed physical artefacts or historical subjects, nor are they simply spaces within which other things happen. Cities from this perspective are, pre-eminently, emergent outcomes of complex interactions between overlapping socio-political, cultural, institutional and technical networks that are, in turn, in a constant state of flux as vast sociometabolic flows of material resources, bodies, energy, cultural practices and information work their way through urban systems in ways that are simultaneously routinized, crisis-ridden and transformative"<sup>12</sup>. The distinct characteristics elements that bring about these 'complex interactions' are the density, diversity and distinct dynamics, which bring about unmatched social, economic and ecological opportunities and challenges for citizens and government alike<sup>13</sup>.

There are, therefore at least four key reasons that the state must take an explicit and considered approach to urbanisation and urban areas<sup>14</sup>. First, they make a disproportionate contribution to productivity growth and job creation, especially in the transition from primary to secondary and tertiary industries. Second, their economies of scale create the opportunity for cost-effective investment of public resources in major facilities and infrastructure and it is easier to generate the revenues to operate, maintain and replace essential infrastructure in places with a viable tax base. Third, their social dynamics make them epicentres of creativity and innovation, and as well as political unrest and crime, both of which require careful and appropriate governmental responses. Fourth, the size of their ecological impact makes them prime culprits in environmental degradation, but also creates the opportunity to aggressively

Urban centres offer economies of scale in terms of productive enterprise and public investment. Cities are social melting pots, sites of innovation, political engagement, cultural interchange and drivers of social change. However, cities are also marked by social differentiation, poverty, conflict and environmental degradation. So alongside the obvious benefits of agglomeration there are also costs. These are all issues that not only matter to cities but also lie at the heart of development

Beall, J., Guha-Khasnobi, B. and Kanbur, R. (2010). *Beyond the tipping point: a multidisciplinary perspective on urbanization and development*. In J. Beall, B. Guha-Khasnobi, and R. Kanbur (eds.), *Urbanization and Development: Multidisciplinary Perspectives* (p. 3-19). Oxford: Oxford University Press, p. 3.

curb the use of non-renewable resources and begin processes of climate mitigation and adaptation.

Considered together, therefore, it seems clear that there is a compelling array of reasons why cities demand particular attention as sites for progressive opportunities. It is worth noting that these definitions emphasise density, diversity and complexity and so apply equally to metropolitan areas (which are increasingly city-regions), 'secondary cities'<sup>15</sup> and, increasingly, the 'regional service centres'<sup>16</sup> that have experienced rapid growth and densification in recent years.

## 2.2. CURRENT AND FUTURE DEMOGRAPHIC, SOCIAL, AND ECONOMIC TRENDS IN SOUTH AFRICA

It has become commonplace in contemporary writing about development in Africa to note the explosion of urbanisation projected to occur over the next twenty-five years<sup>17</sup>, and South Africa is no exception. Some 71% of South Africa's population live in urban settlements and the population of the six metropolitan councils (metros) reportedly grew by 2.9% per annum on average over the period 1996-2007 compared with the national average of 1.8%<sup>18</sup>.

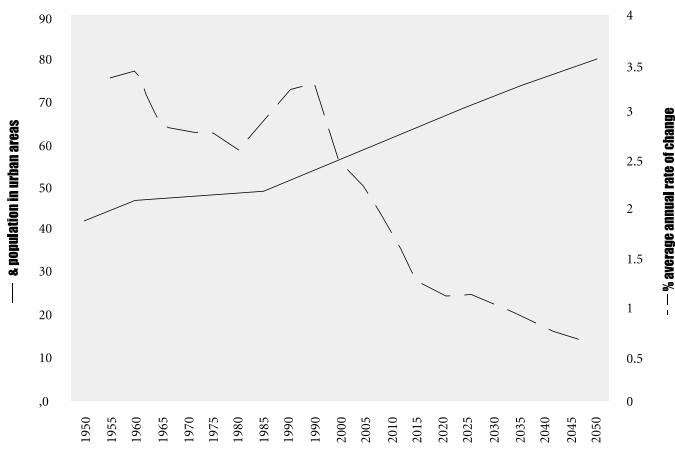


Figure 1: Urban Population Projections to 2050<sup>19</sup>

The three largest metro-region areas, namely Gauteng, Cape Town and eThekuni, accounted for over 70% of the country's population growth in the period 1996 to 2007<sup>20</sup>. This urban population is increasingly young – in 2007 between 36.4% (in the Cape Town city region) and 43.5% (in the Gauteng city region) of the four major city-region populations were aged between 15 to 34 years<sup>21</sup>, and 71.2% of the total growth in the 0-14 years age group took place within the metros of Gauteng, Cape Town and eThekuni<sup>22</sup>.

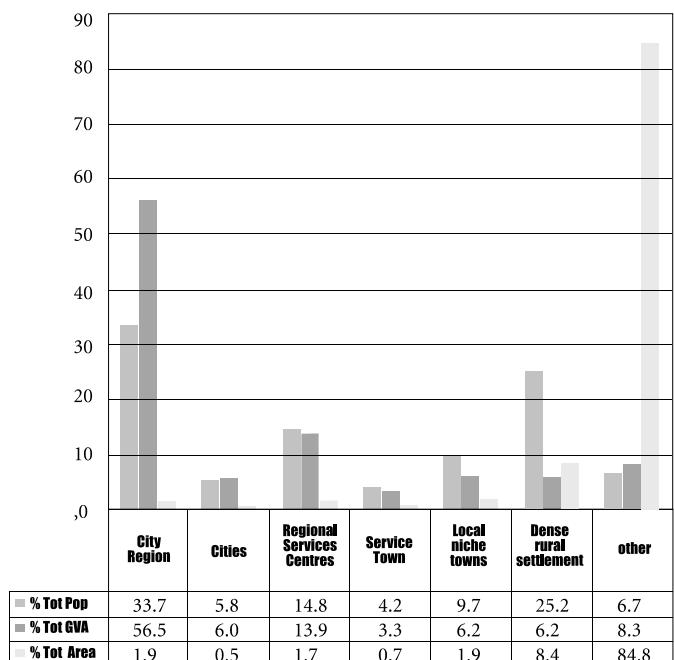


Figure 2: Distribution of space, population, and economic activity across South Africa in 2009<sup>23</sup>

This growing urban population is drawn to, and benefits from, cities because they are the economic hubs and generators of employment in South Africa. Urban areas produce 88% of South Africa's economic activity<sup>24</sup> and, in 2009, between 53% and 56% of the working age population in the major metros were employed – compared with only 29% in the former Bantustans and 47% in the commercial farming areas<sup>25</sup>. Interestingly, the employment rate in the metros has increased despite sizeable in-migration of job-seekers from elsewhere, who have added to the supply of labour<sup>26</sup>. Furthermore, these jobs are generally of a better quality. Roughly four-fifths of workers in the metros are engaged in formal employment, compared with only 55% in the former Bantustans, and earnings tend to be higher in the metros than in rural areas, suggesting that their economies are more productive<sup>26</sup>. Figure 2, drawn from the work commissioned by the National Planning Commission, illustrates these two sets of trends quite compellingly: the concentration of population and economic activity concentrated in urban areas.

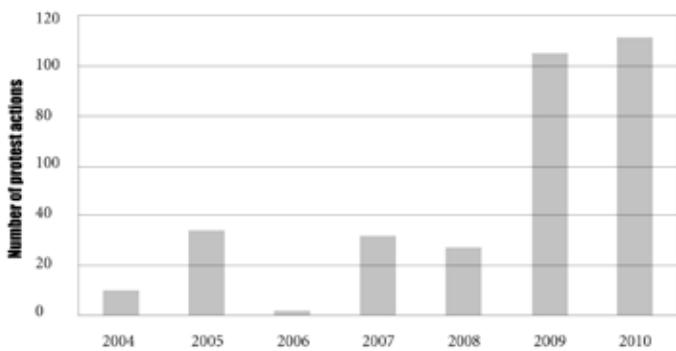


Figure 3: Service delivery protests 2004-2010<sup>35</sup>

However, as the descriptions of cities above indicate, their density and diversity have a dark side: they are also concentrations of poverty, informality, vulnerability, xenophobia and unrest. About 61% of those living under the minimum living level in the country are in urban areas<sup>28</sup>. While, between 1996 and 2007, the citizens of the metros have had much greater access to services (including providing access to water, electricity and sanitation) than the national average, the same metropolitan areas are also featured when it comes to metropolitan/district municipalities listed for the biggest backlogs in terms of those services<sup>29</sup>. The informal households found in the five metros account for almost half (49%) of all informal housing in the country, this is where the biggest increases have been over the last decade, and significant pockets of informal housing are also found close to important secondary towns, especially those in municipalities close to the Gauteng metropolitan areas<sup>30</sup>. While approximately one in five (19%) adults between the ages of 15 and 49 are HIV-positive in South Africa, the prevalence rate in urban informal settlements (at 25.8%) is double that of both urban and rural formal settlements (13.9%)<sup>31</sup>. The rate of new infections in urban informal settlements (5.1%) is more than three times the rate in rural formal areas (1.6%) and rural informal areas (1.4%)<sup>32</sup>. Recent research into food security in three South African cities, Cape Town, Msunduzi and Johannesburg, found 70% of poor urban households reported conditions of 'significant' and 'severe food insecurity'<sup>33</sup>. The majority of the xenophobic attacks have occurred in urban informal settlements and, due to a phenomenon known as 'relative deprivation', the strongest concentration of the 'service delivery' protests between 2004-10 were located in the large metros, about half the national total, while the fewest were reported in "the worst performing (non-metro) municipalities with the largest service backlogs, and in towns or rural areas with the poorest economic conditions"<sup>34</sup>.

### 2.3. A MORE EXPLICIT AND STRATEGIC ACKNOWLEDGEMENT OF URBAN-RURAL LINKAGES, CIRCULAR MOVEMENTS AND REMITTANCES.

The Right to the City has an urban focus; however, as the data above highlights, it is only through a more nuanced understanding of the relationship between urban and rural

areas that more socially relevant and spatially just policies can be developed. As the draft National Urban Development Framework puts it:

The traditional dichotomy between 'urban' and 'rural', in fact, has limitations in a context where there are growing linkages between cities, towns and the surrounding countryside... The interactions between areas arise partly from rising mobility, falling transport costs and the spread of telecommunications. They involve flows of people, finance, raw materials, consumer goods, waste products, information, water and energy resources. Migration is a particularly important 'flow' in South Africa, resulting in vital remittances for rural households as well as major population movements between cities and rural areas... As a result, cities have become more complex, decentralised 'networks' than the traditional single urban nodes surrounded by countryside. It also means that the economic fortunes of different places and communities are increasingly interdependent – bound together by multiple cords... There is thus a need for an inclusive urban development framework that complements the emerging rural development strategy. Both should reinforce each other in a mutually beneficial way<sup>36</sup>.

A greater recognition of these linkages and flows between urban and rural areas are very much a part of the way in which the Right to the City has been invoked in the Third World. For example, the *World Charter for the Right to the City*'s definition of a 'city' includes "every metropolis, village, or town that is institutionally organized as a local governmental unit with municipal or metropolitan character. It includes the urban space as well as the rural or semi-rural surroundings that form part of its territory"<sup>37</sup>. Evoking the Right to the City in a way that is self-aware of urban/rural linkages, then, creates an opportunity for policymakers, government officials, civil society organisations and organisations of the urban poor. In a search for a useful conceptual label for this self-awareness we have found the term *RUrbanism* to be particularly useful as it has been used to describe the process of "integrating the urban with the rural – so that there is a co-evolution of the countryside and of the city that is embedded within it"<sup>38</sup>.

### 2.4. THE STRATEGIC ADVANTAGES OF BUILDING ON AN INTERNATIONALLY RECOGNISED CONCEPT

A number of commentators have argued that "the political elite in South Africa, particularly in the shape of leadership of the ANC-led alliance, remains deeply ambivalent about the profoundly urbanised reality of South African society"<sup>39</sup>. This growing hostility has been reinforced by the election of Jacob Zuma and the ANC to national office in 2009 on a rural development platform that can be seen as a "forceful return of a rural nostalgia snugly ensconced in a narrow strain of African nationalism—the ideological prism that remains uncomfortable with the messiness of postcolonial urban modernities"<sup>40</sup>. There are, therefore, very real political costs to adopting an explicitly urban-centric discourse about development. However, there are two compelling sets of reasons to persist with the Right to the City.

### 3. THE PRINCIPLES OF A RIGHT TO THE CITY APPROACH TO URBAN DEVELOPMENT

First, in the light of the arguments about the increasingly central nature of cities in determining the course of the development of South African society outlined above, the Right to the City becomes a long-term, strategic narrative that is adopted by organisations and individuals to restore a focus on and discourse about urban issues (although, as emphasised above, not to the exclusion of a more nuanced rural agenda). However, “until these ideological[ly] driven anti-urban biases are roundly critiqued and replaced, there is simply not the political basis to really come to terms with the complexities... that ensure the reproduction of the neo-apartheid city”<sup>41</sup>.

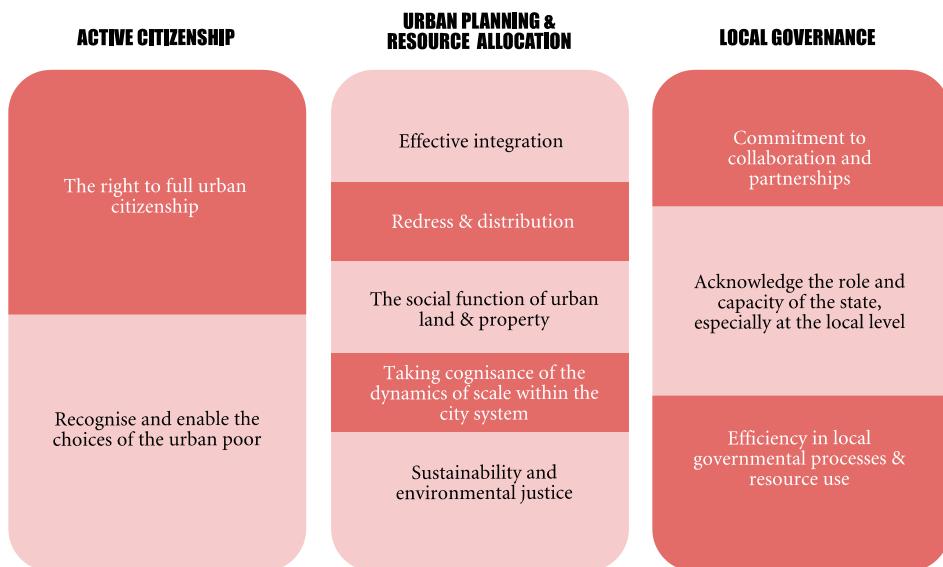
Second, as outlined in some detail in the previous section, the Right to the City has built a formidable international presence in the discourses of prominent development organisations, social movements, and in the legal rights afforded to citizens in an ever-increasing number of countries and cities. The form, content and practice advocated by the Right to the City have emerged out of contexts in the global South that face very similar economic, social and spatial challenges to those in South Africa. They create an opportunity for the state and civil society in South Africa to draw upon these experiences to inform initiatives and policies, thus far neglected, that act at the scales required to significantly advance a redistributive agenda and influence resource allocations and flows.

In order to ground the Right to the City in a South African context, a brief review of existing principles in legislation<sup>42</sup> was used to inspire a list of principles that would describe such an approach to urban development. For conceptual clarity we have grouped these into three primary themes: active citizenship, urban planning and resource allocation and local governance.

Each of these principles has particular characteristics that have transformative implications for urban development in South Africa:

- **The right to full urban citizenship.** Irrespective of nationality, all who live in South Africa should have full access to South African cities and the use of city resources, opportunities and benefits. This includes the right to administrative justice: local government should function in line with the highest aspirations expressed in the Constitution.
- **Recognise and enable the agency and choices of the urban poor.** The urban poor should have access to information about and control over all development and service delivery initiatives directed at them or their neighbourhoods. This may involve institutionalising a wider gambit of public participation mechanisms, including less formal spaces and modalities, and/or placing a greater emphasis on a partnership approach between communities, civil society, organisations of the urban poor and local government. All such initiatives should have in place specific and explicit measures to facilitate/capacitate the agency and choice of these communities.
- **Effective integration.** There is a need for increased and more effective integration between the different spheres of government, and between government departments and functions. There is also a need for increased integration between the different aspects of the socio-spatial planning system (including its ‘strategic’, land use, environmental, heritage, and transport elements). Greater awareness of urban-rural linkages and interdependencies in planning and decision-making is also required.
- **Redress and redistribution.** Government action and partnerships between social actors should emphasise the need to address inequality, the multiple forms of urban vulnerability and the causes of marginalisation. This involves identifying and including historically-excluded communities and areas in formal processes of planning, decision-making and implementation as well as the use of spatial planning mechanisms to promote spatial justice, enable increased access to well located land for the urban poor, curtail speculative activity and the underdevelopment of public and private land, and democratise urban space. An emphasis should also be placed on the promotion of racial, social, economic and physical integration of South African cities.

## PRINCIPLES TO THE RIGHT TO THE CITY



*Figure 4: The Right to the City Principles*

- **The social function of urban land and property.** The social function of land should be adopted as a guiding and evaluative principle when weighing private property versus collective rights, tenure security and the recognition of informal land uses, the need for investment in commonly accessible public goods and services, the provision of public space for social and recreational uses, the need to recoup increases in private property from public investment, and the need to shape the incentive structure for private investment (e.g. taxes) to encourage socially and environmentally just patterns of investment.

- **Recognise the differentiated effects of policy and practice on woman, youth and vulnerable groups.** Drawing on insights from gender and youth mainstreaming, it is imperative that all processes of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres recognise the differentiated needs and potential impact of different stakeholder groups, particularly women, youth and other vulnerable groups (e.g. people with disabilities, orphans and vulnerable children, HIV+ people).

- **Taking cognisance of the dynamics of scale within the city-system.** An ongoing weakness in planning and decision-making is a lack of awareness about the dynamic interplay between different scales within the city-system. Struggles for greater democracy and equality will require a more nuanced understanding of the way in which politics, systems and incentives change based on scale.

- **Plan for and actively pursue sustainability and environmental justice.** The future development of South African cities should place an emphasis on environmental

justice principles: the equitable distribution of environmental risks and benefits; fair and meaningful participation in environmental decision-making; recognition of community ways of life, local knowledge, and cultural difference; and the capability of communities and individuals to function and flourish in society. In line with current best practice, it should address patterns of urban sprawl and promote densification, mixed-use and the infilling of pockets of vacant or underdeveloped urban land. It should also promote proactive fiscal planning and management to ensure the sustainability of (local) governmental capacity and rates of expenditure.

- **Commitment to collaboration and partnerships.** Local government should be focused on a collaborative approach to governance, building strategic and practical partnerships with different stakeholders to achieve overarching developmental goals.

- **Acknowledge the role and capacity of the state, especially at the local level.** A realistic assessment of the capacity and effectiveness of local government should inform planning and decision-making about developmental or redistributive initiatives. It is important to recognise and capitalise on the effect that government action, or inaction, has on the incentives of diverse role players, particularly the private sector.

- **The promotion of efficiency in local governmental processes and resource use.** Without contravening any of the other principles, local government should pursue processes and policies that maximise the efficiency and effectiveness of expenditure and other inputs, such as human resource capacity.

## 4. CONSOLIDATING AND FOCUSING THE RIGHT TO THE CITY AGENDA IN SOUTH AFRICA

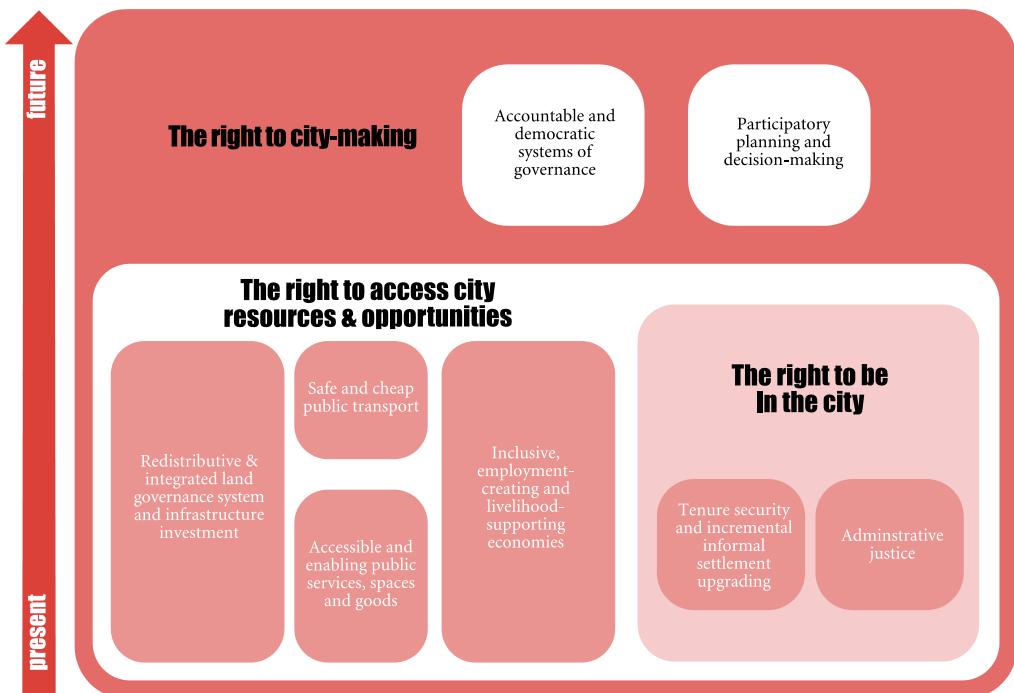


Figure 5: Component rights and key issues that make up the Right to the City in South Africa  
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While these principles lay an extensive base upon which to assess and reconceptualise current practice, the scale and complexity of the urban issues facing South African cities require us to identify key current points for interventions and advocacy. In a South African context, we have come to realise that realising the Right to the City involves addressing three interrelated component rights: the right of the poor to be in the city (i.e. their ability to be secure on the land they currently occupy and be treated as equal citizens with rights), the right of the urban poor to access the city's resources and opportunities (i.e. formulating policy to ensure that poor people can access the most enabling features of cities – particularly jobs, public services and goods, and the ability to move around cheaply and easily), and their right to be involved in city-making (i.e. processes of planning and decision-making that actively seek to genuinely involve people are in priority setting and negotiating tradeoffs). All of these need to be realised in the present and the future (i.e. they need to be sustainable). These components feed one another – each enables the greater realisation of the others.

Each of these components, in turn, have key issues that should be targeted for interventions to shift the current status quo of policy, advocacy and practice. The two most pressing areas to realise the poor's right to be in the city are

the provision of tenure security and incremental informal settlement upgrading and ensuring that they have access to administrative justice. The four elements that make up the right to access city resources and opportunities are the poor's access to employment and economic opportunities, a functional public transport system, accessible and enabling public services, spaces and goods, and the use of the land governance system and infrastructure investment to ensure that cities become increasingly integrated and resources are redistributed across space. Finally, the two issues that we have identified as priorities to enable the urban poor to exercise their right to city making are accountable and democratic systems of governance, and the use of participatory approaches to planning and decision-making.

Each of these eight issues are unpacked further here. For each we offer a brief problem statement and a propositional description of what a 'Right to the City approach' to the issue would resemble. It then identifies key opportunities to shift the current status quo and outlines the blockages and areas of concern that may prevent such a shift from occurring. Finally, a few key implications for stakeholders are identified; disaggregated across the different spheres of the state and civil society.

## Problem statement

*The rapid growth in informal settlements on the peripheries of South African cities has become an increasingly pressing political, governance and technical challenge. The urbanisation of South Africa's population suggests that these challenges will only grow in scale and intensity in the future. While the unique character of informal settlements, and the need for an incremental approach to their upgrading, has been acknowledged in policy since 2004, politicians and officials continue to rely on formulaic responses that seek to deliver formal top structures and individual titles. This approach is prohibitively expensive, technocratic, ignores existing community dynamics and livelihood strategies, disincentivises community-driven initiatives, and has been a prime factor in driving urban sprawl.*

## Propositional statement

*Healthy and safe less-formal settlements that are developed, managed and function through partnerships between key state actors, civil society and community leadership structures. An emphasis is placed on security of tenure and collaborative approaches to solving social and technical problems, including the incremental provision of social and environmental services. These livable neighbourhoods are integrated into citywide planning and decision-making processes.*

## Enabling factors

*There are strong policy and political signals that informal settlement upgrading needs to be adopted as a prominent part of Human Settlements policy (e.g. Breaking New Ground, National Upgrading Support Programme and Outcome 8). There is also increased recognition that planning for infrastructure delivery and land acquisition are vital aspects to an upgrading agenda (e.g. Urban Settlement Development Grant and the Housing Development Agency). There is increasing evidence of the growth of self-organisation in informal communities. Finally, government owns or retains control of substantial amounts of land in most cities.*

## Blockages and areas of concern

*Politicians, officials and many poor communities do not understand existing policy, favour the development of formal, titled housing, and regard informal settlements as a threat to future development or prosperity. The focus of much local government action, therefore, remains on limiting the growth of informal settlements and the invasion of land, focusing instead on greenfields developments on the urban periphery. Relocation is not currently an option of last resort and, where it occurs, is managed in adversarial terms and often pays little attention to community needs or capacity to be involved in decision-making. While some communities have begun to self-organise, organisations of the urban poor and civil society face serious financial and capacity challenges, frequently struggle to overcome individual organisational interests and have antagonistic relationships with local government. There is also a shortage in the state of the social facilitation and other key 'soft skills' required to pursue a participatory approach to informal settlement upgrading. Existing standards and the housing subsidy regime have further complicated the coherence pursuit of informal settlement upgrading. There is a national shortage of technical and professional skills, particularly within the state, and local government remains severely resource and capacity constrained. There is also a lack of coordinated or concerted practice at a local government level aimed at increasing the supply of land that can be used for informal settlement upgrading and managed land settlement. Finally, many of the opportunities identified above, such as NUSP, will fail to deliver substantive results without better coordination between the different aspects of the state tasked with planning for the development of land and housing in our urban centres.*

## Implications for stakeholders

### National government

- *Unambiguous political backing for an incremental and partnership-based approach to informal settlement upgrading*
- *Improved policy support and resources for ISU*
- *Better coordination between NUSP and HDA*
- *A revised more accessible and dynamic subsidy regime*
- *Policy and practical support for increasing tenure security*

### Provincial and local government

- *Increased exposure to and capacity built for ISU and EPHP approaches to human settlement development*
- *Increased integration of ISU into citywide development planning*
- *Proactive land management to increase the supply of accessible land to poor communities*
- *Building pragmatic partnerships with civil society and organisations of the urban poor*

### Civil society and organisations of the urban poor

- *Proactive lobbying of the state to take appropriate measures to adopt a partnerships-based approach to ISU*
- *Increased organisation around and capacity for ISU*
- *Joint distilling of 'best practice' around ISU*
- *Organisation of poor communities to articulate their needs and self enumerate as well as increasing their understanding of the 'rules of engagement' with the state and a pragmatic understanding of what can be done*
- *Community education about the difficulties in pursuing a 'one house, one plot' approach to human settlements, especially with regards to questions of sustainability and the availability of urban land*

**Problem statement**

*Public confidence in the state's ability to act in a democratic, fair and developmental manner remains extremely low. The experience of poor citizens, in particular, is still too often with inaccessible, uncaring and sometimes corrupt state officials obsessed with compliance and limited by capacity and financial shortfalls. Residents of informal settlements often seen and treated as inferior citizens, which hinders their access to public services (e.g. the way health care professionals treat poor women, for example) and other key services (e.g. banking services). Poor communities are often arbitrarily removed or relocated by the state with little warning or clear communication. The urban poor also struggle to access information about processes occurring within the state that directly affect their quality of life as well as serious hurdles in participating in formal processes (e.g. registering or transferring ownership of property). State officials often reinforce xenophobia already existing in communities by delivering a differentiated service that emphasises the differences between 'citizens' and 'non-citizens'.*

**Propositional statement**

*Government officials, particularly those located in the local sphere, are invested in living up to the highest aspirations of the Batho Pele Principles, including listening to and taking account of citizen views and paying heed to their needs when deciding what services should be provided; ensuring that they are able to access the services provided easily and comfortably; treating them with consideration and respect; making sure that the promised level and quality of services are always of the highest possible standard; providing them with good information on the services available to them; allowing them to ask questions and responding to their queries honestly and frankly; responding swiftly and sympathetically when standards of service fall below the promised level; and ensuring that government adds value to their lives. Government officials, therefore, consider themselves to be professionals tasked with working collaboratively with citizens to build more vibrant, healthy and sustainable communities.*

**Enabling factors**

*A vision of administrative justice and developmental local government is strongly embedded in the Constitution, supported by subsequent legislation (e.g. Municipal Systems Act, Promotion of Administrative Justice Act), and promoted through the Batho Pele Principles and Revitalisation Strategy. Parliament, a number of government departments (e.g. DCOG, DoJCD, DPSA) and extra-state bodies (e.g. SALGA, PSC) are tasked with improving the functioning of local government. The most visible recent attempt to address many of the shortcomings of local government was DCOG's Local Government Turnaround Strategy. This issue also features strongly in the National Planning Commission's Diagnostic Reviews.*

**Blockages and areas of concern**

*Despite, or perhaps because of, the plethora of bodies focused on improving the systems and capacities of local government, there is little evidence that they have managed to address the fundamental concerns identified, for example, in reviews of the Batho Pele Principles, the Local Government Turnaround Strategy or the NPC's diagnostic review. Periodic reviews of the Batho Pele Principles by the Public Services Commission have revealed that they are not being successfully 'mainstreamed' into the work of most government departments due to a lack of skills, the absence of service standards and a general failure to link Batho Pele with organisational strategy. The Batho Pele Revitalisation Strategy seems to have had limited success in reversing these trends - citizens satisfaction surveys have indicated that while the accessibility of offices, the appearance of staff and staff attitudes and behaviour receive improved ratings, there remain serious problems with the waiting period for assistance, a lack of follow-up action by staff, and the fact that application and registration forms and information booklets were often not available. While accessibility and attitude are important, the key breakdown points remain those that have the greatest impact on the ability of government to serve the people.*

**National government**

- *Better coordination between governmental departments tasked with improving the quality of the public service, and a renewed campaign to 'mainstream' Batho Pele principles into government practice*
- *A more comprehensive strategy aimed at addressing all of the weaknesses of local government, drawing on criticisms of the Local Government Turnaround Strategy*
- *Increased and more effective oversight from parliament, extra-state bodies and the judiciary*
- *A renewed commitment from government at all levels to comply with court orders, spearheaded from the top*
- *A review of governmental 'red tape' to identify instances where it limits poor communities access to information, involvement in formal processes or complicates processes of claiming rights*

**Provincial and local government**

- *Improve coherence between key administrative systems to increase the responsiveness, transparency and accountability of officials*
- *Recruiting and capacitating professional staff with the practical skills needed to apply the Batho Pele principles*
- *Ensure that nationally-driven initiatives, such as the Service Delivery Improvement Programmes, shift the day-to-day business of department's and translate into changes in the daily tasks of front-line personnel*
- *Adjust performance management systems to establish clear links between the Department service delivery performance and the individual performance of staff members, particularly with regards to their integration of the Batho Pele principles into their tasks*

**Civil society and organisations of the urban poor**

- *Proactive lobbying of the state to take action to improve the responsiveness, transparency, and accountability of local government officials, paying particular attention to increasing access to information and the exclusionary effects of 'red tape' and formal procedure*
- *Increase the organisation and capacity of poor communities in order to better hold government to account, particularly with regards to their ability to challenge egregious contraventions of Batho Pele principles*

### 4.3. INCLUSIVE, EMPLOYMENT-CREATING AND LIVELIHOOD-SUPPORTING ECONOMIES

#### Problem statement

The South African economy remains deeply entrenched in apartheid-created patterns, including a highly centralised mineral industrial complex, highly skewed distribution of productive assets such as land and capital, deep spatial inequality within urban areas and between urban and rural areas, and deep inequalities in the development of human resources. This structural inequality has resulted in an economy with mediocre growth rates, low levels of labour absorption, high levels of unemployment and levels of income inequality, and the limited size and productivity of the informal and micro-enterprise sector. While there has been a long-standing emphasis within the state on using labour-intensive construction methods, public works programmes and preferential procurement as key planks in a strategy to address unemployment, the sustainability and potential of these programs to act as 'bridging' experiences to move unemployed individuals and micro enterprises into the formal economy remain in doubt. There is a poor level of understanding about the nature and content of effective Local Economic Development Planning, a lack of trust, poor communication and coordination between the state, particularly at the local level, and the private sector that has weakened efforts to improve LED. There is also poor coordination between LED strategies and other employment creation and safety net initiatives. The majority of small businesses and informal enterprises are limited by their access to training, limited exposure to entrepreneurial experience and access to credit and largely focus on local markets but these remain limited by the amount of disposable income in these communities and the fact that they have to compete with the price, quality, payment terms, packaging and brand recognition of much larger enterprises.

#### Propositional statement

A growing and productive economy that is creating and sustaining new jobs in the formal sector, and supporting the development of informal enterprises, that is buoyed by a strengthened skills base and expanded levels of support for the social wage and safety net contributions, thereby contributing to lowering levels of poverty and inequality. A state that is able to coordinate consistent policy across the different spheres that explicitly connect those aspects of economic and social policies that seek to address inequality and unemployment, including the sociospatial objectives of the planning system, industrial policy, local economic development initiatives and the design and delivery of social security and the social wage.

#### Enabling factors

There is a renewed interest in national and local government circles about the role of government in supporting job creation, economic development and addressing patterns of inequality. This has most visibly been through the Department of Economic Development's 'New Growth Path', the prominent place of infrastructure development and public works programmes in the Treasury's Medium Term Budget Policy Statement, the central place of local economic development in IDPs, and ongoing attempts to improve the Sector Education Training Authorities (SETAs) and Further Education and Training (FET) colleges as well of the outcomes of the schooling system. The state has access to a number of regulatory and fiscal instruments, as well as to vital information, capable of influencing the development of markets and incentive structures in the private sector and improving the ease with which SMMEs are able to enter and expand in the formal market.

#### Blockages and areas of concern

Where these initiatives are not new, they have been met with limited success. For example, the ongoing problems with the quality and effectiveness of the SETAs and FET colleges, weaknesses in translating LED planning into tangible outcomes and integrating it with other aspects of IDPs, and questions about the sustainability and quality of work offered by the EPWP. The dominance of large-scale enterprises, a number of whom have been found guilty of price collusion, continues to narrow the opportunities available in the formal market for small enterprises to enter vertical value chains. Indeed, the trends indicate that 'big retail' is penetrating further into informal markets. The ongoing success of the New Growth Path is strongly tied to the ability of the state to build a working consensus between business leaders, organised labour and those representing the urban poor around the importance of key outcomes and areas of focus.

### **National government**

- *The work of the National Planning Commission needs to contribute to an over-arching strategic vision and long-term strategy able to strengthen the links between departmental and policy initiatives seeking to address inequality, unemployment and poverty*
- *Continue to develop the different component elements of the New Growth Path and recruit wide scale buy-in from affected government departments, increase awareness at a local government level about the implications of the strategy and forge a working consensus between business leaders, organised labour and those representing the urban poor around the importance of key outcomes and areas of focus*
- *The continued funding and promotion of the EPWP, SETAs and FET colleges but paying particular attention to improving the quality of outcomes and strengthening the 'bridge' these initiatives are able to ride into the formal job market*
- *Tangible actions to identify and address the regulatory burdens identified in ASGISA that prevent the development of businesses, including the administration of tax, the planning system (including Environmental Impact Assessment), municipal regulation, and the administration of labour law*
- *Emphasise and enforce the transformative intent of legislation and policy seeking to shift patterns of ownership, access to value chains and widen the spread of the benefits of the system (such as BBBEEE and preferential procurement)*

### **Provincial and local government**

- *Develop clear and pragmatic links between socio-spatial and development planning, infrastructure delivery, regulatory and fiscal processes and private sector developments to produce data-driven strategies to support the development of key business sectors and types, provide effective SMME support, and proactive, supportive responses to the informal sector*
- *Build strong relationships with the private sector, organisations representing small businesses and micro enterprises, organised labour and community-based organisations seeking to raise awareness about government-led initiatives; facilitate increased collaboration between social partners to achieve mutually beneficial outcomes; and maximise the employment-creating potential of new initiatives*
- *Proactively identify and access national funding for infrastructure and EPWP projects that strengthen local infrastructure, provide opportunities for local procurement and employment, and contribute to the 'social wage' of the urban poor*

### **Civil society and organisations of the urban poor**

- *Ongoing lobbying to ensure that debates about economic and employment issues focus on transformation, redistribution and addressing inequality*
- *There is a rich policy environment that places an emphasis on labour intensive infrastructure, proactive planning for local economic development and skills training that can and must be exploited by civil society to put pressure on responsible institutions*
- *Support community-led initiatives to access government programmes, new markets or grow local economic opportunities*
- *Create and/or identify opportunities for skills transfers or working experience for members of the urban poor*

## 4.4. ACCESSIBLE AND ENABLING PUBLIC SPACES, SERVICES AND GOODS

### Problem statement

*Despite tangible successes in the delivery of social services to poor South Africans since 1994, these urban communities often continue to live in cramped and unhealthy environments that are spatially and infrastructurally separated from key public goods and services. This spatial inequality, increasingly entrenched through the investment of public goods on the upgrading of city centres and the 'privatisation' of public space, limits the opportunities and choices available to poor South Africans and affects the health, productivity and functioning of these communities in innumerable ways. An ongoing problem is the often antagonistic contestation between local government and poor communities over the realisation of individual needs, which obfuscates the positive impact that action to address collective needs/rights can have on improving the conditions of communities.*

### Propositional statement

*A truly accessible and productive public spatial network with the poor as the primary intended beneficiaries. This network is able to facilitate the creation of spaces for people to congregate, discuss, perform, protest and interact outside of the confines of their private domains in order to build social capital, promote economic opportunities and create opportunities for leisure time and activities. These spaces are an integral part of ensuring that informal settlements and townships become 'liveable' spaces. They also have a key role to play in promoting the growth of economic activity and SMMEs in informal and less-formal settlements. The judicious and careful development of a 'green' public spatial network can also make a substantial contribution to questions of sustainability and the increased recognition of non-motorised transport. Public investment in infrastructure also explicitly seeks to link poor communities to wider social, cultural, economic and environmental opportunities and resources. Finally, local government renews its focus on protecting and promoting our common public goods, which requires a shift in focus to realising the collective needs of poor communities (such as the right to a healthy and sustainable environment, or intangible resources such as heritage, culture and identity).*

### Enabling factors

*There are indications that parts of the state are reengaging with the importance of spatial planning and infrastructure investment, and particularly their impact on poor communities (e.g. the spatial focus of the National Planning Commission's work, the Treasury's emerging Cities Support Programme and Urban Settlements Development Grant, and the DRDLR's promulgation of SPLUMB and its attempts to improve the quality of SDFs). There is also now a track record of successes and failures with the integrated development of public space and services through national initiatives such as Special Integrated Presidential Projects, the Urban Renewal Programme, Neighbourhood Development Partnership Programme and specialist units in some of the Metros. Enterprising local government officials are able to draw on a range of grants to pursue these types of projects. For example, the availability of funding for the development of social and economic facilities through the Department of Human Settlements. The need for more explicit links between human settlements planning and action and other arenas of government intervention are increasingly being acknowledged.*

### Blockages and areas of concern

*Spatial planning and infrastructure investment, particularly as it connects to informal settlement upgrading and township renewal, continue to be addressed in a piecemeal fashion by most municipalities, particularly those outside of the Metros. While there are a range of initiatives underway to promote and support spatial planning at the local level, it remains to be seen whether these are able to exert a sense of coherence and devote sufficient capacity to influence wider patterns of local government planning and decision-making. At the heart of this challenge is the need to move away from a compliance-driven attitude towards planning to a capacitated and proactive state interested in engaging with and influencing complex socio-spatial dynamics in order to protect and promote the needs of the poor. Government also continues to struggle to effectively integrate planning and action across different departments at the local level, and between the different spheres.*

**National government**

- *The promulgation of spatial planning and land use management legislation able to effectively link city-wide spatial planning processes to focused initiatives around the upgrading of informal settlements and township renewal*
- *The consultative formulation and implementation of integrating initiatives, such as the Cities Support Programme, which should be formulated to facilitate innovation rather than compliance*
- *Continued availability and promotion of grants to support the integrated development of social spaces and services*

**Provincial and local government**

- *The promotion of the integrated development of social spaces and services in strategic planning processes, such as IDPs and SDFs, and departmental initiatives, such as informal settlement upgrading*
- *Ensure that IDPs are treated as meaningful documents than are followed by implementing departments*
- *Exploring the area-based planning as a mechanism to bridge the gap between neighbourhood-level participatory planning and city-level strategic planning*
- *Proactive exploration of opportunities to access grant funding to support the development of public space and social services*
- *The involvement of local communities in identifying collective needs and creative solutions*
- *Increased coordination at a local government level to create and maintain public space and facilities*

**Civil society and organisations of the urban poor**

- *Consolidate clear perspectives and lessons from practice around the integration of public spaces and social services into the development and upgrading of informal settlements and townships*
- *Increase the organisation and capacity of poor communities to identify and articulate collective needs, priorities and rights*
- *Strategic engagement with government departments to influence and inform initiatives directed at improving the quality and integration of city-wide planning, particularly to ensure a continued emphasis on the needs and involvement of the urban poor*
- *Pilot projects that seek to find novel ways of maintaining and deepening public ownership of communal spaces and public facilities*

## 4.5. SAFE, CHEAP AND EASILY ACCESSIBLE PUBLIC TRANSPORT

### Problem statement

*Due to the deep spatial inequality in South Africa, a land and housing delivery system that has contributed to low-density urban sprawl, an over-investment in private transport infrastructure and a lack of public investment in public transport infrastructure and equipment, the public transport system has been rendered ineffective and inefficient in meeting the needs of the urban poor. While these patterns have negative economic, social and environmental consequences for the efficiency, competitiveness and quality of life available in South African cities, the increased costs, and reduction in access to the city, are felt disproportionately by the urban poor. Ambiguity in the Constitution about the relative responsibilities of the different spheres of the state led to a confused and faltering approach to the development of coherent public transport system – aggravated by entrenched vested interests across a range of public and private stakeholders and deep financial, legal and technical challenges. Despite the fact that most legislation and policy sets a target of an 80:20 public transport to private transport ratio, current patterns of car ownership suggest the opposite trend is occurring.*

### Propositional statement

*Public investment to ensure an accessible, affordable and safe transport system that is capable of increasing the access to opportunities and mobility for the urban poor; creating opportunities for the government to influence private patterns of investment and development, increasing local government revenue production and contributing to the reduction of carbon emissions in South African cities. There are clear and mutually beneficial links between the public and private ‘players’ in the transport system – encouraging local economic development while ensuring a quality and consistency in service. Local government has the capacity and clear authority to produce and implement integrated land use and transport plans that contribute to wider spatial transformation goals.*

### Enabling factors

*The primary tools to influence the spatial structure of cities are public investment in large-scale infrastructure, the provision of subsidies, the tax regime and land use regulations. The need for dramatically increased investment in public transport, driven by planning and decision-making at a local government level, is increasingly acknowledged in legislation such as the National Land Transportation Act and policy such as the Public Transport Strategy and Action Plan, the increase in national and local spending devoted to infrastructure investment and subsidies, and national capacity building and support provided programmes provided to local government exemplified in Treasury’s proposed Cities Support Programme.*

### Blockages and areas of concern

*Despite an ongoing rhetorical acknowledgement of the need to integrate human settlements, transport and land use planning within local government, this is often weakly translated during the formulation of IDPs and rarely influences decision-making in practice. The regulatory and fiscal systems continue to be ineffectual at increasing the density of South African cities – further aggravating structural challenges to finding a sustainable model for the provision of public transport. The viability of the Bus Rapid Transport (BRT) system, for example, depends on high-volume routes and few will be able to match those in cities where a similar model has been successful such as Bogota. The implication of cities becoming the primary actors in the planning and management of transport routes and infrastructure remain poorly understood - for example, the risk for the operating account with ‘gross cost contracting’ arrangements. The success with which the transition from ‘paratransit’ (minibus taxis) to a public transport-dominated model is being managed remains unclear. Finally, there remain serious unaddressed tensions in the spatial visions and objectives for South African cities - pursuing an efficiency and sustainability rationales investments in increasing densities and increased investments in public transport do not necessarily support a social or spatial transformation agenda and vice versa.*

**National government**

- An over-arching strategic vision and long-term strategy able to provide guidance for the successful integration of the operation of the regulatory and fiscal systems with public investments to achieve spatial and social goals
- Building national capacity and providing support to provincial and local government to successfully pursue the shift in transport legislation and policy through initiatives such as the Cities Support Programme
- A more consistent and strategic indication of the optimal weighting of car orientated and public orientated investments in infrastructure development and maintenance – in the short to medium the spatial structure of South African cities requires a ‘mixed model’ (for example between buses and rail) but this demands a careful management of the contradictory elements of these different priorities
- Clarity about how to structure the revenue raising powers and subsidy flows between the different spheres of government to manage the increased risk created by devolution and ensure optimal outcomes
- A dramatic increase in the success of the management of intergovernmental relations to strengthen the different links between powers and scales within the transport system

**Provincial and local government**

- An increased focus on transport-led development as a model for shifting spatial patterns, increasing revenue production and improving the quality of life for the urban poor
- More systematic and pragmatic integration of investments in transport infrastructure with the use of land use and fiscal instruments to achieve spatial and social outcomes
- Building local capacity to manage the increase responsibilities and risks involved in the devolution of powers to the municipal level

**Civil society and organisations of the urban poor**

- Citizen oversight and engagement with planning and decision-making processes, such as the IDP, that influence the spatial structure of South African cities and determine public investment in infrastructure
- Increased attention to and lobbying about the effects of government involvement policy and practice with regards to public transport
- Strengthening community voice and organised articulation of needs and priorities with regards to the cost and desired mix of transport options

## 4.6. REDISTRIBUTIVE AND INTEGRATED URBAN LAND GOVERNANCE SYSTEM AND INFRASTRUCTURE INVESTMENT

### Problem statement

*While there were initial indications that the spatial restructuring of South African cities was going to be a key feature of state action after the demise of apartheid, this focus has become eclipsed by various other strategic priorities. The socio-spatial legacies of inequality, deepened by trends since the advent of democracy, continue to feed patterns of the growth of informal settlements, ongoing social segregation and inefficiencies that have very real social, environmental and economic consequences for South African cities. The land market has largely operated in an unregulated fashion and the agenda around land restitution and redistribution has been dominated by rural concerns. The urban poor, in particular, are burdened by peripheral positions within the city, insecure tenure within informal settlements, exorbitant transport costs and limited access to social, cultural, economic and environmental opportunities for development.*

### Propositional statement

*Local government is enabled through legislation and concrete guidance on 'best practice' to create a regulatory and managerial environment capable of improving the poor's access to well-located and serviced urban land. As indicated in the Cities Support Programme, this requires a steady increase in the availability of service to urban land with secure tenure, a comprehensive strategy for the upgrading of informal settlements, greater coordination with transport planning and the use of the land use management system to stimulate patterns of densification, the reuse and redevelopment of the urban land, increase infill developments, disincentivise the retention of vacant land and speculation and capture unearned land increments as the result of public investment. This will require a careful mixture of regulatory interventions and the focused use of fiscal tools. There are strong links between strategic planning, captured in documents such as the IDP and SDF, and the design and implementation of regulatory instruments, such as the zoning scheme. These efforts should be also conducted in coordination with other forms of public and/or private investment, particularly the development of public transport, to maximise their impact and outcomes.*

### Enabling factors

*There are indications that parts of the state are reengaging with the importance of spatial planning and infrastructure investment, and particularly their impact on poor communities (e.g. the spatial focus of the National Planning Commission's work, the Treasury's proposed Cities Support Programme and Urban Settlements Development Grant, and the DRDLR's promulgation of SPLUMB and its attempts to improve the quality of SDFs). The urgent need for urban land has been recognised in creation of the Housing Development Agency. Furthermore, the need for more explicit links between human settlements planning and action and other arenas of government intervention are also increasingly being acknowledged. Finally, there are examples within some of the Metros (e.g. the City of Johannesburg) of interest in using their land use management and property rates systems to increase the availability of land and influence patterns of development.*

### Blockages and areas of concern

*The state has struggled, within any sphere of government to produce clear spatial visions to capture the wider aspirations of South Africans. The enduring example of the complexity of the challenge and the ineffectiveness of the state has been its attempts to produce overarching planning legislation. While there are a number of positive aspects of the current draft SPLUMB, it is unlikely that it will provide the tools and guidance necessary for municipalities to address patterns of spatial inequality. Spatial planning and infrastructure investment continue to be conducted in a piecemeal fashion by most municipalities, particularly those outside of the Metros. Local government is also generally reticent to proactively intervene in the land market because of the complex and foreign nature of market dynamics and for fear of legal challenges, chasing away private investment, and threatening their property rates tax base. While there are a range of initiatives underway to promote and support spatial planning at the local level, it remains to be seen whether these are able to exert a sense of coherence.*

## Implications for stakeholders

*and devote sufficient capacity to influence wider patterns of local government planning and decision-making. The administrative system to collect development levies, for example, remains underdeveloped across local government. The transparency of the land governance system remains a problem. Finally, the state continues to struggle to effectively integrate planning and action across different departments at the local level, and between the different spheres, which is vital to influence wider patterns of land use and development.*

### National government

- *The promulgation of spatial planning and land use management legislation and adoption of targeted fiscal tools able to effectively link city-wide spatial planning processes regulatory and fiscal tools capable of influencing patterns of market investment and development*
- *National programmes, such as the Cities Support Programme, focused on increasing the resources and capacity available to local government to 'retool' their approach to urban land use and development, and integrate it with other forms of planning*
- *A national initiative, possibly driven by the NPC and DRDLR, to ensure a comprehensive audit of all state-held land and formulate a coherent intergovernmental mechanism to ensure its use for the benefit of the poor*
- *Clear political and technocratic support for local government action to increase the access of the poor to urban land*

### Provincial and local government

- *Clear integration between wider strategic planning processes, such as the IDP, and the operation of the land use management system*
- *Stronger oversight on the IDP system is needed to ensure that they are relevant and pragmatic plans that are used to guide the decision-making of local government authorities*
- *Make better use of existing tools, for example rates policy or inclusionary housing, to promote redistributive and integration goals*
- *Ensure that land use management and development systems incentivise density, mixed-use and the availability of well-located land for the urban poor, while disincentivising speculative activity*
- *A clear approach to the participatory upgrading of informal settlements and tenure security, which is integrated into the wider spatial planning system*

### Civil society and organisations of the urban poor

- *Advocate for national strategic planning and land use management legislation that is explicitly pro-poor and increases their access to well-located urban land*
- *Lobby local government to enact land use management schemes and use state-owned land and public infrastructure investment to increase the poor's access to and retention of well-located urban land*
- *Advocate for the participatory inclusion of the poor in the design, operation and monitoring of land use management, particularly as it applies in informal settlements, while also promoting community-initiated planning initiatives*
- *Improving the 'spatial literacy' of poor communities and civil society organisations*

## 4.7. PARTICIPATORY PLANNING AND DECISION-MAKING

### Problem statement

Despite a clear aspiration articulated in the Constitution for developmental (local) government that seeks to govern and deliver services in ways that increase citizen involvement, the political, financial and technical elites continue to adopt a sceptical approach to genuine citizen involvement and control in planning and decision-making processes. The majority of interactions between politicians, officials and poor communities remain empty 'consultations' that have little effect on the outcome of processes and often do not accurately express the needs and priorities of poor communities. The danger of 'raising expectations' and the pressure to deliver services, which would be slowed by the use of participatory methods, are most often cited as reasons for this reticence. When alternative spaces and community either led protests have emerged to express these grievances, the state has struggled to find proactive and positive ways to engage with them.

### Propositional statement

Political and technocratic officeholders and institutions are interested in 'sparking' community involvement in systems of planning, decision-making, monitoring and accountability mechanisms. This is conveyed in the way in which formal spaces for participation are created, and the way in which 'invented' community-created spaces are engaged. This is, therefore, about a shift in mindsets, attitudes and 'modes of engagement' that must accompany any shift in the formal governance system. The emphasis is on creating a system of local governance that maximises opportunities for collaborative outcomes; for example through the provision of clear information about the rights of and communities for input of poor communities, and the coproduction of public goods and spaces. A clear acknowledgement of the difficulties in managing the power dynamics inherent in the creation and management of the spaces needs to be an explicit part of their design and implementation.

### Enabling factors

The Constitution, legislative framework and government policy clearly embrace and promote these ideals. The rise in community protests and explicit dissatisfaction with the political and governance outcomes within the current system are increasingly forcing political parties and officials to explore new ways of engaging with poor communities.

### Blockages and areas of concern

The incentive structures and priorities in both the political and technocratic spheres continue to draw accountability upwards rather than downwards to grassroots level – for example, the dominance of party lists or responsibility to achieve numerical outcomes set by national departments. These problems are created both by the structure and functioning of these political and state institutions but also need to be addressed at an attitudinal or mindset level. While there is certainly a need to find ways to balance the accountability of decision-makers up and down, there is little doubt that these individuals should 'feel' that their accountability to poor communities should take precedence. It is certainly true that while achieving numerical successes is important and may strengthen the legitimacy of political and technocratic claims to effectiveness, these pale in significance to the experience for poor communities of being actively involved in the planning, decision-making and implementation of governance and service delivery.

### Implications for stakeholders

#### National government

- An increased emphasis amongst political parties and senior officials on the genuine involvement of communities in planning and decision-making in practice – particularly shifting from a narrow focus on numerical targets a focus on how these outcomes are achieved
- A careful evaluation in both political and state institutions of the incentive structures created by their current design and functioning, paying particular attention to increasing the accountability of politicians and officials to poor communities

**Provincial and local government**

- *Increased political and managerial emphasis on citizen involvement in planning and decision-making to improve the responsiveness, transparency, and accountability of local governance*
- *Maximise the opportunities for genuine collaboration between government officials and communities to identify and solve social problems*

**Civil society and organisations of the urban poor**

- *Proactive lobbying of political parties and the state to take action to improve their responsiveness, transparency, and accountability to poor communities by involving them in systems of planning, decision-making, monitoring and accountability mechanisms*
- *Increase the organisation and capacity of poor communities to participate in state-created spaces and generate compelling alternatives*
- *Strategic engagement with 'participatory' spaces created by the state to enable the possibility of collaboration between local government and communities*
- *Providing support to the emergence of inclusive, non-violent 'invented' spaces created by communities to express their interests or concerns*
- *Greater networking and collaboration between civil society organisations to strengthen participatory practice*

### Problem statement

*Despite the creation of a number of formal spaces for participatory citizen engagement with the state, ranging from the ward committee system to community policing forums, there is ample evidence that citizens remain frustrated with their ability to engage with the formal spaces created by the state. This pattern has been aggravated by the difficulties that both officials and citizens continue have in understanding the ways in which responsibility for different functions are fragmented across different spheres of and departments within the state. This hampers effective citizen involvement in decision-making processes, intergovernmental coordination and further dampens service delivery.*

### Propositional statement

*A state that, at all levels, embraces the search for effective mechanisms to facilitate substantive engagement and collaboration with poor communities, and administrative and political elites prepared to listen to and engage with the views of the most marginalised. These mechanisms must enable the poor to genuinely influence processes of deliberation, prioritisation, planning and decision-making. Such engagements seek to diffuse power throughout society, improve systems of accountability and legitimacy at the local level, enhances delivery, enable government to tailor policies to the needs of citizens and formulate effective implementation plans, and can help secure buy-in from those most affected.*

### Enabling factors

*The Constitution, legislative framework and government policy clearly embrace and promote these ideals. There has also been increased recognition from responsible departments that many of the mechanisms envisaged to expand participation are currently faltering or of limited efficacy. For example, the recent Municipal Systems Amendment Act seeks to professionalise and, to a degree, depoliticise the appointment of senior staff and COGTA acknowledged some of the weaknesses of the current IDP system in the Turnaround Strategy. The growth of community-driven participatory spaces and action is also a positive indication of a growing mood that seeks to ensure that local government is more responsive and better able to engage with communities.*

### Blockages and areas of concern

*An overwhelming weight of evidence continues to suggest that participation is a technicist and compliance-driven process for most government institutions. Human and financial capacity weaknesses, weak managerial leadership, the blurring of lines between the state and political parties, systems of patronage and corruption continue to undermine the effectiveness of state-created institutional spaces to ensure accountability and responsiveness from local politicians and officials. Furthermore, there is a widespread conflation between political parties and the state. Ward councils, in particular, are bedevilled by the intrusion of partisan politics and severe resource constraints. Integrated Development Plans, the primary planning processes in cities, remain budget-driven processes that are top down, inaccessible to the majority of citizens and officials, and open to manipulation. Finally, poor coordination between the different spheres of government has also meant that even where community participation is functioning well, the voice of communities can be ignored or have limited impact with little to no recourse.*

### Implications for stakeholders

#### National government

- A more comprehensive strategy aimed at addressing the institutional and functional weaknesses of local government, drawing on criticisms of the Local Government Turnaround Strategy
- A coherent strategy for the 'opening up' of local spaces able to increase the participation of citizens in processes of city-wide governance beyond narrow 'consultative' forums
- Increased and more effective oversight from parliament, extra-state bodies and the judiciary to ensure that existing processes are accessible and democratic

### **Provincial and local government**

- *Better coordination between governmental departments tasked with improving the capacity and responsiveness of government, particularly at the local level*
- *Increased political and managerial emphasis on citizen involvement in planning and decision-making to improve the responsiveness, transparency, and accountability of local governance*
- *Maximise the opportunities for genuine collaboration between government officials and communities to identify and solve social problems*
- *Clear action from political parties and municipal officials to clearly demarcate political and managerial spheres of influence and reduce the number of unrealistic or irresponsible political promises made*

### **Civil society and organisations of the urban poor**

- *Proactive lobbying of the state to take action to improve responsiveness, transparency, and accountability through genuine citizens participation in and impact on the processes of strategic planning*
- *Increase the organisation and capacity of poor communities in order to better hold government to account*
- *Strategic engagement with 'participatory' spaces created by the state to enable the possibility of collaboration between local government and communities*
- *Providing support to the emergence of inclusive, non-violent 'invented' spaces created by communities to express their interests or concerns*
- *Greater networking and collaboration between civil society organisations to lobby for pro-poor outcomes from consultative spaces*

#### 4. CONCLUSION

While similar to many of the elements that have emerged in different formulations of an urban agenda in South Africa, a Right to the City represents a shift in three important ways. First, it reintroduces and reinforces a rights-based approach to development issues in South Africa – ensuring that the urban poor have access to the benefits of cities or are active participants in city-making and that these rights are rights that all citizens should be able to claim and not a privilege reserved for a select few. Second, the Right to the City clearly links a number of those aspects of urban development that shape the basic quality of life for the urban poor to structural questions of exclusion, inequality and unsustainable patterns of production, accumulation and consumption. Put another way, it links questions about the right to the full experience of urban citizenship to the right to city-making (including city-transformation). Third, it places active citizenship centre stage as both a fundamental right and as the central aspect of the realisation of all other aspects of the Right to the City. It invokes a sense of the common responsibility and stewardship that is required for the kind of 'diagonal transformations' that will enable the search (and struggle) for liveable, productive, integrated and sustainable cities in South Africa.

There are a number of specific priorities that are highlighted by a Right to the City agenda in South Africa. It reinforces that there is a strong need in government policy and decision making to affirm the need for a coherent and integrated **urban agenda in South Africa**. This agenda should unapologetically adopt a Right to the City approach that focuses on the **rights, agency and full participation** of the urban poor in South African cities. While there are a variety of ways in which existing legislation and policy can be improved, particularly the promulgation of progressive spatial planning and land governance legislation, existing policy frameworks offer a number of under-explored opportunities to pursue such a Right to the City approach to development. These require a substantial shift in the **mindsets** of all stakeholders, particularly away from the existing state-centric norms; a genuine exploration of **different methodologies** that forefront questions of inequality, spatial segregation and poverty; **increased coordination** within the state and with other social partners to pursue common agendas; and clear **institutional vehicles** to achieve these outcomes. Overarching these initiatives is the need to search for new and varied models for **participatory urban governance** in South Africa.

<sup>1</sup> For more information about this process, see the explanation in the final box.

<sup>2</sup> Lefebvre, H. (1996). *Writings on cities*. Cambridge, MA: Blackwell, p. 150.

<sup>3</sup> Purcell, M. (2003). Citizenship and the right to the global city: reimagining the capitalist world order. *International Journal of Urban and Regional Research* 27 (3): 564–590, p. 102.

<sup>4</sup> Purcell, M. (2003). Citizenship and the right to the global city: reimagining the capitalist world order. *International Journal of Urban and Regional Research* 27 (3): 564–590, p. 103.

<sup>5</sup> Horlitz, S. and Vogelpohl, A. (2009). Something Can Be Done! — A Report on the Conference ‘Right to the City. Prospects for Critical Urban Theory and Practice’, Berlin November 2008. *International Journal of Urban and Regional Research*, 33 (4): 1067-1072.

<sup>6</sup> Mathivet, C. (2010). The Right to the City: Keys to Understanding the Proposal for “Another City is Possible”. In A. Sugranyes and C. Mathivet (eds.), *Cities for All: Proposals and Experiences towards the Right to the City* (p. 21-27). Santiago: Habitat International Coalition (HIC), p. 24 (added emphasis).

<sup>7</sup> e.g. Horlitz, and Vogelpohl, *Something Can Be Done!*; de Souza, M. (2010). Which right to which city? In defence of political-strategic clarity. *Interface: a journal for and about social movements*, 2 (1): 315 – 333.

<sup>8</sup> Unger, K. (2009). ‘Right to the City’ as a response to the crisis: ‘convergence’ or divergence of urban social movements? Available at <http://reclaiming-spaces.org/crisis/archives/266> [accessed June 2010]

<sup>9</sup> Unger, ‘Right to the City’ as a response to the crisis.

<sup>10</sup> The data used in the argument that follows has an metro bias; however, this is a function of the available data sets and we are included wider data wherever possible.

<sup>11</sup> “The political elite in South Africa, particularly in the shape of leadership of the ANC-led alliance, remains deeply ambivalent about the profoundly urbanised reality of South African society.” Pieterse, E. (2009). Post-Apartheid Geographies in South Africa: Why are Urban Divides so Persistent? Paper presented at Interdisciplinary Debates on Development and Cultures: Cities in Development — Spaces, Conflicts and Agency. Leuven University, 15 December 2009, p. 13.

<sup>12</sup> Swilling, M. and Annecke, E. (2011). *Just Transitions: Explorations of Sustainability in an Unfair World*. Cape Town: Juta Books.

<sup>13</sup> Beall, J., Guha-Khasnabis, B. and Kanbur, R. (2010). Beyond the tipping point: a multidisciplinary perspective on urbanization and development. In J. Beall, B. Guha-Khasnabis, and R. Kanbur (eds.), *Urbanization and Development: Multidisciplinary Perspectives* (p. 3-19). Oxford: Oxford University Press.

<sup>14</sup> Parnell, S. and Pieterse, E. (2010). The ‘Right to the City’: Institutional Imperatives of a Developmental State. *International Journal of Urban and Regional Research* 34 (1): 146–62.

<sup>15</sup> These typically include Bloemfontein, East London, George, Richards Bay, and Polokwane.

<sup>16</sup> “They have relatively functional formal economies and play a significant role in servicing their hinterlands, whether within dense former homelands or in vast, sparsely populated regions (such as Upington and Springbok). They typically hold their own nationally and are neither net contributors nor recipients of state resources. Many also face challenges of economic diversification and modernisation, including Rustenburg, Middleburg and Secunda.” Department of Cooperative Governance and Traditional Affairs (COGTA) and the Presidency (2009). *National Urban Development Framework: Harnessing a Common Vision for Growth and Development of South Africa’s Towns, Cities and City-Regions*. Prepared by NUDF Steering Committee in partnership with the South African Cities Network. Working Draft (10 June 2009), pp. 32-33.

<sup>17</sup> For example, the UN-Habitat’s *The State of African Cities of 2010* begins: “In 2009 Africa’s total population for the first time exceeded one billion, of which 395 million (or almost 40 per cent) lived in urban areas. Whereas it took 27 years for the continent to double from 500 million to one billion people, the next 500 million will only take 17 years. Around 2027, Africa’s demographic growth will start to slow down and it will take 24 years to add the next 500 million, reaching the two billion mark around 2050, of which about 60 per cent living in cities.” United Nations Human Settlements Programme (UN-Habitat) (2010). *The State of African Cities 2010: Governance, Inequality and Urban Land Markets*. London: Earthscan, p. 1.

<sup>18</sup> COGTA and Presidency, *National Urban Development Framework*, pp. 17.

<sup>19</sup> National Treasury (2011). *Local Government Budgets and Expenditure Review 2006/07 – 2012/13*. Pretoria: National Treasury, p. 213.

<sup>20</sup> van Huyssteen, E., Oranje, M. and Coetzee, M. (2010). South Africa’s metropolitan regions post-1994: The good, the bad & the just plain ugly. Paper presented at the Planning Africa Conference, Durban, September 2010, p. 4.

<sup>21</sup> Due to both natural growth as well as substantial in-migration of working age adults to the area.

<sup>22</sup> van Huyssteen, Oranje and Coetzee, South Africa’s metropolitan regions post-1994, p. 5.

<sup>23</sup> COGTA and Presidency, *National Urban Development Framework*, p. 17.

<sup>24</sup> South African Cities Network (SACN). (2011). *State of the Cities Report*. Johannesburg: SACN, p. 24.

<sup>25</sup> SACN, *State of the Cities Report*, p. 25.

<sup>26</sup> SACN, *State of the Cities Report*, p. 25.

<sup>27</sup> Harrison, P. (2011). *Contextualizing Towns and Cities*

within the National Space Economy. A presentation to 'South African Cities 2025: Creative visioning and reality checks'.

Material Conditions Thematic Working Group. National Planning Commission. 12 May 2011.

<sup>28</sup> COGTA and Presidency, *National Urban Development Framework*, p. 7.

<sup>29</sup> van Huyssteen, Oranje and Coetze, *South Africa's metropolitan regions post-1994*, p. 8.

<sup>30</sup> COGTA and Presidency, National Urban Development Framework, p. 26.

<sup>31</sup> Shisana, O., and Simbayi, L. (2002). *Nelson Mandela/HSRC study of South African National HIV prevalence, HIV incidence, behaviour and communication survey*. Cape Town: HSRC.

<sup>32</sup> Rehle, T., Shisana, O., Pillay, V., Zuma, K., Puren, A., & Parker, W. (2007). National HIV incidence measures—new insights into the South African epidemic. *South African Medical Journal*, 97(3), 194–199.

<sup>33</sup> Battersby-Lennard, J., Fincham, R., Frayne, B. and Haysom, G. (2009). Urban food security in South Africa: Case study of Cape Town, Msunduzi and Johannesburg. Development Bank of South Africa Working Paper, Development Planning Division, Working Paper Series No. 15, p. 5.

<sup>34</sup> SACN, *State of the Cities Report*, p. 134.

<sup>35</sup> Municipal IQ, 2 March 2011.

<sup>36</sup> COGTA and Presidency, *National Urban Development Framework*, pp. 7-8.

<sup>37</sup> Habitat International Coalition (HIC) (2005). World Charter for the Right to the City. Available at <http://www.hic-net.org/document.php?pid=2422> [accessed June 2010].

<sup>38</sup> Revi, A., Prakash, S., Mehrotra, R., Bhat, R., Gupta, K., and Gore, R. (2006). Goa 2100: The Transition to a Sustainable Urban Design Environment and Urbanisation. *Environment and Urbanisation*, 18 (1), p. 55.

<sup>39</sup> Pieterse, *Post-Apartheid Geographies in South Africa*, p. 13.

<sup>40</sup> Pieterse, *Post-Apartheid Geographies in South Africa*, p. 13.

<sup>41</sup> Pieterse, *Post-Apartheid Geographies in South Africa*, p. 13.

<sup>42</sup> The Development Facilitation Act of 1995, Housing Act of 1997, Municipal Systems Act of 2000, White Paper on Spatial Planning and Land Use Management of 2001, National Spatial Development Perspective of 2003, National Housing Code of 2009, National Land Transport Act Draft Regulations of 2011, Spatial Planning and Land Use Management draft Bill of 2011.

<sup>43</sup> Schlosberg, D. (2007). *Defining Environmental Justice: Theories, Movements, and Nature*. Oxford: Oxford University Press.

<sup>44</sup> Batho Pele Handbook, p. 26. Available at <http://www.kzneducation.gov.za/Portals/0/documents/BathoPeleHandbook.pdf> [accessed October 2011]

<sup>45</sup> For more information see the Public Service Commission's briefing to Parliament on 'Batho Pele Audits and Citizen Satisfaction Surveys'. Available at <http://www.pmg.org.za/minutes/20070524-batho-pele-audits-and-citizen-satisfaction-surveys-briefing-public-service-commissi> [accessed October 2011]

**REALISING THE RIGHT TO THE CITY IN A SOUTH AFRICAN CONTEXT**

**NATIONAL ROUNDTABLE, 10 NOVEMBER 2011**

**BELMONT SQUARE CONFERENCE CENTRE, CAPE TOWN**

Time	Session
9.00 – 10.45	<p><b>Welcome and Opening</b></p> <p>Chair: Mirjam van Donk, Isandla Institute</p> <ul style="list-style-type: none"> <li>• Welcome - Mirjam van Donk, Isandla Institute</li> <li>• Isandla Institute's Documentary 'The Right to the City'</li> <li>• Presentation of the Communiqué - Mzwanele Zulu, Informal Settlements Network</li> <li>• Presentation of the Submission - Tristan Görgens, Isandla Institute</li> <li>• Discussion</li> </ul>
10.45 – 11.10	<i>Tea</i>
11.10 – 12.30	<p><b>The Right to be in the City</b></p> <p><i>A partnership approach to informal settlement upgrading</i></p> <p>Chair: Subethri Naidoo, World Bank / Isandla Institute</p> <ul style="list-style-type: none"> <li>• National Upgrading Support Programme – Steve Topham</li> <li>• City of Cape Town – Seth Maqetuka</li> <li>• Community Organisation Resource Centre – Patrick Hunsley</li> <li>• Discussion</li> </ul>
12.30 – 1.30	<i>Lunch</i>
1.30 – 2.45	<p><b>The Right to Access City Resources and Opportunities</b></p> <p><i>Improving the links between transport planning, public infrastructure and land use management to create more accessible and just cities for the urban poor</i></p> <p>Chair: Edgar Pieterse, African Centre for Cities (ACC) / Isandla Institute</p> <ul style="list-style-type: none"> <li>• South African Local Government Association – Marx Mupariwa</li> <li>• South African Cities Network – Nellie Lester</li> <li>• Development Action Group – Moegsien Hendricks</li> <li>• Discussion</li> </ul>
2.45 – 3.15	<i>Tea</i>
3.15 – 4.15	<p><b>The Right to City Making</b></p> <p><i>Increasing citizen engagement in urban development planning</i></p> <p>Chair: Patrick Hunsley, ISN</p> <ul style="list-style-type: none"> <li>• eThekweni Municipality - Bongumusa Zondo</li> <li>• Planact – Hermine Engel</li> <li>• Discussion</li> </ul>
4.15 – 5.00	<p><b>Making the Right to the City Real in South Africa</b></p> <ul style="list-style-type: none"> <li>• Response to the day's proceedings by the Honourable Deputy Minister Yunus Carrim</li> <li>• Discussion</li> <li>• Wrap up &amp; Close</li> </ul>

## **ABOUT THE NATIONAL ROUNDTABLE**

A National Roundtable about ‘the Right to the City in a South African Context’ was held on 10 November 2011 to create an opportunity for government representatives, civil society organisations and organisations of the urban poor to begin to jointly explore some of the challenges and opportunities in the development of South African cities.

It was the culmination of a year-long series of dialogues focused on understanding the contextual relevance and mobilising potential of the internationally-recognised concept of the Right to the City in South Africa. The result of a partnership between Isandla Institute, Community Organisation Resource Centre (CORC) and Informal Settlements Network (ISN), this dialogue series brought a wide variety of NGOs working on urban issues and organisations of the urban poor together in two parallel, cascading (upwards) sets of dialogues that fed one another. The first set of three involved representatives of the urban poor, drawn from the Informal Settlements Network and other community-based organisations in Cape Town, in which they, informed by the Right to the City, reflected on the most salient issues they face in their everyday lives, their urban development priorities and the partnership-based

approach they seek with the state to address these issues. These, in turn, shaped the agendas for the second set of dialogues between representatives of urban NGOs (as well as selected representatives from community dialogues). The progress achieved during each of these dialogues formed the basis of, and were fed into, the next dialogue of the urban poor and so on. The analysis, conclusions and recommendations of these two sets of dialogues have been captured in two separate, but interrelated, documents – a Communiqué capturing the views of the participants in the dialogues of the urban poor and a NGO Submission representing the dialogues of urban NGOs (which forms the first half of this document).

The agenda and substance of the National Roundtable was informed by the outcomes of this dialogue series, and sought to create an opportunity for these different set of stakeholders to come together to reflect on their implications for policy and practice. The day consisted of three sessions based on the three component-themes that have emerged from the dialogue series: the right to be in the city, the right to access city resources and opportunities, and the right to city-making. The discussions during each session are captured in this Roundtable Report.

## OPENING AND PRESENTATION OF THE COMMUNIQUÉ AND SUBMISSION

Mirjam van Donk, the Director of Isandla Institute, opened the National Roundtable by providing some background and contextualising the 'Right to the City'. It is a concept that has become an important rallying cry over the last fifty years for those protesting the growth of inequality, marginalisation, discrimination and a lack of public participation in decision-making in the functioning of cities. Indeed, its rise to development orthodoxy has been signalled by its widespread use by UN-affiliated organisations and radical social movements alike. Embedded within the concept is a strong critique of urban management approaches, exemplified by South Africa's, which are state-centric, housing-driven and tend to safeguard individual property rights over the social function of land and the city. However, while it has become a fashionable term that is clearly evocative, it more often than not used as an undefined shorthand and something that is self-explanatory. As a result, the original meaning of the concept is watered down and its radical edge is evened out. As Marcelo Lopes de Souza reminds us, the Right to the City should be regarded as a kind of contested territory.

She was followed by Mzwanele Zulu, a community leader representing the Informal Settlements Network, to present the Communiqué representing the outcomes of the dialogues of the urban poor. He placed a particular emphasis on the continued reality of the divided city that characterises the lives and choices of the urban poor. There is a desperate need, he stressed, to provide poor communities with access to well located, serviced land, and ensure that other employment opportunities, government services and initiatives are focused on and are easily accessible to these communities. Finally, he stressed the importance of regarding the urban poor as active participants in the shaping of their own settlements and the wider city. This challenges both the mindsets of government officials, who are used to making decisions on behalf of these communities, and poor urban residents who continue to wait for the state to deliver housing and opportunities. This is about shifting the motto of the City of Cape Town from 'The City That Works for You' to the city that works with you.

Tristan Görgens, a Policy Researcher at Isandla Institute, presented the NGO Submission. It was structured using the different section headings in Part A of this document and presented the key elements of the Right to the City approach that emerged from the NGO dialogues.

## Questions and discussion

Participants cautioned that while stressing the rights-based aspect of the Right to the City, there is a danger in obscuring the concomitant responsibilities and obligations that should form part of the same discourse. This is about affirming a focus on what people have to offer and their responsibility to be active citizens.

There is a strong need in government policy and decision making to pursue a coherent and integrated urban agenda in South Africa, which unashamedly focuses on the rights, agency and full participation of the urban poor

*Mzwanele Zulu, community leader*

There was also some discussion about how to ensure that increased emphasis on public participation, especially through the formal creation of participatory spaces, do not simply offer new sites for elite capture and leverage for middle-class interests and concerns as has been the case in some South American examples.

Finally, participants highlighted the difficulties that communities face on the ground in engaging with formal processes of policy-making, planning and decision-making. The current gap between neighbourhood level settlements planning or other project-specific processes and city-wide processes, such as Integrated Development Plans (IDPs), was identified as an example of such difficulties. It was suggested that new institutional mechanisms may need to be sought to bridge this gap and that substantive input into these processes will require coordination between communities across scale.

## THE RIGHT TO BE IN THE CITY

The focus of the second session was 'A partnership approach to informal settlement upgrading'. Seth Maqetuka, Director of Urbanisation in the City of Cape Town, emphasised that informal settlement upgrading (ISU) needs to extend beyond the urban poor's right to be in the city to ensure that we are realising their right to live in the city. This is about understanding the choices and challenges in people's everyday lives and improving their quality of life rather than simply focusing on specific deliverables such as top structures. Patrick Magebhula, president of the Informal Settlements Network and Federation of the Urban and Rural Poor, picked up a similar theme by emphasising that ISU focuses on the provision of resources to whole communities, and therefore lends itself to strengthening processes of community building and collective action, as opposed to the atomisation of interests and limited impact that are associated with individual housing grants.

Communities are not homogenous and great care must be taken to address processes of gatekeeping and the promotion of vested interests.

*Seth Maqetuka, Director of Urbanisation,  
City of Cape Town*

Steve Topham, the technical leader of the National Upgrading Support Programme, argued that greater acknowledgement of ISU in government policy and planning is a positive sign and presents an opportunity to support and contribute to a Right to the City agenda. However, he warned that the state has created a house building machine over the past 17 years and so a formidable challenge exists around challenging mindsets to re-orientate officials and housing practitioners to ISU. While there is an established body of knowledge about ISU processes, examples of good practice remain rare in South Africa at the moment. Mr Maqetuka further emphasised that a genuine embracing of ISU will be dependent on the amount of political support and interest it is able to receive across the different spheres of government. However, he warned that an ISU agenda should always form part of a wider human settlements agenda to ensure that other populations unable to benefit from these processes, such as backyard dwellers, are also provided with suitable opportunities.

Mr Maqetuka also pointed out that communities are not homogenous and great care must be taken to address processes of gatekeeping and the promotion of vested interests. He suggests that for processes of engagement to be meaningful they require adequate resourcing (sufficient budget for participation), the capacity for participatory planning (particularly social facilitation), and sufficient time to build relationships and elicit broad-based participation in processes of decision-making and planning.

Mr Topham identified securing tenure on well located land and the difficulties in addressing the 'marginal' land (e.g. floodplains, waste dumps, dolomite) that many informal settlements are located on as key challenges that need to be addressed. Given these challenges, Mr Maqetuka suggested that more thought and practice is needed to ensure the maximised use of space during the ISU process.

Furthermore, all the speakers were clear in stressing that ISU is dependent on the successful integration of different systems of planning and institutional coordination. This extends from project-specific efforts to the integration of ISU planning in projects into the wider city-level processes of planning and decision-making. Mr Magebhula therefore argued for increased understanding and participation of the urban poor in processes of budgeting and resource allocation to ensure that their needs and interests are appropriately addressed.

## THE RIGHT TO ACCESS CITY RESOURCES AND OPPORTUNITIES

### Questions and discussion

There was strong support amongst participants for such an approach to have a prominent place within the human settlements agenda pursued by the state, although it should be seen as part of a wider strategy for expanding housing choices for poor families. The nature of the support emerged from a number of different rationales. Some stressed its ability to allow people to set their own norms and standards and become involved in the planning and development of their settlements. Other participants emphasised the current financial environment and resource constraints experienced by local government and suggested that the state will increasingly need to limit its actions to 'doing for people what they can't do for themselves'. ISU supports such an approach to human settlements development because it focuses on tenure security and the delivery of bulk infrastructure - leaving the incremental upgrading of top structures to the home owners themselves.

However, cutting across both rationales were questions about the resource requirements, both financial and human, that are required from the state to pursue ISU successfully. Local government, in particular, has limited skills or experience in key processes that should inform the upgrading of informal settlements such as participatory planning. This raised questions about the role of civil society and NGOs in acting as intermediaries when pursuing and promulgating such an approach.

Participants also called attention to the need to understand the role and functioning of different informal settlements within the wider city system. While some function as arrival areas or destinations of choice, others may be more established communities or even be places of despair. Understanding these differences is vital to inform wider processes of planning and decision-making. Integration into wider city-systems and processes of planning and decision-making is imperative but extremely difficult. IDPs have become gatekeeping exercises and the focus of investment is still largely driven by private sector interests, which tend to ignore or are even hostile to the place of informal settlements. The Urban Settlement Development Grant (USDG), and the 20 year Built Environment Performance Plan required to access this grant, were identified as additional strategic planning opportunities to influence long-term resource investment.

The third section picked up on many of the themes emerging from the second session, focusing particularly on "*Improving the links between transport planning, public infrastructure and land use management to create more accessible and just cities for the urban poor*". Nellie Lester, Deputy Director General at Department of Cooperative Governance and a special advisor to South African Cities Network, re-emphasised the potential of forms of communal tenure security to lay a basis for the realisation of the other rights included in the Right to the City approach. Marx Mupariwa, a planning specialist at the South African Local Government Association, also asserted that successful ISU must extend beyond a focus on the provision of basic services to ask, 'what other responses will make informal settlements more livable?' As has been asserted, this is about understanding the connections between these settlements and the wider city-system. Ms Lester indicated that these should also explicitly include a strategy to ensure these communities have the right to a safe environment and the right to freedom from human-induced shocks, which include both economic and climate risks.

Ms Lester also pointed out that an important limitation of the IDP system is that the planning time horizon, five years, is too short to plan for or influence the wider and deeper patterns that determine the shape and functioning of the city. For instance, planning for more integrated land use or increased sustainability requires the pursuit of a coherent vision and systematic plan over 20 year or more. These aspects of the planning system, therefore, must be synergised with national commitments and opportunities, such as those identified by the National Planning Commission's National Development Plan. Furthermore, she argued that the success of infrastructural investment in key city systems, such as the public transport system, rely on successful coordination between the different spheres of the state as well as broad-based citizen engagement to ensure they efficiently and effectively respond to the needs and social patterns of the urban poor. Without such an integrated and popularly-supported approach, these initiatives are likely to continue to have a limited impact on the spatial structure and quality of life of poor urban residents.

Moegsien Hendricks, Programme Manager at the Development Action Group, pointed out that this clearly requires a new model of urban governance that is able to encourage and support increased citizen engagement. Mr Mupariwa questioned whether the expected role of the IDP at a local government level represented an overreliance on a single mechanism for public participation in planning, particularly given its technical nature. Mr Hendricks and Ms Lester concurred; adding that the current ward-based system has done little to encourage popular processes of participation in planning and decision-

The planning system needs to be able to embrace the ‘social function’ of land and the city, recognising its value in supporting and promoting the social networks that form the basis for more humane and equitable cities

*Moegsien Hendricks, Programme Manager,  
Development Action Group*

making and emphasised the importance of building strong civil society networks to involve ordinary citizens in these processes. However, Ms Lester also pointed to a potential contradiction in the devolution of power to the neighbourhood-level. It may be used to support processes of Not in My Backyard (NIMBY)-ism and so a balance needs to be struck between local interests and priorities and those of the wider city system.

Mr Hendricks also suggested that there is a great need to develop a better and more nuanced understanding of the relationship between the planning and fiscal systems in order to identify the most effective levers for shaping spatial development. There already exist underexplored fiscal mechanisms that can be used to influence patterns of private investment, such as a vacant land tax, as well as supplement public funding at a local government level. He also argued that the planning system needs to be able to embrace the ‘social function’ of land and the city, recognising its value in supporting and promoting the social networks that form the basis for a more humane and equitable cities, that is manifested in its use value rather than its exchange value. Therefore, while the right to own property is entrenched in the Constitution, its use is a public right (and asset) that can and should be leveraged to achieve wider social and spatial goals such as increased spatial integration. He pointed out that this requires planners working on behalf of the state to be extremely skilled in negotiating the distribution of these public rights, particularly in the face of the dominance of the ‘economic rationale’ that drives both the private sector and local government (with its vested interest in increased property values and therefore property taxes as well as local government’s role in supporting economic development). Ms Lester identified the promulgation of a Spatial Planning and Land Use Management Bill as a particular opportunity to make the case for the ‘social function’ of land.

## Questions and discussion

Edgar Pieterse, Director of the Africa Centre for Cities, began the discussion using his prerogative as the chair to encourage participants to recognise the policy and service delivery base that has been built since the advent of democracy. He raised the question of whether the state’s continued inability to comprehensively respond to the poor’s rights was due to the structure of the economy (and its future prospects). He pointed out that the state is in a difficult position because of an inherent contradiction in the economy – its growth potential is increasingly located in the service sectors but the majority of the population do not have the education levels required to find formal employment in these sectors. This projects a future in which the majority of urban citizens continue to be structurally excluded from the formal economy and other mainstream institutions, and a state burdened by a shrinking budget, an increasingly frustrated citizenry and a range of other sustainability challenges.

Participants pointed to the contradiction that despite the steady increase in levels of service, trust in and satisfaction with all levels of government (but particularly local government) continue to drop. They indicated that statistics about delivery do not adequately address questions about quality of access and the process of provision – both of which may undermine the ability of these services change the quality of life for the urban poor. There was, therefore, the suggestion that sustained attention is paid to the nuance of use and quality of access to the component rights identified in a Right to the City approach. The use of the proposed Right to the City Principles may well be instructive in this regard. For example, the ability to access cheap, reliable and safe public transport needs to be understood within the context of active citizenship, integrated planning etc.

Participants also suggested a return to the question of what the state can and should do, especially in the context painted by Prof Pieterse. The state should focus on identifying those regulatory and fiscal mechanisms available to increase the poor’s access to urban land, their ability to access private and public financing to improve their housing and settlements, the provision of bulk infrastructure etc. Questions were also raised about the state’s role in navigating potential contradictions between current responses to informality and the pursuit of a sustainability agenda (e.g. pursuing higher densities either through informal settlement upgrading or the provision of rental housing).

## THE RIGHT TO CITY MAKING

In the context of established legislation (with the notable exception of post-apartheid land use planning and management legislation) and the rise of processes and instruments such as the USDG, the Urban Transport Grant, Metro Housing Accreditation, and Treasury's proposed City Support Programme, there was some suggestion that all of the available mechanisms are now available but that capacity at a local government level will be an increasingly urgent challenge. They also suggested that it is currently unclear whether politicians or planners have greater influence in processes that determine state investment, which raise questions about the democratic control of these processes. Local government is increasingly wary of making controversial decisions, particularly where they may disadvantage powerful or well resourced stakeholders, as the terrain of development planning has become increasingly litigious.

The Right to the City as a rights-based call to realise many of the rights located within the Bill of Rights was identified as a potentially powerful resource. The participants suggested that it creates an opportunity to 'hold a mirror' up to current practice to assess its response to the rights of poorer citizens to ensure that the Constitution and intent of legislation do not become 'mere echoes'. It has the potential to bring people together to focus on questions of process and quality rather than compliance-driven focus on numerical targets for service delivery. Participants suggested three concrete ways to realise the different aspects of the Right to the City. First, the most basic but potentially effective was simply requiring local government officials and politicians to report back to communities about progress in achieving the goals identified in the Integrated Development Plan. Establishing clearer lines of communication, and building community awareness and understanding of governance is an important step in building trust in the institution, the IDP as a plan, and processes of government-led planning. Second, the need to bring together 'converted' officials, members of civil society and the private sector, working in different sectors, in order to inspire processes of innovation and to connect debates occurring in different forms across different sectors (e.g. property ownership in the context of mineral rights versus in the context of land use management). Third, there is an urgent need to build narratives of success – clear examples of the Right to the City principles and approach being realised in different contexts and settings.

The fourth session focused on "*Increasing citizen engagement in urban development planning*". Hermine Engel, Planact's Acting Director, began the session by pointing to the importance of acknowledging the specific ways in which the current development paradigm, an economic growth-centric model, inherently limits the participation of the majority, particularly the poor, in processes of planning or decision-making. It is therefore difficult to talk about effective ways to redesign participatory mechanisms within the state without addressing this wider context. She added that a systemic challenge to democratic accountability was the way in which the system promotes accountability upwards, towards political parties, rather than downwards, towards local communities.

Bongumusa Zondo, a senior manager in eThekweni Municipality, engaged with some of the other key challenges with embedding a more participatory model in local government. The first step is asking whether the current institutional structures that exist in municipalities are adequate and appropriate to realise the intent for developmental local government indicated in legislation and policy. He then also questioned whether the discussion assumes that public officials (both elected and appointed) know how to plan, organise and implement meaningful engagement. Both Ms Engel and Mr Zondo emphasised the knowledge and skills deficit that exists at a local government level and the pressing need for capacity building, social facilitation support, processes of knowledge sharing and peer learning, and the provision of resources to support participatory processes. They also both pointed to the importance of collective action and building cross-class and cross-issue alliances to ensure that 'invited spaces' created by the state are effectively utilised and, where appropriate spaces do not exist, that they are created and supported outside of the state.

Mr Zondo reassured the importance of clear communication between officials and communities, and suggested that the trust built during these processes enable all parties to learn from initiatives – even those that fail to achieve their original goals. Picking up on a phrase used in the NGO Submission, Ms Engel asserted that there is a pressing need for 'courageous experimentation' with different participatory forms and mechanisms. As an example, she cited Planact's support to the development of what has become known as the Community Development Committee (CDC) in Orlando East in Johannesburg. It is an umbrella body made up of community based organizations including political parties, ward committee members and councillors, community development workers, faith based organizations, and local business that seeks to inform the coordination of public participation in government

and other development initiatives in the area. Mr Zondo further emphasised the need for clear examples of good practice to inspire and inform the establishment of public participation processes at a local government level.

### **Questions and discussion**

Participants discussed at some length whether a sense of dependence on the state is the norm in poor communities across South Africa and, if so, what the appropriate response of the state should be. The governmental discourse that refers to communities as 'customers', in line with a particular form of neoliberalism, was identified as dangerous because it disables the full participation of communities in governmental action – it positions them as largely passive and reactive consumers of state resources (only legitimately able to become involved if they receive substandard 'service'). Mr Zondo also indicated that it obscures the fact that poor communities have little choice about whether they want to become consumers of the majority of government services.

The flow of the conversation suggested that active citizenship needs to lie at the heart of the relationship between the state and its citizens. However, this would require building capacity both within the state and communities, and the provision of resources to increase opportunities for and levels of participation in state-led projects. One participant pointed out the sad reality that the state and political parties readily resourced mega-events such as the World Cup and massive political rallies, while the resourcing of community involvement in processes of planning and the delivery of services remain scarce. Participants also indicated that certain opportunities for participation, such as the role being played by Community Development Workers or ward committees, were being constrained by a lack of intergovernmental communication. That is, inputs or opportunities for learning were not efficiently communicated into other relevant areas of government. Ms Engel reasserted that successful participation, able to challenge the status quo, will require building alliances that are able to bring together different skills and interests to achieve common objectives. Another participant emphasised that the conversation about 'participation' should not only be focused on the poor; the middle-class and private sector also have an important role in processes of 'city making' that must be recognised and addressed.

Participants also warned that participation should not be thought of as a unitary concept but rather as containing different levels or ways of engaging in a process. For some individuals the opportunity to be informed about the unfolding of an initiative (with the possibility to become more engaged) may be sufficient, while for others direct influence over outcomes is required in order for the initiative to be truly 'participatory'. This is a particular challenge when considering the ability of vulnerable members of communities (e.g. woman, children or people with disabilities) to be involved in such processes. The example was given that in some communities the leadership elected to oversee more 'practical' activities such as savings groups or the building of housing may be dominated by women but that in the same community deliberative forums such as the ward committee are dominated by men.

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## DEPUTY MINISTER'S RESPONSE TO THE DAY'S PROCEEDINGS

Deputy Minister for Cooperative Governance and Traditional Affairs, Yunus Carrim, focused on two themes that had emerged during the day: the availability of resources and the challenge of addressing entrenched mindsets. The Deputy Minister asserted that great strides have been made in embedding many of the rights identified in the Right to the City agenda in South African legislation and policy. For example, the Municipal Systems Act is unique in an international context insofar as its definition of a municipality includes those people that live within it – residents are conceptualised as having direct access to and influence over local government processes. For him, then, the opportunity for civil society is to contribute to a movement that reinforces and strengthens existing opportunities and initiatives in government, and assists in combating instances where corruption or maladministration is negatively affecting service delivery. It is to ensure that existing rights and the participatory intent of developmental local government is realised in practice.

He, however, warned against easy populism or romanticising poor communities. The assertion of rights needs to be strongly associated with an emphasis on people's responsibility. Furthermore, the global economic crisis has, and will continue to, limit the state's ability to deliver services to poor communities – and a Right to the City agenda needs to be realistic in this context. Finally, he supported the focus on South African cities; suggesting that they are the engines of growth and employment in the country.

## Conclusion

In closing the National Roundtable, Mirjam van Donk noted that the place of a Right to the City agenda in South Africa had been strongly asserted by participants – either as an opportunity to continue to improve the formulation and design of legislation, policy and governmental institutions, or as a call to shift the way in which the state and its citizens interact in the development of South African cities.

It has drawn attention to the importance of understanding the flow of power and influence in society, and the way in which these shape participatory spaces and processes of planning and decision-making. It can be used to challenge existing mindsets amongst officials, poor communities and the wider South African community by emphasising a focus on the agency of citizens, particularly in poor communities, and the promotion of particular values. These values include the importance

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*Mr Yunus Carrim, Deputy Minister for Cooperative Governance and Traditional Affairs*

of collectivism (as opposed to atomised individualism) and accountability. The pursuit of a Right to the City approach to development will require the building of capacity within the state, civil society and poor communities of the 'soft skills' that lie at the heart of community building, participation and conflict resolution. It has also emphasised that we need to begin to think more dynamically about participation and planning as they are expressed at different scales and across space. There is a need for 'courageous experimentation' and systematic knowledge sharing to build the diverse linkages and alliances required to make participatory governance a reality. Ultimately, participation and city making are inescapably contested processes that require the active engagement of all citizens to produce more just, equitable and sustainable South African cities.

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