



Making Urban Land and Space Matter

A Position Statement

Planning for the development of South African cities has largely failed to address patterns of inequality, social segregation and urban sprawl since 1994 because difficult challenges related to urban space and land have struggled to find political favour, concerted technocratic consideration or coherent grassroots-supported mobilisation. Isandla Institute has sought to unpick some of the threads that have contributed to the fracturing and masking of questions about the distribution and use of urban space and land and, drawing on local and international experience, has identified a number of key proposals to challenge these patterns.

Isandla Institute has identified five trends that have resulted in the despatialisation and depoliticisation of planning in South Africa after 1994:

- 1. The fragmentation and despatialisation of the planning function across different spheres and departments of government.** Despite early indications that the socio-spatial transformation of South African urban areas would be a priority, the 'heart' of the planning system has become a relatively technocratic system of Integrated Development Planning. Other aspects of planning, scattered across other government departments, are intended to 'feed into' or be guided by these processes. Much of the subsequent energy exerted by government has been on 'aligning' and 'integrating' these streams of planning and decision-making (which have nonetheless largely continued to be made based on institutional rather than local priorities). Space has subsequently re-emerged but either in extremely contested forms (e.g. the National Spatial Development Perspective) or in a supporting or 'integrating' role. That is, space is still largely addressed as an arena in which ideas are to be implemented rather than a critical factor in regulating urban development or determining government investment. This has contributed to a continued *laissez-faire* approach to the urban land market and is therefore, at least partly, responsible for current inappropriate and undesirable patterns of urban development.
- 2. The lack of a coherent approach to urban land governance and reform.** The 'land question' has consistently been associated with the rural development agenda and positioned within the government department responsible for this agenda. Arguably the conservative private property clause in the constitution, the eclipsing of the work of the Development and Planning Commission, the failure to produce national Land Use Management legislation or adequately address tenure reform, and the inability of the state to pursue a concerted programme of urban land reform are the result of this association. The process and impact of local government reform has largely been blunted by the inappropriateness of the regulatory 'teeth' available to planners to implement envisaged processes of socio-spatial transformation.
- 3. Housing delivery has been the focal urban intervention.** There is now general acknowledgement that housing policy has resulted in undesirable patterns of urbanisation and has perpetuated the spread of and aggravated the conditions in informal settlements, particularly due to the pursuit of numerical targets through a focus on developer-led greenfield

developments, a narrow subsidy instrument forcing the state to use peripheral land and an overwhelming focus on the delivery of individual tenure and 'turnkey' housing. Unfortunately, in the light of the fragmentation of the planning function (particularly the collapse of a coherent urban agenda) and the lack of land reform, the delivery of housing remains the state's most substantial intervention into the shape of South Africa's urban areas. Breaking New Ground and associated programmes have signalled a key change in government policy but practice and attitudes 'on the ground', especially with regards to informal settlement upgrading, have proved to be far more stubborn and complex. The expansion of the Department's mandate to human settlements and the formation of the Housing Development Agency represent further important developments (moving the Department ever closer to a blanket urban development role) but these shifts are likely to remain fractured and toothless without careful connection to departments responsible for other aspects of planning and the development of urban infrastructure.

4. **The 'transaction costs' of transforming and decentralising the state.** The establishment of local government as an independent sphere of the state by the constitution has had two sets of deleterious effects. First, overhauling of the shape, functioning and personnel of the apartheid state, including the consolidation of various local authorities, coincided with a range of new 'developmental' roles being assigned to this level of government. This 'cacophony of contradictory pressures', combined with immediate political pressure to deliver on quantifiable delivery targets, negatively impacted on its ability to perform its traditional roles (including, crucially, clear regulatory functions) as well as its ability to conceptualise and enact the new developmental roles conceptualised for it. Second, the division of powers and functions between different spheres of government (as established in the constitution) has resulted in ongoing uncertainty about the location of particular responsibilities, sometimes strained relations between the spheres and the problem of 'unfunded mandates'. For example, a show down between the DFA tribunal of the Province of Gauteng and the City of Johannesburg required a Constitutional Court ruling to adjudicate on the nature and differences between 'provincial planning', 'urban and rural development' and 'municipal planning' (each of which fall under different areas of legislative competence in the constitution), which concluded unanimously that land development, in the form of township establishment and rezoning, is a function of municipal planning. Hopefully this will provide the clarity and certainty needed to pursue substantive land law reform.
5. **The difficulty of building momentum towards a compelling counter-hegemony.** This theme is so wide-ranging as to render it almost unmanageable but it is intended to indicate three breakdowns in opportunities to approach urban land and space in new ways. First, the state has approached 'service delivery' as a depoliticising, technocratic exercise and, where participatory input and forums are required, has largely limited participation in planning and decision-making to 'consultation'. The tone deaf reaction of politicians and technocrats to informality and community mobilisation illustrates that non-state-centric forms of participation and development continue to be treated with general suspicion. Second, civil society and the leadership in poor communities have had some limited (hard won) successes in securing forms of recognition and service delivery from local authorities; however, they have struggled to shift planning, policy and decision-making at wider metropolitan, provincial or national levels in their favour (with some notable exceptions). Third, the planning profession has struggled to find its transformative professional voice (e.g. largely 'crowded out' by the conservative perspectives of engineers, financial managers or developers), innovate and promote more participatory approaches to planning, and formulate the conceptual and practical tools required to harness or shape the market for the 'greater good'.

Making urban land and space matter (more): A way forward

Based on these trends and the associated outcomes, Isandla Institute calls for the following:

- (1) **a Ministry of Cities** to advance a strategic agenda for the transformation of South African cities and strengthen urban governance capabilities;
- (2) **re-centring the spatial aspects of planning and public investment within a more consolidated approach to planning**, particularly through the work of the National Planning Commission and in the Integrated Development Planning system;
- (3) comprehensive and consolidated **urban land law and policy reform** that creates a coherent land governance system able to increase the livability, productivity, integration and sustainability of cities;
- (4) **legal and popular recognition of the social function of property and land** in South Africa in order to promote spatial justice, curtail speculative activity and the underdevelopment of public and private land, and democratise urban space;
- (5) **recognition of the social agency of the urban poor** in development processes and the need to move away from technocratic delivery towards the co-production of space and goods;
- (6) **progressive networks and coalitions** of professionals, local government officials, civil society organisations and social movements seeking to engage in innovation and mobilisation at the scales needed to transform and democratise the socio-spatial functioning of South African cities.

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