

# **‘Divisible Spaces’: Land Biographies in Diepkloof, Thokoza and Doornfontein, Gauteng**

A final draft report prepared for Urban LandMark

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## Table of Contents

1.0 Introduction .....	4
2.0 Conceptual framework and methodological considerations .....	5
2.1 Locating rights to land in meaning systems .....	7
2.2 Land use management systems .....	11
2.1.1 Formal land use management systems .....	13
2.1.2 Some approaches to understanding the informal use of land .....	15
2.1.3 The power of land .....	17
3.0 Methodology.....	17
4.0 Land Biography: Diepkloof.....	25
4.1 Diepkloof's Summary.....	25
4.2 Diepkloof's Story.....	25
4.3 Land Use Management and Administration formal and Informal.....	34
4.3.1 Access: houses, shacks and beds .....	34
4.3.2 Secure Tenure: Holding and claiming land .....	38
4.3.3 Controls, Conflict and authority: use and abuse .....	42
5.0 Land Biography: Thokoza .....	49
5.1 Thokoza Summary.....	49
5.2 Thokoza's story .....	50
5.3 Land use management in Thokoza .....	70
5.3.1 Access to Land.....	70
5.3.2 Tenure security .....	73
5.3.3 Conflict, control and authority.....	74
6.0 Land Biography: Doornfontein .....	76
6.1 Summary of Doornfontein's Land History.....	76
6.2 Doornfontein's Story .....	77
6.3 Land Use Management in Doornfontein.....	88
6.3.1 Access: How to get a place in Doornfontein.....	89
6.3.2 Security of tenure: holding your place .....	92
6.3.3 Controls, conflict and authority: use and abuse.....	95
7.0 Analysis of Findings.....	99
7.1 Co-existing land use management processes .....	99
7.2 A framework for analysing the co-existence of land use management processes and rights	
8.0 Conclusion.....	114
9.0 References .....	116
10.0 Annexures .....	119
Annexure 1: List of Land use managers interviewed.....	119
Annexure 2: Land Biographies: Interview Protocol for Managers .....	121
Annexure 3: List of Local Informants .....	124
Annexure 4: Land Biographies: Interview Protocol for Users .....	126
Annexure 5: Focus group participants.....	132
Annexure 6: Focus Group guidelines .....	134

**Table of Figures**

Figure 1: Doornfontein within the Johannesburg context ..... 18

Figure 2: The Doornfontein Precinct ..... 19

Figure 3: Map of Soweto placing Diepkloof in context..... 20

Figure 4: Diepkloof Precinct..... 21

Figure 5: Thokoza within the context of Ekurhuleni..... 22

Figure 6: Thokoza Precinct..... 23

Figure 7: Diepkloof house in the 1980s ..... 30

Figure 8: Changes to the Diepkloof Hostel over time..... 41

Figure 9: Examples of Changes made to a township house in Diepkloof..... 44

Figure 10: Changes to the community over time ..... 48

Figure 11: Photograph in Thokoza taken in the early..... 67

Figure 12: Growth and change in Thokoza hostels over time ..... 67

Figure 13: Drawing of living space and uses in Thokoza ..... 75

Figure 14: Doornfontein over time (see attached)..... 84

Figure 15: Changes to Doornfontein as recorded by a long term resident..... 89

Figure 16: An example of Internal changes made to a rented property..... 97

## **1.0 Introduction**

Land use management is the formal and informal processes of dividing spaces: physical spaces, imagined spaces, mapped spaces, legal spaces, ethnic spaces, public spaces... This report explores how urban land is endlessly divided and re-divided within the context of the interaction of formal and informal land use management systems. What processes, practices, techniques and power is required to make it possible to divide spaces in smaller or larger parcels? It is important to understand these processes and practices because the divisions have direct consequences for what activities happens where, whether resources are distributed or concentrated and who controls different activities. The interface between formal and informal land use management systems is a very complex context in which to analyse how land is accessed, held, and traded by poorer urban people. However, this research shows that the interface between, what is considered, formal and informal land use management is a site that generates rich insights into the nature of how poor people use urban land and provides a resource for future progressive practice.

The aim of this project is an attempt to understand and unpack how urban land has moved through formal and informal systems of land management over time. It is an experiment that is intended to add to the growing body of theoretical and empirical work on land, land use, administration and management in South Africa. The report demonstrates some of the complexities that exist relation to these issues, and documents the co-existence of various systems within the same spaces as well as multiple formal and informal systems, which at points cohere and dovetail, but which also come into conflict with each other as people in each system 'fight' for a particular logic to take precedence.

Diepkloof, Thokoza, and Doornfontein, are the three case study precincts and, like most places in South Africa, have their own stories to tell. The stories, told from the perspective of the land, demonstrate a narrative of dynamic transition, necessary, and sometimes quite painful, change. The areas themselves have undergone enormous changes in terms of their official mechanisms of control, the various boards, administrations and councils that have governed them and administered their uses and daily lives. And within these larger areas communities, households, and individuals have been effectively getting on with the business of living on the land, accessing it, using it, and trading it, either out of necessity or for profit. The formal systems of control, which have waxed and waned in their effectiveness, and the livelihood and life strategies of the people living within these systems have conflicted and complimented each other over time.

No area or community is static and what follows is an attempt to understand and narrate some of the key moments of change in these areas and to try and present an understanding of how the meaning of certain portions, stands, and public spaces and private homes have changed in terms of their meanings to the households and

individuals both those who live and work within these spaces as well as those who are set up or who set themselves up to control these areas.

The narrative tries to provide some insight into the decision-making process at a range of levels, from the formal national to the informal and personal and to see how each of these decisions can impact the choices and meanings of other people within the same areas. Although motivations can be opaque, one of the benefits of this project is its historical nature, which has allowed respondents to speak quite frankly about the “whys” of their decisions. The approach of the research has been to consider the past as always understood through the present. The first element of this is that people might remember something in the same way (e.g. the day that they were allocated a house) but what this means today can be different. For example, houses allocated before a certain date may or may not qualify for a free coat of paint. How the date is remembered will be framed in relation to the offer of free paint. The second element is that people’s memories are neither comprehensive nor consistent. The ‘selectivity’ of memories suggests that it is the current discourses that help people make sense of things now. The problems with memory recall present serious methodological challenges to historical research that we have sought to address by cross-referencing different accounts. The ‘selectivity’ of memories in general (rather than specific details) has been considered as productive of particular accounts of land use management – of privileging specific issues above others. This perspective alerts us to the politics of claiming one memory as the ‘truth’ laid bare by ‘clear’ retrospect. In this way, current land use management is the selective application of past experiences blended with current events and changes. What is remembered is just as important as what is forgotten in both formal and informal systems.

This ‘Land Biography’ project offers a narrative that shows what has and has not “worked” in terms of land markets, land management, urban redevelopment and community participatory approaches to development. The project aims to provide a resource for initiatives to improve approaches to land management.

The report begins with an outline of the conceptual framework and methodological considerations (Section 2). The bulk of the report, Sections 3-5, presents the findings while Section 6 analyses the findings and Section 7 draws out the conclusions. The annexures contain the survey instruments. This report is supplemented by a detailed methodological report and short booklet summarizing the findings.

## **2.0 Conceptual framework and methodological considerations**

It is worth reiterating three basic reasons why land management is so important to urban societies (and so contested). First, land is fundamental to our survival and even if we don’t have or need permanent access to a specific piece of land (as in the case of nomadic groups), we require regular and predictable ways of accessing land (Wallace

and Williamson, 2006). Second, in order to regulate the access to land systems of rights have developed to manage patterns of access and use of land. Third, different interests emerge in dense concentrations of people (such as in cities, but not only in cities) and the desirability of certain locations over others that is created through the inevitably uneven development of infrastructure. These interests compete, conflict, overlap, and can be complementary and/or layered. Consequently, land management reflects the distribution and allocation of power within urban societies and is one of societies' most fundamental means of formally and informally distributing resources, status and power in various forms. The issues relating to the rights and uses of land are therefore fundamental to any land biographies that are required to relate to land management systems.

The complexities and contradictions are an important part of land management and attempts to either smooth these out or erase them from view fundamentally misrepresent the nature of land management. Deborah James' (2007) overview of recent land debates in South Africa, provides a resource from which we can identify at least six ways in which land is intrinsically complex and contradictory. First, we all have different relationships to land and where we do find commonality in these relationships these should neither be mistaken as being homogenous nor enduring. Second, land often functions as an idiom for complex social processes such as citizenship thus intertwining social processes and struggles for citizenship with, for example, the management of land (Beningfield 2006). Third, from James' (2007) perspective, contemporary land discourses have primarily emerged from the intersection of social processes such as law and society, economy and politics rather than the claims of distinct (and more coherent) social groupings. It is the unpredictability of what happens at these intersections that allow us to appreciate how the complexity might arise and be compounded. Fourth, these contemporary land discourses are themselves constructed out of contradictory impulses that, for example, emphasise the communality and equality of customary rights but assert inviolable rights to private property. Or, that defend informal rights to occupy land but still recognising the validity and value of formal land rights. The result is that land can be simultaneously mobilised in many different processes that may or may not be compatible. Fifth, land rights are continually being redefined (Fourie, 1998), and James (2007) highlights one example of these changes by describing the ways in which 'informal land rights' have expanded the concept of (formal) ownership beyond its statutory definitions. The implication of this point is that we cannot seek to resolve the complexity of land biographies by assuming that definitions of rights and ownership are stable, unchanging and somehow outside of the messiness of social processes. Last, in an added final twist, the complexity is perhaps exacerbated most by analyses that show how contemporary land discourses are produced beyond the exclusive province of official land managers, researchers, and policy makers. Long histories of interaction between 'landless' people and missionaries, state officials, human rights activists, NGOs, and policy makers mean that the 'landless' now live contemporary land discourses. Consequently, it is extremely difficult to make

claims about the authenticity of perspectives or relationships to land as the landless and officials mutually define each other.

The conceptual framework is driven by the notion that it is possible for land to have a biography. But for land to have a biography we need a vastly different understanding of land than as a 'factor of production' or 'blank slate' upon which to layout boundaries and assign land uses (Robinson 1998). We need a way of seeing land as constituting relationships between people, as being part of networks of people, things, and objects, and we need a way of thinking about how different forms of power might be operationalised or manifested in these networks. However, the idea that land itself has some form of agency is to abstract a place to start. Instead, we begin with the concepts that we hope to hold constant during the research – the nature of relationships that relate to land. From this basis we build a conceptual framework that allows for the complexities, multiplicities and contradictions to emerge. This, then, allows us to return to the power of land itself and think about how such power might always exceed, be at odds or reinforce the activities of people who relate to it. The first step is to locate rights and duties within a broader cultural framework which allows for interpretations and utilisations of these rights and duties beyond a 'formal' or legal sphere (Griffiths, 2003). We do this because we need a way of thinking about rights and duties in frameworks that recognise multiplicity and diversity.

## **2.1 Locating rights to land in meaning systems**

We start by noting how the (cultural) meaning we attach to/associate with rights to land **shapes** what we can do with it, its value, the circumstances in which it becomes important, and how we might relate to others because of this meaning – whether the meaning is shared or not. However, meaning emerges socially and is conditioned by the relationships, institutions, conventions and norms that exist. But the meaning is always contingent on the interplay of these factors and the spaces and times in which they intersect so that there is always the possibility for innovation, ambiguity and contradictions to arise. And these have to be negotiated. It is a matter of power relations as to which meanings dominate, are 'seen' or considered acceptable or innovative and which are considered deviant or unacceptable. To use an example relevant to this study, the particular land on which my house is built is has a meaning as a place that is mine. I can plant flowers or grow vegetables and because of it I have neighbours who both have different understandings of activities that are appropriate in their backyard. This piece of land of mine is important when I need to give an address to someone to enable them to find me. And, while it might be acceptable to have a children's party in the yard, it is likely to be unacceptable to fill it up with people camping on a long-term basis. Thus rights always have meanings and we relate to these meanings in different ways that are contingent on such factors as where we are, both spatially and institutionally and who we are. Our interpretations and understandings also depend on our histories, experiences, and observations of how others access, use

and hold land. Uses of land are a crucial, but not necessarily prescriptive, indicator of rights and contribute to the meaning of rights in complex ways. Land uses form a component of any formal/informal land management system.

Lest this emphasis on the contingency of rights and uses suggest that we are claiming that 'anything goes', we need to point out that there are a number of ways in which meanings are stabilised. The form of stabilisation we want to highlight is by adopting the use of the concept of 'registers of meaning'. Through this concept we want to draw attention to the collection and interaction of what are perceived to be a coherent set of values, norms, institutions, identities and conventions that allow people to predict behaviour and interact and transact efficiently. These registers of meaning are distinguished from each other by people's behaviour, the linguistic terms they use, the value placed on 'signs' or images that are deployed or enrolled in particular situations. There is often an important moral element to a register of meaning. Examples of registers of meaning are interactions that are understood to be 'framed' by 'the market' or 'the church' or 'the family'. Within each registers, some interactions/transactions are encouraged while others are frowned upon.

These registers do not exist autonomously and are constantly recreated by people as they interact. In the recreation of the registers, people are likely to draw upon both their perceptions of the stabilised expectations and norms as the contingent aspects so that there is always the opportunity for change. In this way, interactions that were once considered deviant (such as using a home as a workspace) might become more tolerated and eventually incorporated as a norm.

The fact that land always has meanings associated with it and that this meaning emerges within specific 'registers' does not mean that these meanings are fixed. The next step is to outline how the meaning of rights and uses can change in the course of their 'life'. This is particularly important in the context of the dominant view that land rights inexorably follow a path towards commoditisation. Rights that were previously considered as un-commoditised can indeed become commodities (in the sense that they contain a use-value and exchange-value and are traded through a set of conventions within a [capitalist] economic register). A good example is land that was once exclusively allocated through customary practices but which through the demarcation of local government boundaries, now falls within a metropolitan area and is subject to different modes of transacting. However, land may not always remain as a commodity and might just easily be considered in other registers. A prime example is provided by a landowner who might have purchased a parcel of land in the 'open market' but then decides that it has other values and that they would never sell but instead allocate it through an internally-devised family value system. In such circumstances, it might be many years before the land becomes enters the market again – although many others are likely to continue to consider it as a commodity. The notion that there might simultaneously be different understandings of the meaning of land at play has been well-developed in analysing rural-urban linkages set up by South African migrant labour systems. For



example, James (2001) describes how people living in urban areas and identifying themselves as Basotho related to each other through moral values associated with constructions of rural life. In this instance, the distant (rural) comes to be lived in the urban. Our intention in drawing attention to the 'work' that migrant labourers do in 'socially constructing' their world is to draw attention the importance of social relations and how this might help us understand processes of urban life rather than mark such groups out as peculiar or unique in this respect. That is, social relations and negotiating our way through life is common to all people, rich or poor, old or young, urban or rural, male or female and so on. The conclusions that these examples allow us to make are that there are many co-existing registers of meaning that relate to the same piece of land. The task, in research terms, is therefore to be able to identify the contours of any particular register that land owners/users/accessors are drawing on and re-enacting/recreating. The examples merely serve to highlight how the meanings and values of land are full of contradictions.

The acknowledgement that there might be more than one register of meaning being applied to the same piece of land informs two aspects of this research. On the one hand, it implies that we can conceive of different interests simultaneously constructing meanings in relation to the same piece of land (Kopytoff, 2006). In this research – the two sets of interests are those of formal land managers and the informal uses of poor people. On the other hand, it means we need to go beyond being able to identify the registers in which the different meanings are circulating to consider how meanings might translate or shift both within, and across, registers. It is these 'movements' that form a key focus of the methodology of this research. By 'movements' we mean when there is an exchange of rights in some way (including transactions, bartering, loaning etc.) or a change in land use.

It follows that by identifying the moments at which meaning changes the social relationships, power relations, calculations of value etc. are illuminated – however briefly (Appadurai, 2006b). It is at these moments or during these processes when the meaning of land is changed that the taken-for-granted must be confronted and different forms of power mobilised to overcome the forces and conventions that have stabilised existing meanings. Drawing on Appadurai (2006a) we can think of four ways in which meanings of the rights to land might be changed. First, certain rights to, and uses of, land might have always have been intended by their creators or considered by their (informal) users to be exchangeable. Second, certain rights or uses might require a 'metamorphosis' in their meaning before they can be exchanged. Third, rights or uses might have originally been protected from being exchanged and some kind of action is needed to 'divert' them so that they can be exchanged. Finally, some rights and uses might have been always intended for exchange but have been retrieved from an exchangeable state either temporarily or permanently. A key part of this analysis is the distinction between singular and homogenous objects. In this respect, both the official land use management system and informal uses and rights have a role to play. An obvious example of the way in which the official land use system both homogenises and

singularises the meaning of land is the zoning system. The zoning of some parcels as residential based around a similar (but not quite equal) size with different orientations simultaneously creates homogeneity and uniqueness. We will return to the details of land management shortly, but before doing this, need to consider a key focus of our methodology – how the power to change the meaning of land is manifested.

In these processes of exchange, metamorphosis, diversion and retrieving objects there will have to be negotiations within and across registers about the value of different meanings of land. For Appadurai (2006a) this is when social and political power is revealed based on the assumption that power works best when it is 'hidden' or not obvious (Allen, 2003). But it also takes power – economic, political, social, and cultural – to negotiate the change in meaning. We should bear in mind that power is also 'productive'. The formal land management system is an excellent example of an attempt to create a system where the more the land user internalises the formal parameters of the system, the 'freer they will be to act within it.

Pushing Kingwill's (2004) notion of land as "a 'carrier' of land use information" further by considering how deeply land also functions as a marker of social identity, belonging, and status, it is not surprising that land and its management acts as a finely tuned means of transmitting and receiving social, political and economic signals. One of these signals is that there is sufficient empirical evidence to confirm a conclusion already reached by poor people and many professionals and officials that the current land management arrangements in South Africa are only very selectively working for poor people and in very circumscribed situations. That is, poor people are able to use urban land in certain ways, but they get little support from the state. One element of this general failure is the lack of an explicit South African vision of (urban) land management and which the primary purposes are and which are subsidiary.<sup>1</sup> Another element is the disjunctures and disconnections between different levels and departments within the state for land management. Kingwill (2004) points out how land management in South Africa consists of responsibilities and factors that are dependent, independent and interdependent on each other across different levels of government and different government departments. This creates specific connections between departments but also leaves large gaps. The result is that the progressive intentions of post-Apartheid land-related policies appear to be unrealisable by local government officials who are obliged to institutionally contort themselves to create opportunities for poor people but then discover to be blocked by something else.

Out of this range of processes, social forces, and contingencies of life, it is evident that to highlight some factors rather than others is a political act. To categorise issues in one way, rather than another, is to make some factors relevant while obscuring others. To suggest that there is a land management 'system' that is somehow coherent and systematic is problematic. Equally, however, the resources available to this project do

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<sup>1</sup> Arguably, the last such statement was declared in the ANC's Freedom Charter in 1955.

not allow us to entertain such grand ambitions as to describe a holistic picture of land management. Our more modest contribution is to focus on the land use management systems as an overarching system of decision-making in relation to land.

## **2.2 Land use management systems**

The project effectively calls for an examination of the biography of land within the Gauteng area, whilst placing land at the centre of the discussion. Land is, however, controlled, changed and utilized by a variety of official and unofficial agents. In the formal sense land falls under the legal and legalistic control of planners, urban designers and policy makers who collectively utilize a Land Use Management System in order to further their social, political, economic goals. At the same time agents who are not part of the formal framework, except conceived of by the planners and policy makers as passive recipients upon whom the planning and legislative schemes are layered and imposed are consistently acting on and with their own land and landscapes, providing moments of consistency, coherence and conflict. There are a range of definitions and understandings of land use management systems. Home (2004, 19) defines a comprehensive land use management system as consisting of:

- Land registries recording property rights
- Management systems for state and public lands
- Land dispute resolution systems
- Valuation agencies
- Land use planning systems
- Environmental agencies
- Expropriation and compensation rules for the amalgamation, sub-division and reconstruction of land
- Periodic reform to resolve complexities and contradictions.

For the purposes of this project, LUM is defined more narrowly as the overarching process of decision-making around land resources including responsibility for implementation of the decisions. Processes related to decision-making are included at a range of different government levels and within those processes considered to be informal. Here we focus on decision-making processes related to how poor people access, hold, use and trade land.

The purpose of LUM processes are to deal with changes in land use as efficiently as possible. The approaches to change are both proactive and reactive. Examples of proactive change are setting out the conditions for the development of land. Examples of reactive change are spelling out how to deal with land uses that change the value of people's amenity or which seek to protect specific pieces of land for environmental purposes.

This efficiency relates to resolving conflicts and indeterminacy as quickly as possible (administrative efficiency) as well as creating solutions that reflect an efficient outcome at a broader community or societal level (societal efficiency). While issues of administrative efficiency may be easier to achieve through certain forms of capacity and technical and managerial interventions, quite how societal efficiency is defined is open to far more interpretation and contestation.

Contrary to a technicist view that formal LUM is based on abstract, universal and rational values that are politically neutral and historically invariable, we take the view that any LUM – whether formal or informal – is always based on the actual practices of the past which are themselves arbitrary, politically-charged and highly specific.

A further definition arising from a recent project on land management argues that a land management system is:

- ‘The manner in which land is accessed and acquired
- The process by which individuals, households and communities continue to have and to hold rights to land
- The way in which land use is regulated
- The systems by which land is developed
- How land is traded’

(Rubin 2008: 3 with reference to the CUBES-Planact land management study)

The terms of reference provided by the Urban LandMark brief offers a working definition between the two extremes outlined above, which is:

“Land management is defined as the overarching process of decision making around land resources, including responsibility for implementation of the decisions (or land administration). From an institutional perspective this includes:

- The formulation of land policy
- The preparation of land development and land use plans
- The administration of land related programmes

Land administration includes:

- Functions involved in administering tenure arrangements
- Resolving conflicts concerning the ownership and use of the land
- Regulating the development and use of the land
- Gathering revenue from the land
- Enforcement mechanisms.”

These systems have many variant parts and parcels, in terms of this report the land use management systems will be based on the ULM terms of reference and will seek to understand the interactions and interfaces between the formal systems and their

manifestations and the informal systems and how they are expressed. This is not to imply that these systems do not bolster or facilitate each other in some fundamental ways and later discussions in the report describe and analyse the manner in which these cumulative and combined effects have on each other.

### **2.1.1 Formal land use management systems**

The formal land use management systems are made up of a series of legal and planning devices intended for the control of land. While, initially conceived as a neutral process, it is in reality a highly political and definite socially determining process. Within the legal system in South Africa, Van Wyk (1999) contends that planning law effectively deals with the triumvirate of “the state, owners and neighbours” (Van Wyk, 1999: 41). Sisy (1998), too points to this “triangular relationship” and observes that it is the role of the various spheres of government overseen by the Constitution, which determines “the extent to which it is permissible for the state to limit owners’ rights to use land for what ever purpose they please” (Sisy, 1998: 14). The various spheres of government also play a role within the land use management hierarchy, planning is considered to be both a national and/or a provincial responsibility. At the provincial level, government has the power to define and pass its own legislation relating to land and planning and is also able to administer a specific law assigned to a particular province (Van Wyk, 1999). At the local level, a municipality has the right to adopt and administer any by-law needed for the effective administration of municipal affairs so long as it does not conflict with national or provincial legislation (Van Wyk, 1999). Certain responsibilities can also be transferred to the local level where there is agreement between the various spheres. Kingwill (2004) draws attention to the complexity that arises from administering land across different levels of government.

The principles of planning translate into a series of very specific mechanisms, that have a long and in some cases controversial history in South Africa. Some of the key mechanisms are discussed below, these include:

- i. **Zoning schemes** – which confer use rights over a particular piece of land in an area. They generally consist of scheme regulations, a register and a zoning map (Abrahams, 2002).
- ii. **Town Planning schemes** – ‘are used for the purposes of land use management on a daily basis. Each scheme also provides the legal basis and definitions for the rights to develop and use any parcel of land in a municipality according to the specified zonings. These rights in turn establish the basis upon which property values are determined, and so are a crucial element in the municipal property rating system (Berrisford and Kihato 2008: 384).

iii. **Restrictive Covenants** – are an anachronism within planning practice and were generally used by sellers to restrict what buyers and new owners could do with the property. It was mostly used to delimit, who could live on certain properties and what activities could take place on the property. In general it was used to restrict sale and use by ‘non-White’ South Africans on previously White owned land (Abrahams, 2002).

iv. **Title restriction** – these are clauses placed in the title document, which restrict or limit certain actions or activities, the most common example at present is the 5 or 8 restriction on the sale of government provided low income housing, which attempts to ‘protect’ government’s investment in land and property (Van Wyk, 1999).

Outside of these mechanisms, there are a range of institutional bodies in place that are responsible for land registration and cadastral surveying. They fall under the National Department of Land Affairs. These agencies include four Surveyors-General and 9 Deeds Registry Offices, each with their own jurisdiction of administration:

i. **Cadastral system** – “The primary function of the Cadastral System in South Africa is to define (delineate and document) ownership rights. Any land that has not been transferred from the state to a juristic person remains the property of the state. Any juristic person that has been granted freehold rights is free to trade (transfer at market value) that immovable property. Accurate delineation of the ownership rights has enabled the development of a Cadastral Information System, which forms the basis for land valuation; land taxation, development planning, local authority demarcation and land administration”

ii. **Deeds registration system** - In South Africa, the law does not explicitly guarantee title to land and other real rights. The system of registration is based on a juristic foundation and long-standing practices and procedures. It is the system of registration that has the effect of “guaranteeing” title. The system’s processes of examination and registration, its control and monitoring of standards, its public register and information systems, and its methods of preservation of records, all contribute towards providing security of title in the eyes of the law, financial institutions and the public.

iii. **Local by-laws** – refers to a city or municipal law or ordinance, passed under the authority of a charter or provincial/state law specifying what things may be regulated by the municipality.

The combination of the on-the-ground land use regulations and monitoring systems and the national, provincial and local legislation, as well as the framework of planning and land control devices effectively constitute, in broad terms, the land use management systems in operation at present.

These systems have come under a great deal of criticism over the last few years as those working in the field have argued that they are: inimical to the goals of development in post-Apartheid system (Ovens, *et al*, 2008) and effectively maintain the status quo in terms of property ownership and control of land. Further critiques from Ovens, *et al* (2008) based on Parnell's earlier work, seem to, correctly, maintain that the current systems of Land management are rooted in apartheid thinking of control and segregation.

There are currently reviews of the zoning schemes and land administration tools in a number in many of the metros and there has, of late, been a recognition by the state that the Land Use Management system has effectively contributed to the continued inequality and inequity within South Africa's urban spaces. This report seeks to examine the impact of some of these systems and mechanisms on land at a variety of scales over time and uses as its point of departure the idea that land, is held, controlled, understood and given meaning to the formal sector through these mechanisms and their implementation.

### **2.1.2 Some approaches to understanding the informal use of land**

Although clearly not the exclusive preserve of poor people, a good deal of attention has been paid to the way that poor people use land informally and how these intersect/interact or not with formal land management systems. How the informal rights and uses to land are conceptualised has an important impact on how to structure the methodology. There are three useful ways that start to provide us with the conceptual clues about what to allow for. What is common to all three approaches is that they seek to recognise the agency of poor people in relation to state law.

Sally Falk Moore (1973) coined the term 'semi-autonomous social fields' to describe the 'social fields' that different people belong to at different times. The social fields function as more or less coherent 'spheres of life' that relate and overlap in different ways to the sphere of life associated with state laws. Razzaz (1994) identifies three ways in which actors in an informal semi-autonomous social field might be able to avoid complying with state laws. First, actors within a social field can generate their own internal rules that could block the penetration of external rules. Second, they can avoid state laws by taking advantage of loopholes in the laws or inconsistencies in the enforcement procedures. Third, by encouraging adaptations in formal laws and their enforcement by turning to socially sanctioned norms or informal rules. Rakodi and Leduka (2003) point out however, that the end result of the 'contestation and mutual adjustment' that Razzaz describes may not be to the exclusive advantage of actors within the informal social field because power and resources are unevenly distributed to begin with.

Another relationship that has been profitably explored is to think of informal activities as forms of resistance to the domination of formal law. Although not confined to poor people, activities such as “foot dragging, dissimulation, false compliance, pilfering, feigned ignorance, slander, arson, sabotage and so forth” (Scott, 1985) are forms of resistance that allow for informal activities to occur within areas of life ostensibly covered by formal laws. Such activities are likely to be more covert and require less planning than the semi-autonomous social field’s approach might require. This form of societal non-compliance is considered to be informed by societal endowments such as kinship ties, acts of reciprocity, geographic proximity that allows a quick transmission of ‘gossip’ as well as by collective perceptions of exclusion and marginalisation (Rakodi and Leduka, 2003).

Bayat (1997) offers a means of understanding a wider range of strategies that poor people might engage in pursuing informal activities. To begin with, he suggests that “struggles by the poor are not always defensive or reactive, nor always hidden, quiet and individualistic. Instead... such struggles can also be decidedly offensive in situations where disadvantaged groups take exception to the excesses of the wealthier groups and respond by “[capturing] segments of their [privileged groups] life chances (including capital, social goods, opportunity, autonomy and thus power) to themselves, [which sometimes] involve them in collective, open and highly audible campaigns” (Bayat, 1997). Second, not all actions by poor people represent protest – a large proportion represent ‘genuine coping strategies that sometimes produce unintended consequences’. Third, poor people might choose to use patron-client or other political and bureaucratic relationships to obtain access to resources or redress from grievances, or discourses based on rights enshrined in state law to make claims if circumstances permit”. And rather than decisions being made by rationality, Bayat suggests that people make decisions based on a “complicated permutation of motives behind everyday practices”. These are often a mixture of rational calculations and moral imperatives.

Bayat (2004) draws attention to an important informal dynamic – what he has labelled ‘quiet encroachment’. This is offered as a better way of understanding the ‘activism’ of marginalised groups. Quiet encroachment refers to “non-collective but prolonged, direct action by individuals and families to acquire the basic necessities of life (land for shelter, urban collective consumption, informal work, business opportunities, and public space) in a quiet and unassuming, yet illegal, fashion”. ‘Quiet encroachment’ is characterised by “quiet, atomised and privileged mobilisation with episodic collective action ... without clear leadership, ideology or structured organisation, one which makes significant gains for the actors, eventually placing them at a counterpoint with the state. In the process of ‘quiet encroachment’, disadvantaged groups often realise substantial gains.

Now that we have a framework that will allow us to see some of the complexities and contradictions of land rights and uses, we can start to question the idea that the actual



uses of land are always the result of human intentionality and rationality. By considering land as one element in a network of people, objects, relationships, institutions, equipment and so on, we can return to the notion that land itself has some agency.

### ***The power of land***

The importance of ascribing agency to a non-human object such as land is that it disrupts our understanding of the world as being solely the outcome of human rationality and intention. It allows us to question perspectives that rely on 'land' as being a blank slate to which (universal) technical rationalities can be played out (Turnbull, 1986). As Mitchell (2002) shows this is particularly important when it comes to liberal rules of property ownership which are considered neutral and universal but are actually as arbitrary as the 'informal' and 'traditional' forms of ownership they are assumed to supplant.

But land has its own powers. There are the powers that we might initially ascribe to technical, hydraulic, chemical or natural factors such as when land suddenly subsides or when it permits the growth of one type of vegetation and ecosystem but not another, until we describe its social effects. But there is also the way in which land is generative. The most obvious ways in which it is generative is that the characteristics of land permit certain uses. Fertile land facilitates the growth of food, mineral rich land the extraction of ores, high-lying land, the construction of defences or infrastructure that utilises gravity such as water towers. Then there are the less obvious ways that land is generative such as – of relationships between people, networks, documentation, flows of information, different ways of surveying, professional bodies and forms of expertise and the vast networks which connect all these elements and which would not exist were it not for the land itself. It is important not to put these into a hierarchy but consider them circulating with equal agency, interdependent. The key issue here is how we can think of land as generative (Turnbull 1986, Beningfield 2006).

### **3.0 Methodology**

The intention behind the methodology that was chosen was to provide as rounded a narrative as possible in order to construct a land "biography" that tells the story of the land in the three case study sites. In order to be able to tell the story over the land over time, a historical account of different land use management systems needed to be developed. The methodology was thus focused on accessing and engaging with accounts from land users (individuals who were using, trading, holding or claiming land) and land managers (individuals who constitute some kind of authority over the land).

Three research areas were selected; Doornfontein, Diepkloof and Thokoza according to the following criteria:

- The precinct contains an 'iconic' piece of land that is easier to locate and trace in the archival records
- The precinct contains a range of land uses that extend beyond residential land uses.

Within each research site one precinct was selected. Within each precinct 4-5 parcels were identified.

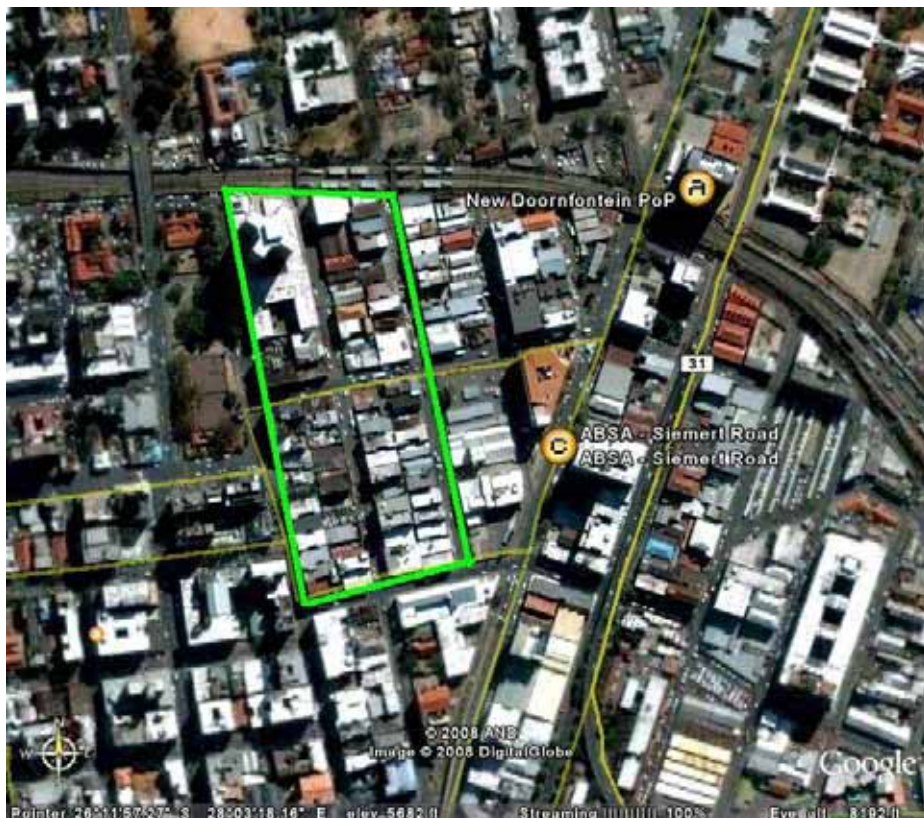


Figure 1: Doornfontein within the Johannesburg context

1. **Doornfontein** – is located just to the east of the CBD (Figure 1) and officially forms part of Region 8. At the moment it is considered part of the inner city renewal strategy and is also being re-developed in preparation for the 2010 football world cup. The area has a large migrant and immigrant population, with a number of political and economic refugees and it is certainly an enclave for north and central African communities living in Johannesburg. The area has also been facing a number of social and economic problems, with high crime rates, a

large number of derelict and hi-jacked buildings and very little formal intervention. This is a far cry from its wealthy and beginnings in the early 1900s, when the township was established as a wealthier suburb, it is now an example of an area that has experienced vast changes in its recorded history.

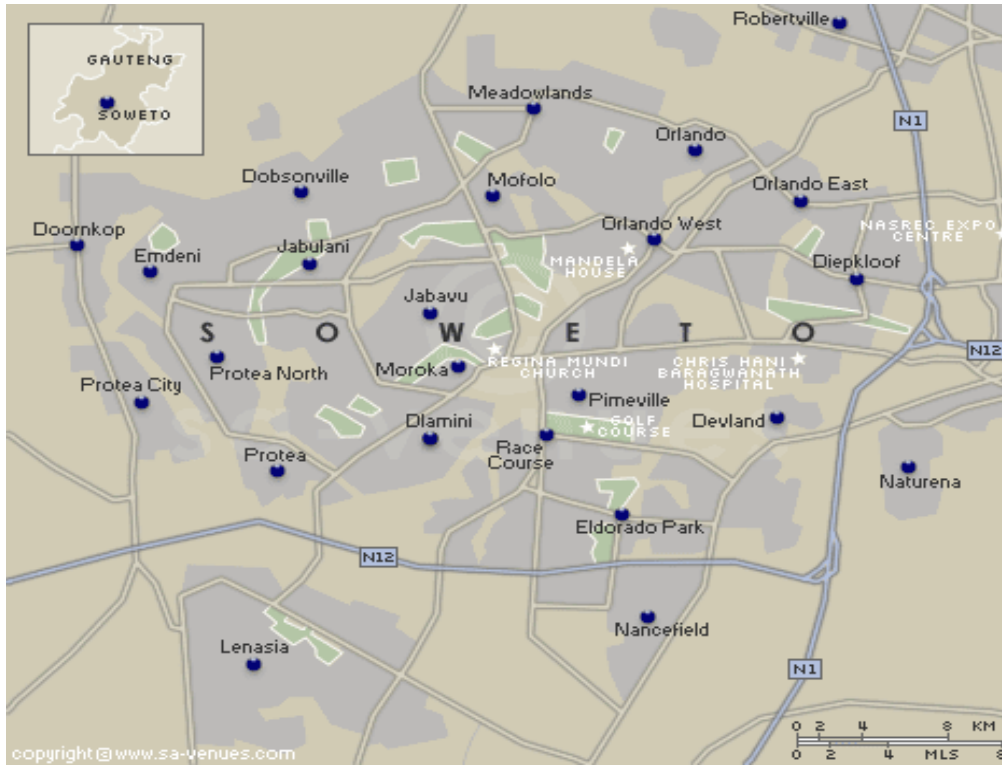
Within Doornfontein the precinct that was chosen is between Davies Street (between Rocky Street and the Railway line) which has some informal occupation of dwellings, sub-hostels, warehousing, commercial and converted warehouse space (Figure 2).



**Figure 2: The Doornfontein Precinct**

2. **Diepkloof** is an example of an area where the Apartheid regime manipulated the formal/informal status of development, it is situated within the greater Soweto area (Figure 3) to the South west of the Johannesburg CBD. The area of Diepkloof is divided up into a series 6 zones all built between 1950-1960 and characterized by old township housing stock of 3 and 4 bedroomed houses. An additional area called Diepkloof Extension, which is home to the relatively wealthy was built in the 1980s and is called Diepkloof Expensive by the local residents. Many of the formal houses have backyard shacks, which are rented out or used by family members but the area only has one informal settlement called Elias Motsoaledi, just off Old Potch Road. Diepkloof also has a number of hostel dwellers and recent work puts the figure at 2900 households living in the hostels. It is

generally considered an older and more stable community by the authorities but residents report a number of issues and problems in the area.



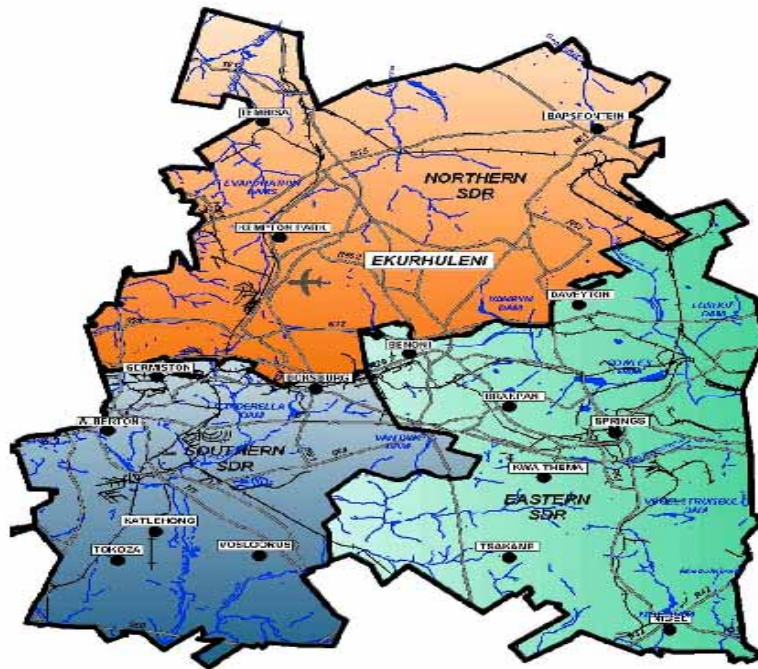
**Figure 3: Map of Soweto placing Diepkloof in context**

The precinct within Diepkloof that was used in this study was part of Zone 6, which includes an area where people were first forcibly removed and relocated to in the 1950s as well as the hostels (Figure 4). The precinct was chosen as it demonstrates an area that was designed and planned formally but has in many ways become an informal environment, for both housing and income generating activities.



**Figure 4 Diepkloof Precinct**

3. **Thokoza** is a township situated south east of Alberton, and adjacent to Katlehong in the Ekurhuleni Metropolitan Municipality (EMM) (Figure 5). The township was developed as a result of closing down the much older Alberton Location in the 1960s and relocating Black households from backyards and other residences within the “White” areas on the East Rand. The township was originally formally laid out and housing and commercial plots were designated and allocated to local residents. Infrastructure, running water and sewerage were provided. Over a period much of the infrastructure deteriorated due to a lack of investment from the council and the inability of the residents to be able to afford higher rates. Thokoza has also had a large hostel population with a number of migrant workers who provided labour for the mines and the factories in Walkerville and Alrode. In the 1990s the township was also the site of violent clashes between the ANC and IFP, which damaged communal relations as well as causing further damage to the infrastructure and displacing many people from their homes.



**Figure 5: Thokoza within the context of Ekurhuleni**

Thokoza is not a large township but is quite densely settled and provides a number of examples of different housing typologies, tenure forms as well as uses. A section of Khumalo Street that includes a commercial area with shops, ‘old township residential stock’ with backyard units, and a hostel that is being redeveloped were chosen for the study (Figure 6) in order to get a “cross-section” of the township, its activities, uses, issues and problems.



**Figure 6 Thokoza Precinct**

The parcels were identified through matching the criteria identified above with the respondent criteria outlined below. A matrix was developed with site selection criteria on one axis and respondent selection criteria on another. Through the course of conducting the research, every attempt was made to cover as many combinations as possible and to achieve as diverse a selection process as possible.

Various techniques were used to develop the biography of each area using purely qualitative methods these were:

- i. 12 formal land managers: government officials, town planners, urban specialists were interviewed (see Annexure 1) using a standardized questionnaire (see Annexure 2)
- ii. Qualitative interviews with 45 land users, 15 per precinct (see Annexure 3) were conducted, using a similar standardized questionnaire (see Annexure 4) and trained field workers who were trained in the Free attitude interviewing technique
- iii. 3 Councilors, 1 from each precinct, were interviewed using the standardized questionnaire (Annexure 4) but also encouraged to add their own experiences as land use managers
- iv. A Focus groups was held in each precinct with a variety of land users (See Annexure 5 for a demographic breakdown) using a focus group guideline that was developed and applied to each of the precincts

- v. Archival research was also undertaken to try and gain an understanding of the precinct in the past and to test which land use management systems had been in place and what, if any, responses they had elicited
- vi. Desktop study and literature survey was undertaken to contextualize the precincts in both space and time and to try and ensure that all elements of the biography were covered.

The methodology elicited a great deal of very rich qualitative data that was useful in building up the narrative of each of the precincts. There are, however, a few words of caution and advice, should the methodology be replicated:

- The interviews require a great deal of time and patience as many of the respondents are aged and the detail that is requested is quite dense.
- The archives are “patchy” at best and cannot be relied on for consistent or coherent records for many parts of Gauteng.
- Many of the land use managers have only been in their roles for a short period and lack a historical sense of their areas as well as institutional memory.
- The focus groups elicited quite different responses to the interviews and added a great deal to the discussion, perhaps more than 1 focus group per area should be considered.
- The story of the “land” was not always clear and was conflated with other narratives such as housing and service provision.

Overall the methodology was able to access a great deal of extremely rich material and whilst cannot claim to be comprehensive in every detail, a picture of the land over time certainly became clear, which was able to describe how parcels and precincts moved through different management systems over time and how poor households have or have not been able to access, trade, hold and claim land.



## **4.0 Land Biography: Diepkloof**

In following three sections we present the data that was generated during the study for the precincts in Diepkloof, Thokoza and Doornfontein. In relation to each section, we draw attention to the histories of the land and how it has been managed.

### **4.1 Diepkloof's Summary**

1950	Planning for Diepkloof begins
1960s	Residents from Sophiatown and Alexander are relocated to Diepkloof Housing supplied by the Johannesburg, Chamber of Commerce
1973	Came under control of West Rand Administration Board (WRAB)
1976	Soweto Riots.
1975-1980	Rents raised, subsidies cut and tariffs increased, to cover any expenses within the township.
1982	Townships begin to be made "ungovernable"
1983	Black Local Authorities (BLAs) come into power
1990s	Political violence in Soweto but Diepkloof remains untroubled Start to sell units to sitting tenants
1993	Development of Diepkloof and Soweto begins
1996	Drive to transfer units and issue title deeds begins

### **4.2 Diepkloof's Story**

#### **1950s Origins and first few years**

Diepkloof was a later addition to the original Greater Soweto area and was only laid out in the late 1950s. Its purpose was to accommodate the various people that the government had decided to re-settle from newly declared "White areas" (Marks, 1993). It was, in effect, a direct result of earlier policies such as the 1923 Native Urban Areas Act and the personal efforts of Minister Verwoed, in his Resettlement Programme (Mabena, 1996). Diepkloof is deemed to have been established as a township in terms of the provisions of the now repealed section 35(3) of the Black Communities Development Act (BCDA), No. 4 of 1984.

The layout plans for these townships were approved but no conditions of establishment were issued for this township (Smith, 2008: Pers.com). The Apartheid legislation that applied particularly to land use was Annexure F of the BCDA, which gives far greater and wider land use rights than that of the Johannesburg planning scheme. It offered the residents of Diepkloof, for example, license to conduct retail activities from home (the rest of scheme was far more limited). Within Diepkloof, areas were generally defined as residential or commercial or industrial, but the exact specifications were kept quite broad (Oakenfull, 2008: Pers Comm.). There were no density or height restrictions and as a result it was quite legal for Diepkloof residents to have as many structures on their stands as they could manage. The breadth of Annex F seems to have been motivated by the fact that the townships did not offer much in the way of infrastructure or services and so the scheme was kept broad in order for individuals and households to be able to take on these services. According to one informant, "It was one of the reasons that the spaza shops came in" (Oakenfull 2008: Pers. Comm.), Annexure F also allowed households to practice their profession from home and the only restricted activities are those that create noxious gases, but almost anything else is quite acceptable under the Scheme.

In an example of the complex institutional layers of formal land use management, the BCDA was a national document that was put forward and passed by the national legislature, and the City Council had little say in its contents or its implementation. It was applied to all of the older townships, including Tembisa, Alexandra, and Diepsloot. The rules were set and meant that households could not buy their 59/10 and 59/9 houses in Diepkloof but could only lease them from the Council (money went to special Soweto housing account that was completely separate from the rest of JHB). The BCDA was amended in 1984 but was repealed in post 1994 except for Annexure F and that was because there wasn't anything else that was governing land use in these areas, simply put there was nothing to replace it (Oakenfull, 2008: Pers. Comm.).

In the case of Diepkloof the majority of the households that were re-settled in the township were from Alexandra Township, in which the tenants had enjoyed the relative luxury of residing on Black-held, free-hold tenure (Mabena, 1996). The officials apparently went yard by yard registering people in Alexandra, and giving them a date on which they had to be packed and ready to leave (Councillor Mtshwenyane, 2008: pers. comm.) There are, however, also reports of wealthier residents from Sophiatown being resettled in Diepkloof, whilst their poorer co-habitants were resettled in Meadowlands and Dube.

## **1960s The Beginning of a Divided Community**

The intention behind the forced evictions was to destroy one of the last vestiges of Black ownership of land in an urban area and to convert Alexandra into a series of single sex hostels that would accommodate cheap labour for Johannesburg. This racist 'crusade' was only partially successful and between 1963-1966, almost 45,000 people were moved to Diepkloof, Tembisa and Meadowlands. From the start, these townships were supposed to drive home the message to the forced evictees that they were "only" temporary sojourners in urban areas, and as such could not own but could only lease land in these newly constructed townships. Although to confuse matters and to increase local tensions, residents from Sophiatown were allowed to buy government housing in Diepkloof but the people from Alexandra, who had for the most part been tenants, were not extended the same privilege. Such actions immediately sparked class conflicts within the new 'community' (Marks, 1993). The majority of resettled households were apparently quite happy with their "family homes" even though they could not own them. There was a general sentiment that the three and four room units were better than the cramped quarters of Alexander (Councillor Mtshwenyane, 2008, pers. comm.). The two communities of Alexandra and Sophiatown had proud activist and political traditions but the violence of the forced removals and the extreme oppression effectively dampened political revolt until the reawaking of a political identity that was only found in the next generation of Diepmeadow residents (Marks, 1993).

There was little infrastructure and even less development and the current Councilor for the area, Zodwa Mtshwenyane, remembers that when people arrived in 1962 and 1963 "... here, Zone 6 was a bush. But it was just a *veld*, a bush". As soon as residents arrived from their respective origins, where households had been living side by side, every attempt was made to separate households into 'tribal' groups, with Zulus in one section, Xhosa in another and so on. The Councilor argues that the reason the local authorities separated the community, was because in Alexander, "We were a united people. When we came to school we used to stay together. We would hang around at Shangaan's yard. You see. Being Zulus, there were Vendas and Pedi, you see? But we were speaking all these languages and we were one thing. And when we were learning, they will learn their language and learn ours too, we were helping each other that way. There was no such thing as that, you are a Zulu". She traces some of the later political violence to the original separation of the various communities, "You are a Sotho but when we came here. In Diepkloof, we were staying here as Zulu people. There were no shops and shops which were there, are those which are in Zone 2. It is then that this tribal element started to say, you, you are a Zulu, you are a Sotho. You could not be able to go in the other area".

The local council's and the national government consistently came into conflict over the issue of Black urban dwellers, with the national government insisting

on development only really taking place in the homelands, identified as the “true homes” of Black South Africans. It was the private sector, through the Chamber of Mines that provided most of the housing in the late 1950s, with 24 000 units being built between 1956 and 1960 within the greater Soweto area (Marks, 1993).

Although townships were supposed to be the responsibility of the various city council’s, Soweto was formally administered by three separate bodies: Soweto “proper” fell under the City of Johannesburg and was considered a location; Dobsonville fell under the control of Roodepoort; and Diepkloof and Meadowlands fell inexplicably under the Urban Resettlement Board, which was the body responsible for forced evictions (Carr, 1990).

As a result of this rather strange set up, Diepmeadow (as the combined areas were known), never benefited from the same municipal subsidies as the rest of Soweto and were forced from the beginning to be self-sustaining. The rest of the Sowetans generally felt that the residents of Diepkloof, especially during this period were deprived, when compared to the inhabitants of Soweto proper. There were also cultural distinctions between Diepkloof residents and the rest of the Sowetans, especially in youth culture, where the majority of Diepkloof youth spoke a Tsotsi-taal sprinkled with Afrikaans and brought from the Afrikaans influenced home of Sophiatown, whilst the rest of the Soweto youth used a home-brewed version of Zulu.

In the 1960s once again housing was supplied by the Chamber of Mines but at a far slower rate, of an average of about 800 units a year (Marks, 1993). The townships which had been under the thumbs of the Advisory Boards, were placed under the control of the Urban Bantu Councils (UBC), in 1968. The UBCs were unaffectionately known colloquially as the ‘Useless Boys Club’, but were officially advisory groups (similar to their predecessors) and acted as agents for the local authorities. In some townships, such as Soweto, they did have some effect and did resolve limited problems and disputes (Bonner and Nieftagodien, 2001). However, this example illustrates that formality should not automatically be equated with efficiency and effectiveness.

The 1950s also saw a review of education for Black South Africans and in 1953 the Bantu Education Act was passed. This Act was based on the idea that Black South Africans should only have the most rudimentary literacy and numeracy skills, and that anything beyond this level was a waste of public resources. The Act had two underlying intentions; the first was that it was a way of providing some of the growing industries with semi-skilled labour, which was becoming necessary and secondly it was a way of controlling the increasing numbers of Black urban youths that had become a concern of National government. However, in the following decade the lack of construction of education facilities

would have grave political implications. The Urban Resettlement Board did provide some housing in Diepkloof towards the end of 1969. A single sex hostel for men with 4 403 beds was established and managed by the URB as a way of providing housing to migrant workers.

### **1970s Raised rents, riots and radical Black Consciousness**

By 1973 the control of Soweto once again changed hands and this time the West Rand Administration Board (WRAB) became responsible (Marks, 1993). The divisions within Soweto, both social and geographical, however, remained as did the principle of the township being self-sustaining. Soweto had been fairly self-financing for most of the 1960s albeit of low levels of services. But, by the mid-1970s, expenditure far outstripped income and WRAB was in the red (Marks, 1993; Mabena, 1996). In response the Board raised municipal rents and increase service tariffs but this was done in an atmosphere of little real development of new land and a severe housing crisis due to the lack of housing provision in the previous 15 years. The Councillor for the Ward remembers how the council at the time asked households to sign a register if they wanted electricity, most signed up and were connected but due to the lack of resources at the time, the power was not switched on until some time in the 1980s (Councillor Mtshwenyane, 2008: pers. comm.). Education was also in crisis by this stage with a total of 44 primary schools but only 8 high schools in the Greater Soweto area. The National government facing immense informal pressure from the formal private sector, finally delved into the national coffers and built 40 new schools and 2 technical colleges by 1975 (Carr, 1990).

Although strides had been made in Black education in Soweto by the mid-1970s the authorities had managed to retard any efforts by insisting that the medium of instruction be in Afrikaans. The rising Black Consciousness Movement that had been growing in the township, combined with a more militant trade unionist presence meant that the subsequent protest to the new policy was hardly a quiet one and resulted in the memorable and tragic 1976 Soweto riots. The riots also resulted in burning a number of municipal buildings, including the vacant library that had been occupied by squatters. After the building was burnt the informal dwellers set up home close to the Diepkloof hall, and did not move for the next 17 years despite a number of attempts to evict them.

The 1976 riots sent ripples through South African society and the state, in an attempt to maintain some kind of control, developed a series of reforms. The reforms were the result of some convoluted thinking and were based on the premise that if a Black middle class could be developed, then they would be effective in “curbing the radicalism that was developing in the townships” (Mark, 1993: 105). The reforms included the extension of political, social, and economic “rights” to Black urban dwellers. In Diepkloof this meant that the

upper class and free-hold area of Diepkloof Extension was developed and that, similarly to other townships, a Community Council (CC) was established to devolve the management of land issues. The CC was supposedly the first step in Black representative government in the townships, and was given greater power than any of its predecessors. In many ways the CC controlled land use and management and administered: allocating accommodation, approving building plans, preventing illegal occupation, allocating trading sites and maintaining essential services such as water supply, refuse removal, sewage, and roads” (Marks, 1993: 106-107). They were, however, obliged to report to central government and almost all of their senior positions were reserved for Whites.

The CCs were also required to be financially self-sustaining and in an oft repeated pattern, they raised rents, cut subsidies, and increased tariffs, to cover any expenses within the township. The local residents (only 16% of whom had actually voted for the CC) felt increasingly resentful, as their costs increased, services diminished and the real issues of the day such as enfranchisement and property rights continued to be ignored.



**Figure 7: Diepkloof house in the 1980s (Source: Museum Africa)**

**1980s** By 1982 the CC had totally lost control of Soweto, and most other townships as a result they were replaced by Black Local Authorities (BLAs) through the Black Local

Authorities Act of 1983. The stated intention of the BLAs was to “provide[d] a mechanism for the conversion of the discredited Community Councils into a system of local government similar to that operating for whites” (Grest, 1998: 107). Importantly the BLAs now had the right to own and develop property in the townships but once again had to generate their own capital for all of their own development. The BLAs expenditure in the Diepmeadow region far exceeded its revenue from the low tax base and lack of payment. By 1989 the authority was R35 million in debt. In addition the Diepmeadow BLA engendered increasing community anger by once again raising rents and demolishing shacks, because they were considered a burden on the infrastructure. Tensions between the BLA and the local community worsened and there were accusations of corruption and tyranny leveled at the BLA and its members. However for many Diepkloof residents life went on as it had before despite these political and institutional upheavals (Figure 7).

### **1990s Diepkloof in Transition**

By the early 1990s there was a general sense that political change was on its way and the old regime was in its death throes. But, by mid-1993 the BLAs remained formally in control of the townships. Although “control” should be used loosely, as an article in the Sowetan (27<sup>th</sup> January 1993) described the conditions in Soweto,

“Dobsonville, Diepmeadow and Soweto alike straddle neglected tarred roads pricked with potholes. Streams of water spluttering from burst pipes add a somber note...Plumes of dust from the streets blend nauseatingly with the smog which is already the scourge of the city”.

Diepkloof by the 1990s had a set of curious features, a highly developed, middle and upper class suburb of Diepkloof Extension, next to a very dense and continuously informalising area. Most of the residents of the Zones 1-6 lived in the four-roomed houses built by the government when the township was established and conform to the typical 51/9 and 51/10 Calderwall design (Marks, 1993). Since 1990 and the Big Sale, the Council has encouraged those who could to buy their homes and in 1996 a large number of households exchanged their Permits to Occupy for title deeds. As will become clear later in the considerations of this precinct, the meaning of full-ownership has very specific implications for how ‘free’ people feel to change their land uses and how this freedom is interpreted. At the time it was estimated that the average number of people per housing unit was between 8.36 (Mashebela, 1988) and 10 (Sapire and Schlemmer, 1990). The units were overcrowded and havens for communicable diseases and offered little privacy. The hostels have also densified and are now home, not just to single men but to whole families who share the cramped quarters and old dormitories. Ironically, the state has recreated the conditions of informality it sought to eradicate in a previous generation. A second informal settlement called Mandela

Village had been established in 1990 after the release of its namesake, Nelson Mandela. Within three years the settlement boasted 3 000 residents most of whom lived in informal shacks and were generally unemployed.

The violence that ravaged the rest of Soweto during the early 1990s seems to have passed Diepkloof 6 by. Participants in the focus group claim, “Diepkloof hostel is the only hostel around that didn’t have violence”. The homeowners and the hostel dwellers apparently met recently to discuss issues that affected them. People felt that IFP and ANC supporters currently lived together and interacted well. The residents do describe a situation in which most of the IFP residents who were in backyards and in the informal settlements moved into the hostel, which was when women were first allowed into the hostel. The move seems to have been to protect the IFP members from violence from other sources. Residents who lived through this time say that the real threat came from criminals who moved into the area at the time, not from the hostel dwellers.

One of the focus group participants argued that the roots of this co-operation come from the 1970s when “...there were children and their fathers were in the hostel and maybe if one would attack, one would be attacking his own child. And here at zone 6, we have children of which their parents were in the hostel, like fathers and the mother is in the township so it started a long time. So if most of the people that stay in the hostel used to be tenants in our houses at zone 6, so you can imagine that people from Diepkloof hostel, we know them and if you attack whom were you going to attack?”. He also argued that there was a sense of community, which was also derived from sharing space and facilities, “Firstly we all share the hospital and when we are sick, we all go to Bara, those people are our brothers and we also report at the same Police Station and it was not going to be easy. So can you see Diepkloof that it was organized from long time ago as they have said, the ANC structure here was working in such a way that there was a joint venture, we belonged together...”.

Although most of the roads were tarred with pavements, the area was awash in informal activities, especially at intersections and bus and taxi termini. Since most of the population is unemployed the vast majority earned their livings through the informal market, or through crime (Mabena, 1996).

**2000-  
2008**    **As things stand**

Since the mid 1990s the City has attempted to finalise outstanding general plans and compile conditions of establishment, in order to complete the township establishment process (Johannesburg Property Company’s Township Status Report cited in Hoosen et al 2007). These processes are part of the city’s land regularization programme, aimed at ‘enhancing the economic and social life of Soweto’ and incorporating townships ‘into the fabric of the City of Johannesburg’



(Hoosen et al 2007: 20). Currently the area is still very much divided between the Diepkloof Extension, colloquially known as 'Diepkloof Expensive' and the six zones (Chomboko, 2008; pers comm.). The area has seen some development since 1993 and a great deal more is planned:

The Johannesburg Property Company, Johannesburg Development Agency and the City of JHB, are all working in the area with the stated intention of unlocking the potential in the area, the plans intend to:

- Revitalize Diepkloof
- Upgrade the hostels
- Extend the taxi rank
- Put a fresh produce market
- Manage growth in the area – decide how they want it to work.

The area is very stable and not experiencing a great deal of growth or change, but at the moment there is a clear sense that there should be better co-ordination between the various parties involved in the area.

There are increasing sanitation problems in the hostels, as they have very few facilities. For example, just one communal tap that is shared between too many people and inadequate drainage systems. As a result, waste water tends to run down hill into the adjoining wetland, which is also used for washing clothes by the women of the hostel. There are continuous fears for the condition of the water and there is potential for cholera outbreaks. The water is constantly tested by the environmental health department as a result. The Council does take responsibility for the hostel as well and days are set aside for what are called a "hostel clean ups" in which hostel dwellers are supplied with tools, equipment and plastic bags to clean up the hostels and are paid R120 each for the day. The informant remarked that she suspects that since these "clean-ups" are scheduled for when the hostels are looking particularly dirty – the hostel dwellers sometimes dirty them on purpose in order to earn the R120 for cleaning them up (Mathonsi, 2008: Pers.Comm).

There are also three empty buildings just next to the hostel that are considered "Bad Buildings" or "nuisance" buildings. These are abandoned buildings which have been taken over by illegal tenants (about 10-15 people per room). There was a suspicion that they were harbouring illegal activities and that the area around the buildings was becoming unsafe. The area was also used for illegal dumping. As a result the buildings were "blitzed" a week before this research took place by the JMPD and the council and the buildings were cleaned out. The owners are being tracked so that they can be made responsible for their buildings and maintaining the standards. If they cannot be found, they will become the responsibility of the council (which probably means demolition of the buildings). The local community is hoping that they are purchased by somebody wealthy and that a business that provides jobs is opened.

There is a sense that the area, although going through some development and having an increased number of informal activities and home-based enterprises, is quiet and stable, with the main problem being around, illegal dumping and rodent infestations rather than any real loss of land use control by the council.

### **4.3 Land Use Management and Administration formal and Informal**

#### **4.3.1 Access: houses, shacks and beds**

Diepkloof, and specifically the precinct that we chose is not homogenous in either its housing typology or its tenure forms. Effectively the precinct spans both highly formal and extremely informal systems and due to the long period of occupation by many of the Diepkloof residents of both the township houses and the shacks, a clear change over space and time can be observed.

##### **i. Formal Housing: past and present**

The original settlement of the Diepkloof relied on government allocation of houses for newly evicted residents from other parts of Johannesburg. Between 1960 and 1975 according to the respondents, households were forcibly removed and allocated units in Diepkloof. These residents were given access to three, four and in some cases five bed-roomed houses. In many cases households were registered in their previous homes and on arrival were efficiently and bureaucratically dispensed with to their new units, Respondent 13, who arrived in Diepkloof in 1971, describes, "We arrived here and then we went to the offices and we were given our names and houses numbers. They delivered us in their own trucks". The office did not always function absolutely correctly in the allocation of housing by ethnicity and Respondent 18, recalls a story that her parents told her about when they arrived, "The thing that I don't remember that is the fact is that when we move in here, they moved the one that were staying here to zone 6 in the Tshonga area. They told them that this house belongs to the Nkosi family and their house was there in zone 6. The Municipality knows that because those people were wrongly allocated. The law took them out.". The allocation system was certainly not as neutral as is usually presented, the focus group revealed that even when houses were first being allocated in Diepkloof, it was difficult and corrupt, "you would not get a house in a nice way, you had to fight very hard and if they approve and get a house it was victory to you... and in those offices you would know that you will find a Boer in the office and fight for the house and that is why others had to pay money under the table in order to get that house".

A member of the focus group who received her government house in Zone 6 through the municipal office, mentioned that there were people called "isibonda"

working in the community who helped get houses for people who needed accommodation. Initially they free-lanced but after a while, it seems that the council employed them in these very roles to help allocate housing. In this way, an informal process was formalized. There also seems to have been a great deal of illegal activity and corruption within the original allocation system. A woman who is still waiting for her unit indicated that under the old system, when households who were paying rent to the council, fell into arrears, they were often bought out by people who could cover the arrears and through threats and coercion took over these homes from troubled tenants. These new home-owners and speculators were informed about who was in arrears by the officials working in the municipal offices this system was known as “mshoshaphansi, literally meaning underground operations”. While the ‘isibonda’ were formalized, the ‘mshoshaphansi system’ is an example of the formal system becoming informal, and even criminal.

Commercial space during the 1970s was also controlled and allocated by the state, who did actually provide some of the commercial enterprises who had been forcibly removed from Alexander with shop space in their new environment. The shop owners were provided with space in the newly zoned and built commercial area in Diepkloof Zone 6. The Apartheid government, always eager to waste time on selective minutiae but take it for granted that it was possible to forcibly relocate people over great distances, had measured the exact floor space in Alexandra and as Respondent 10, whose parents owned a shop recalls, “The people who were moving them organized these shops for them and according to the square meter they had while in Alexandra”, not more and not less.

Since most of the households in Diepkloof have title deeds, according to the respondents, current access to township housing, involves formal purchase, attaining bank loan and registration on the deeds register with all of the forms and formality required in other parts of Johannesburg. Respondent 6, who had previously been a backyard dweller on the stand, she now owns, bought her house in 1997 from a deceased estate. She describes a process familiar to home buyers across South Africa, “We went to the lawyers and paid the required amount and there was proof of payment from the police. I had to get a title deed and also a form from the lawyer that saying we need Eskom’s account. The lawyer gave us a letter to take it to Eskom, so that the electricity bill will be cleared”. Other homeowners in the area acknowledge that “It’s difficult to say [how to get a house] my child, unless you go to the office where you can get one of those houses which are sold because if you are looking for the house the same way we used to get when we grew up, that system is no longer working” (Respondent 12), and that now only shacks and rooms are available. Even these, however, are difficult to access and are subject to the whims of the landlord, Respondent 13 gives the following advice when considering a backyard tenant, “you need to look that what type of a person is. By the way, criminals are also there. You are suppose to look

my child, to see what type of a person is he. Whether is a person who works. I do not like a person who will put me in trouble". Most of the backyarders did not know the landlords and homeowners but "...just went to look for a place" were told where shacks were available, explains, Respondent 4, who lives in a self-built shack in the yard of one of the formal homes.

Currently very few households, according to the focus group, have been able to get RDP units. There is the sense that households who have been on the waiting list since 1986 and have C-foms from the previous regime are still waiting to be housed. They argue that the delay in housing provision is having a severe effect on the community and leaving many residents in Zone 6 without sufficient shelter. There is also the fact that RDP units are not considered free as beneficiaries tally up the costs of corruption (generally put at the figure of R500) and argue that "...the RDP is for free but not for free because if you check we have been traveling hundred times and the taxi fare goes up now and then".

Access to formal commercial spaces seems to follow general procedures of application for a rental space and generally needs to offer some kind of proof that the renter can pay the monthly fee. Although in the focus group in Diepkloof there were accusations of corruption concerning the allocation and application procedures for formal sites that are held and administered by the Johannesburg Property Company. One of the focus group attendants described how, "That thing [bribery and corruption] is still happening up to now. I am talking about the business sites, churches and we are still fighting that battle and we haven't win till today and today our current government that we have, the problem that we have now is of 1994, and the democracy of 1994 we all interpret it wrongly". He went on to say that bribery is the only way of getting what you need from the system, "...today we have City of Joburg Property Company and it doesn't matter who you are, please, and when you come out of that office smiling that would be that you have paid something under the table and otherwise if you haven't pay you are out".

ii. Informal sites: business and residential

Households and individuals also access informal residences and sites for their commercial activities. Anecdotes from those engaged in less formal activities, describe arrangements with strangers. Respondent 16 has a verbal agreement with the landlord from whom she rents space for her container from which she sells a range of goods. In the case of Respondent 11, a mechanic who works in the open space next to a taxi rank, he relates his experience, "I didn't know any one here, but I use to work for someone's property or at home. Then this Taxi owner approached me and asked me to open a workshop here because there was no good mechanic around. Some guys came and offered me a place here. It was some kind of a contract and we were paid weekly. I work for my self, so it mine. I got into this

contract with Taxi Bosses so that I can fix their taxis". As well as access to front yards and garages of relatives, Respondent 15, runs a spaza shop from his grandmother's home, who agreed to let him use the space "... because she knew that I have been business minded as I grew up".

iii. Hostel dwellers: *Izinduna*, Blockmen and chaos

The hostel dwellers who arrived in the 1970s and 1980s were also allocated their beds according to the fully functioning hostel controls at the time. The hostel authorities initially had an administration office on the hostel premises, who administered and allocated beds to the new hostel dwellers. If young men wanted a bed at the hostel they had to, according to Respondent 1, demonstrate that they were employed and have a letter from their boss, a pass at the time called a ZA, which required annual renewal and money to be able to pay the deposit. Once all of these documents were in place, the hostel authorities, in the form of the hostel superintendent, granted a worker a bed and gave him a permit, as proof of hostel residence. New residents were generally shown the way by the warm and friendly faces of the municipal police known as Black Jacks to the hostel dwellers (Respondent 1). Most of the young men who arrived in Diepkloof did not consider moving into the township, Respondent 17, who has been living in the hostel for the last 23 years, explains, "Because I was from KZN and the only places we knew were the hostel that was the only option since we didn't know anyone in the townships". Many of the hostel dwellers had fathers, brothers and kin living in the hostels, and those who did not felt that they would be taken care of by the earlier migrants. "It was known that if you're going to look for work, you must stay in the hostel. Because they were avoiding that people will go to the townships and they might forget about their families back home or something. So they knew that in the hostels there are block man and leaders who'll be watching you" (Respondent 17).

Effectively the superintendent and his clerks would register people and allow them access to beds in the hostel even up until the early 1990s but growing tensions and conflict over services and maintenance meant that relationships between the hostel dwellers and the council deteriorated. Over the last few years the superintendents and the municipality in general has pulled out of the hostels and their involvement is limited. It also seems that the control and authority of the *izinduna* and blockmen is waning. Respondent 3 concurred and said that the blockmen need to "... discuss it first and report to the Induna to inform him about the new resident" but the Induna has no power to veto anyone coming to stay in the hostel. It seems as if the old system of *Izinduna* and blockmen is on its way to extinction which even they admit, "There is no procedure you just have to know some people [in order to get a place] or a family member and there is no superintendent" (Respondent 1, blockman) and "It has changed now you just come with a friend and they don't need to have permits. Any one can come in and stay freely. There is an office where he works but it is not functioning properly only

minor things like if you need a confirmation letter for a bank” (Respondent 14, who is an Induna of the hostel).

The system of access with Diepkloof is varied and a great deal seems to depend on when one entered the system and what kind of accommodation is being sought. It is interesting that the familial bonds and social networks seem to be operating more within the hostels than outside of them and that a very commercialized, if informal, system of access is at work in other parts of the township.

#### **4.3.2 Secure Tenure: Holding and claiming land**

i. Title deeds, deeds registry and corruption

Before ownership was transferred to the sitting tenants, those who were on township land leased their properties from the municipalities. They paid rental, rates and water charges each month to the authorities. The amounts were consistent and households recall that it was the same figure for long periods of time.

Within the official titled register at the moment there seem to be some threats to the integrity of the system and the people involved. It appears from some of the anecdotes relayed in the focus group that the formal systems are being abused by officials and parties eager to get hold of title deeds and property. In the focus group, one of the participants related the following story, “The other day an old man and granny came in the morning and the house was taken from them to their son’s name, how does that happen? I picked up the phone and phoned the office and I said there are people and he must take out that file and explain what was going on. He told me that it was a mistake, in the meantime he knew what he did”. If this anecdote is correct then it seems that the formal system is not protecting many of the more vulnerable members of the Diepkloof community, who are being swindled with the co-operation of the government officials.

A second incident of corruption that was mentioned and threatens the Deeds Registry system, “There is a new thing that is here in zone 6, there are duplicates of Title Deeds that we want to focus on and when we ask around they say we are too intelligent and if you ask as a stranger they would say you are not the resident of zone 6”. Households and individuals who have been looking into these issues have been told in no uncertain terms to look elsewhere and have been made into social pariahs. There is a sense that the councilors, criminals, and land evaluators are in some way colluding (how is not exactly clear), and are stealing people’s home by creating duplicate title deeds and selling the houses from underneath the legal owners.

The third issue that was raised concerning the title deeds was the address and

stand number on the title deed and the name and address of the individual or household do not seem to match up. Many of the residents are confused and concerned about these discrepancies, “the Title Deed and the stand number is wrong and even there we want clarity on that. We want know that our address maybe the computer omits them or change them so we need clarity in this block because we don’t rely on ward committee” stated a focus group participant.

Social systems also seem to threaten the secure tenure of particular home owners irrespective of what documentation they may or may not have. One of the focus group participants, relayed the following incident, “I would like to add this one and is very interesting, if the father has died and the wife is still available and the children, the sons and daughters, the son gets married and his wife comes in so the mother and her children have to move to the shack and she takes over and some of us still”. Ownership and secure tenure is also felt to remain with the original dwellers, Respondent 12 who has been living with her brother since 1976 and who has had the title deed transferred into her name still recounts the fact that the house is her brother’s and it is his children who have a claim on the unit that supersedes her title deed. A further example, is the case of residents, particularly women, who move into what is perceived as another family’s unit, they do not seem to feel that they have any rights in or to the properties in question, and that the unit is owned by their husband’s families, “I mentioned earlier that this not my home, it is where my husband grew up, hence I have no say whatsoever as to what should happen in the future, I would love however to have my own home with my husband and our kids in the future” (Respondent 9). Even though she has been resident for last 24 years, she still feels insecure as sees it as her husband’s family’s home and not her own.

There is also a sense within Diepkloof that women’s rights to housing and property is in some way more limited than their male counterparts. The situation described above gives a sense of this particular woman’s feeling of powerlessness. A further example of prejudice but with a different outcome, is found in the commercial sector, described by Respondent 10, whose family runs a grocer, “Mum once said that she came across something [someone trying to make her leave her shop] like that, but it was the owner next door. He was complaining about the square meter (the area) in his shop and he wanted to move to our shop. There was also someone who had a butchery complained about the area in his shop, saying that my mum being a female must move from her shop and go to his small shop [...] Exactly, he meant that female won’t be able to trade in a bigger shop, whereas they are there as males who can run bigger business. My mum didn’t agree to that bull shit”. It seems that although the prejudice does seem to exist and operate some women feel more capable of claiming their property and use rights than others.

- ii. Informal and hostel dwellers: to pay or not to pay?

Informal dwellers and backyarders rent their properties from the home-owners. In the case of Respondent 4 who pays rent and sweeps the yard in return for being able to staying a shack in the back of a formal township house. Hostel dwellers, by comparison, stopped paying rent in the early to mid-1990s in response to the poor services delivery and lack of maintenance. Respondent 1 explains, “It [paying rent] ended when we stopped paying because there was no electricity and the hostel was filthy we did not see a need to pay”. As a result power was cut off, followed by a lack of maintenance to the sanitation facilities, which were eventually closed and a bucket system was introduced, (Figure 8). The clerks and superintendents used to offer proof of paid rent and backed up claims to the hostel beds and rooms, alongside the *Izinduna* and Blockmen who could be relied on to write letters and give evidence that a resident had a claim to a hostel space. Respondent 2 mentioned that after the formal system broke down people used proof of being on the waiting list as evidence that they had the right to stay and the right to an RDP unit or a family unit. It is felt that these forms provide some kind of claim to both current and future housing in the hostel.

iii. Property Markets in Diepkloof

There is very little formal trade and selling of formal units by the township dwellers. Informal dwellers generally feel that they own the materials which they can buy and sell but not their actual spaces which are seen as the property of the homeowners in the case of backyarders. Hostel dwellers are also not engaged in the sale of their beds or rooms, these are occupied and may be passed on to someone else, sub-let or vacated, but there were no indications of sale.

In general, respondents who owned their units, were unwilling to sell and argued that their homes were family homes and certainly not for sale. Another respondent, this time from the focus group said that there were two main reasons that people in the township were unwilling to sell. Speaking to different cultural values that are attached to land, “A Black person stayed where he is, because he believes that his ancestors are there so a White person moves anytime. That is point number one... Point number two, a Black person cannot move but confines to that small space that he was given, why, because of financial background and he cant move anywhere, if you had to move you would have move and go to the suburbs or buy a plot in Walkerville or anywhere that you would like to buy but because we don’t have finance. What is making us to be in that situation? It’s because of the pervious situation that we are from”.



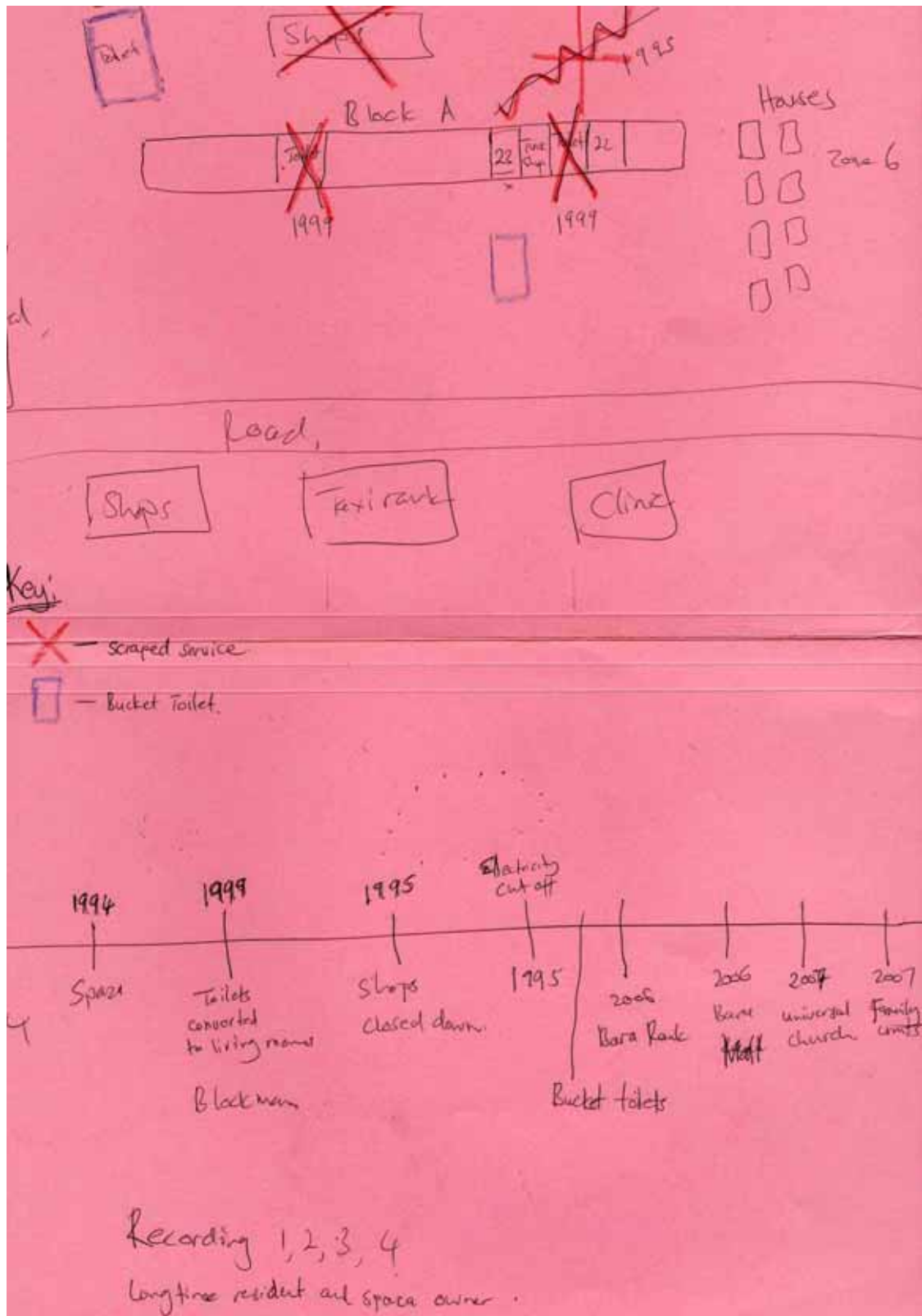


Figure 8: Changes to the Diepkloof Hostel over time (Drawing by long time hostel dweller)

**Box 1: Stories of apartheid control**

I had chickens and wanted to build a house for chickens, there were people from the Municipality that were patrolling here, if they saw that you that you had a fowl run, then they will tell that you were supposed to go to the municipality and apply for a permit to build the fowl house and they will give then you could extend it and they could give you a plan and tell you that you cant just build anywhere in your yard. It happened that I also wanted to extend my house because it was small from three-room to five-roomed house, they said even with that I should have a plan and there was a man called Crown, he was drawing plans at the office. I then went to Crown and he made it for me so that I could build the house, besides you wouldn't build a house and there was an inspection and people are now free enough If someone wants to build a house they just build because we are free to build the way we want. They would tell you how your house would be, they would say start here and it would be how many meters from the fence. There was an inspector I forgot his name, he was so strict that fellow, if you dig foundations you wouldn't even put the concrete without him certifying, you were supposed to call him and he would check to see if those foundation trenches were dug correctly...

**4.3.3 Controls, Conflict and authority: use and abuse**

i. Formal Control and freedom

During the first few years of Diepkloof's existence, there was a great deal of control over people's actions and what they could and could not do. Of late there is a greater sense of freedom and residents do not generally feel that their wants or needs are being curbed by the state. There are some internal conflicts within the community concerning, land use that is thought to be disturbing and anti-social in the area. There are issues with the Johannesburg Property Company (JPC) and the municipality's allocation of business sites (mentioned earlier) and who should be allowed to use land, particularly publicly supplied and allocated land. What is noticeable is the intermingling of formal and informal systems of control which are at work, and residents move quite comfortably between these systems. How these various forms of control and conflict manifest is discussed in the section below.

There is a perception from the officials that Diepkloof is "stable" and relatively easy to manage (Chomboko, 2008: Mathonsi, 2008: Pers. Comm.). It has not seen the same kinds of massive developments that the rest of Soweto has undergone (Nepfumbada, 2008). The most common application at the moment is the submission for changing the

building lines, especially when they are encroaching on servitudes or other buildings. The application is deemed a 18/1282 and is an application for the extension of a house with one or two rooms or the building of a garage but the “garage” is often used as sleeping quarters. A number of the applications are retroactive as the households have already built the rooms but have been told they need to get building permission. Permission is granted almost all the time and land use department sees that these actions are in accordance with Annexure F and its internal policies (Nepfumbada, 2008: Pers. Comm.).

Many of the older residents note that the changes (see Box 1) that they can now make to their homes do not require the permission and bureaucracy that they once did. Even the Councilor of the ward notes that, “Just like now, I am able to change and put big windows and change the doors and face them where I want, before you could not do that thing. You were supposed to come and ask from the municipality and say you want to put a brick fence and take that one of wire. They were erecting wire fences for us. You also see the windows; they did put for us these small windows. If you wanted to take out the windows you were supposed to come here and report”. Now residents say they are left in peace to get on with their lives, one participant said, “The Municipality doesn’t follow us that much we live because you can do something where you stay and nothing is disturbing us. My children stay in the rooms because of space and when I have a function like Mr. Dlamini when he does his traditional function in his yard there is no one that can disturb him”. Many of the residents feel that the ability to do as they please is related to the fact that they now, own their properties, as Respondent 18 put it “I couldn’t build the rooms if I didn’t buy the house .I did everything that I liked because I bought then I built the two rooms and a garage”. Most residents have added shacks, rooms and garages as a way of generating some income, particularly in households where the primary breadwinner has had to retire, been retrenched or has died. Adding fences, plastering, painting and adding furniture are some of the other most common changes and additions that residents mentioned (Figure 9). The changes have been completed incrementally when households have had disposable income.

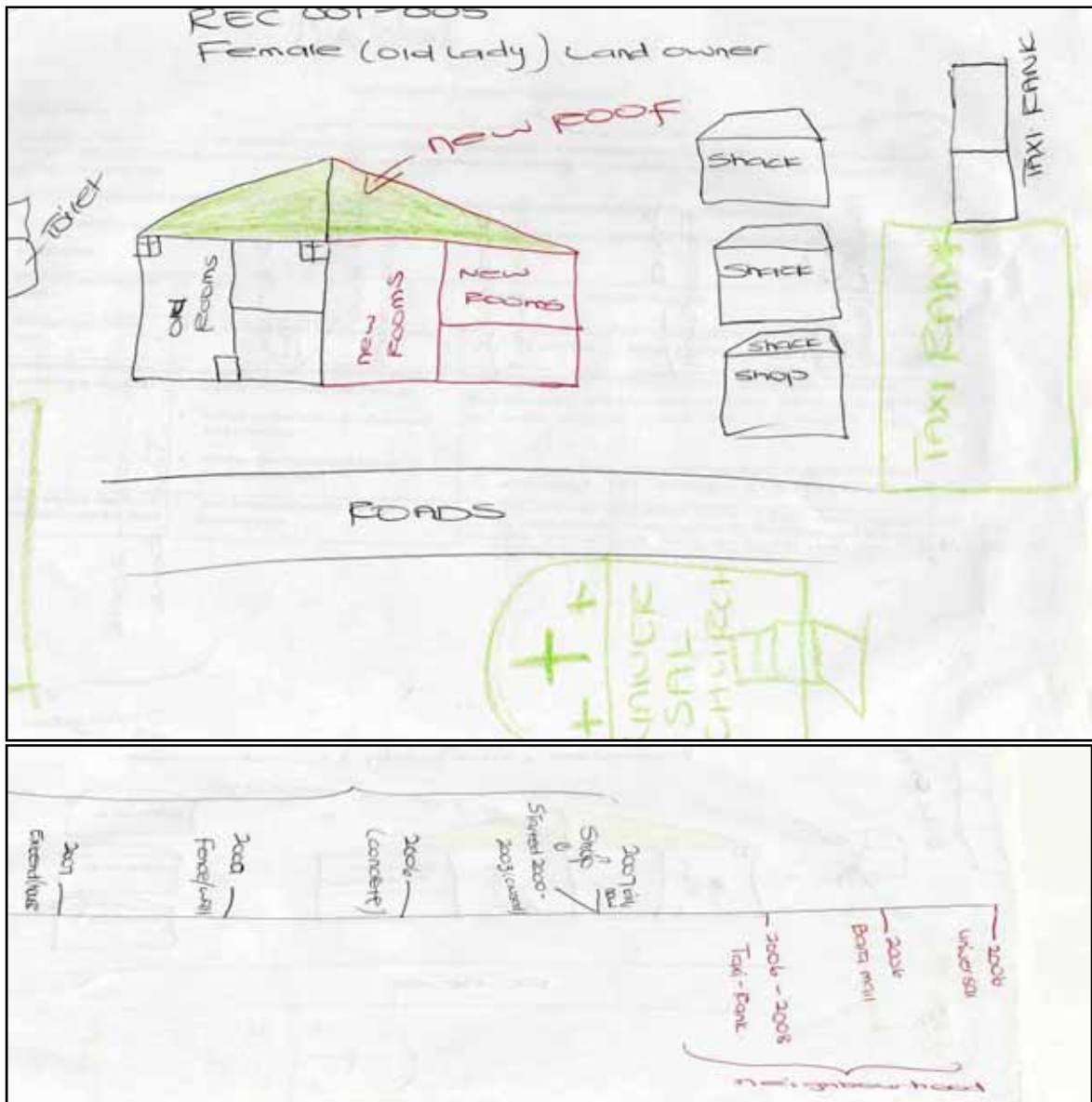


Figure 9: Examples of Changes made to a township house in Diepkloof

ii. Socially and officially acceptable and unacceptable land use

The Johannesburg Metro Land Use Department is also dealing with tavern applications. At the moment there are a number of tavern applications in Diepkloof. They are normally not granted as taverns must be along main roads and most of the applications do not fulfill that requirement (Nepfumbada, 2008: Pers. Comm.). In Diepkloof Ext 6 many of the applications are for Immink Street, which is a main road but due to its proximity to churches and other sensitive areas the applications have generally not been granted. Even though the licenses are not granted taverns still continue to operate, a focus group participant said that “Right now where I stay. I am between two sheebens

and how did those licenses get issued? Do you understand? I called the police to pass by and they didn't pass, there is a reason for that, the police are corrupt". It was only after the community devised a community forum with the police that they were able to enforce some control in the area and temporarily close down one of the shebeens.

The issue of alcohol and the shebeens is also prevalent in the hostels, where the council (deferring to the informal system) perceives that within the hostels, the *Izinduna*, who "are very much still in charge" are thought to be dealing with the problem. Within the hostel there is a somewhat different sense, as mentioned earlier the power that the blockmen and *Izinduna* once had, has certainly diminished. Respondent 3, a long time hostel dweller and Blockman, recounts the fact that many of the hostel dwellers are running shebeens and holding nightclubs and parties within the hostel for which they don't have permission or licenses. A hostel dweller (Respondent 5) who runs a spaza shop from one the rooms, says that the people she is afraid of are the police who raid her and confiscate her liquor even though, mimicking the formal system, she has a "code of conduct", but further than that she does not ask for permission from the previous hostel "authorities". The *Izinduna* and blockmen has effectively become toothless and say that although the *Izinduna* have been asked to close down the parties and shebeens "... he can't close them all, he only managed to close the stockvel parties at night... we requested that they must close their business at 9pm, but its not happening as the owners complain that business is good after hours". The current hostel residents are well aware of the lack of control and one resident, Respondent 14, boasted, "There is nothing that we want to do and fail because this place is no longer under control. Like in this house I can do what ever I want. Even if I decide to sleep with my women while room mate is around, I can do it and no one can stop me". The conflicts within the hostel over land use are an important feature of the current situation, and are seen as a result of there being no system of control or authority within the hostels, either formal or informal.

The notion that the area is stable seems to be in direct contrast with the experience of some of the residents, who argue that Zone 6 has serious social issues that are not being addressed. A focus group participant described the situation as, "we have drugs problem and we are fighting that and there is a serious crime and there is no corner that they don't sell drugs" and children under 12 are drinking in the shebeens.

#### iv. Land use: Formal and Informal

The area is highly varied in its land use and there are a whole range of formal and informal activities that take place in Diepkloof. Within the formal realm, the council reports that there are numerous applications for home based enterprises, the town planning scheme and the by-laws are quite flexible and households do not require permission to start crèches or to practice one's trade or profession from one's home as such households that have hair salons etc do not need to gain any kind of permission just observe by-laws. The same is true for food preparation and the sale for informal

food retail and spaza shops (Nepfumbada, 2008: Pers. Comm.). Although permission is not always needed from the land use department, there are a variety of other mechanisms that monitor and ensure the quality of life and health in the areas (Oakenfull, 2008: Pers. Comm.). Creches are monitored by the Department of Social Development to ensure that the number of children per carer is not exceeded and that the general conditions are conducive to a quality environment for children. At the same time Environmental Health is responsible for protecting the quality of life for the Diepkloof residents (Mathonsi, 2008: Pers. Comm.). The Environmental Health practitioners report that there has been an increase in the number of people involved in food preparation, both from their homes and at the taxi ranks and nexus points. People involved in food preparation are required to meet certain criteria, if they do, they are registered on the local database and issued with R918 Certificates of Acceptability. These certificates are becoming sought after as they mean that the JMPD cannot harass the informal food providers, as they generally do, or confiscate their goods. It also means that food providers can set up shop and provide food at public events such as rallies and soccer matches (Mathonsi, 2008: Pers. Comm.).

However, informal traders seem to feel insecure about their control and use over the spaces that they are in. Respondent 11, who operates a mechanic repair service from a public space, says that "I think I don't have any rights here, because if we could disagree on something they might fire me here, since they are the ones who brought me here". Respondent 15 who runs a spaza shop from his grandmother's property, describes a process of strict control in which his grandmother as the landlord, asked him to move his business out of the garage and into a shack because she did not approve of the sale of cigarettes and wasn't comfortable with his clientele coming into her "garage". The Respondent seems to have acquiesced to her request and now trades from a self-built shack at the back of the property. In contrast Respondent 4 who rents a backroom shack, argues that he does not have to ask for permission to do anything and has made numerous changes to the shack at his own discretion. However, he does feel that if he is going to have a guest for an extended period then he does need to ask for permission from the landlord.

There does seem to be a sense that businesses owners want to formalize, get licenses and register with the council. Spaza shop owners see registration and licensing as a way of protecting their businesses from raids by the police and becoming a "real" entrepreneur, that is protected by law and has a higher status than an informal enterprise. Although many of the respondents said that they did want to register, they were not sure how to go about, Respondent 5, describes her difficulties "Getting a liquor license as my aim is to own a tavern but I can't because of this undeveloped place and I don't have enough information on how to go about that and don't have enough power because I am alone. And don't know were to go for help. I can't even to register my business because it takes time".

v. Resenting the Council: a common practice

Although many of the residents see the benefits that can be derived from working with the council, there are still numerous tensions and conflicts around land and land use in the area. One such is a conflict over who should and should not be allowed to access land was expressed at the focus group meeting, where some of the participants, expressed the xenophobic view that only South Africans should have access to land, shops and amenities, "Someone that come from outside doesn't have the right to come here and get a job, those people from outside are skills that we don't have them here in South Africa. Here it takes taxpayers money that support us. South African taxpayers money can't work for someone from Mozambique, we must understand that clearly, that's how it goes, protocol or whatever by law that's how it should be. They must also understand that themselves and I also support him because he is in the street and he couldn't find a place and those places that have been built at Bara Mall are for South African taxpayers and you must clear on that and them, they should accept that so that they should live peacefully. They must not think that we separate them; no it's like that. After all in their countries that is how we use to survive please". There is a further concern over the impression that some of the land uses are being blocked by the JPC, a focus group participant describes her perception of the process as it now stands, "Listen, that is very interesting, here at the office there is a White man that is responsible for the sites, do you understand? What his name? He blocks everything if you want a site or something you won't get it. The JPC and its followers, we will let it down because they are the ones that block everything. You can't move ...".

However there is also some resentment from residents in both the hostel and living in the township houses over the high-handed way in which development has taken place in the area. Amongst the changes, there has been a mall added, a new taxi rank built and extended, a large church (the Universal Church) has been built, and shops have come and gone (Figure 10). Diepkloof hostel residents seem quite pleased by the family units that are being developed and had different experiences with the different authorities, "At the beginning the City of Joburg informed us with everything that was going to happen. The people who did not inform us is the National Housing Department, we just saw constructions". There is concern about the fact that Phase 2 seems to have hit some major obstacles and that the council has cleared the old soccer fields for the development without the hostel dwellers consent. The township dwellers have also been invited to series of meetings regarding the new taxi ranks and main road, but many of the residents stopped going as they felt there was little point, Respondent 10 who runs an informal store, provides some insight, "Yes we were informed about these changes. They would call for meetings and they told us when they wanted to move the taxi rank, we were informed from January last year. They called us for meetings also every month, telling us that they are going to open up a taxi rank on the 27<sup>th</sup> October. Unfortunately they couldn't. The communication between us stopped because people got tired and they are no longer meetings". She also mentioned that the informal traders told the council that the developments would hamper their business

and that a more phased approach of wait and see should be used, but their suggestions and input was effectively ignored.

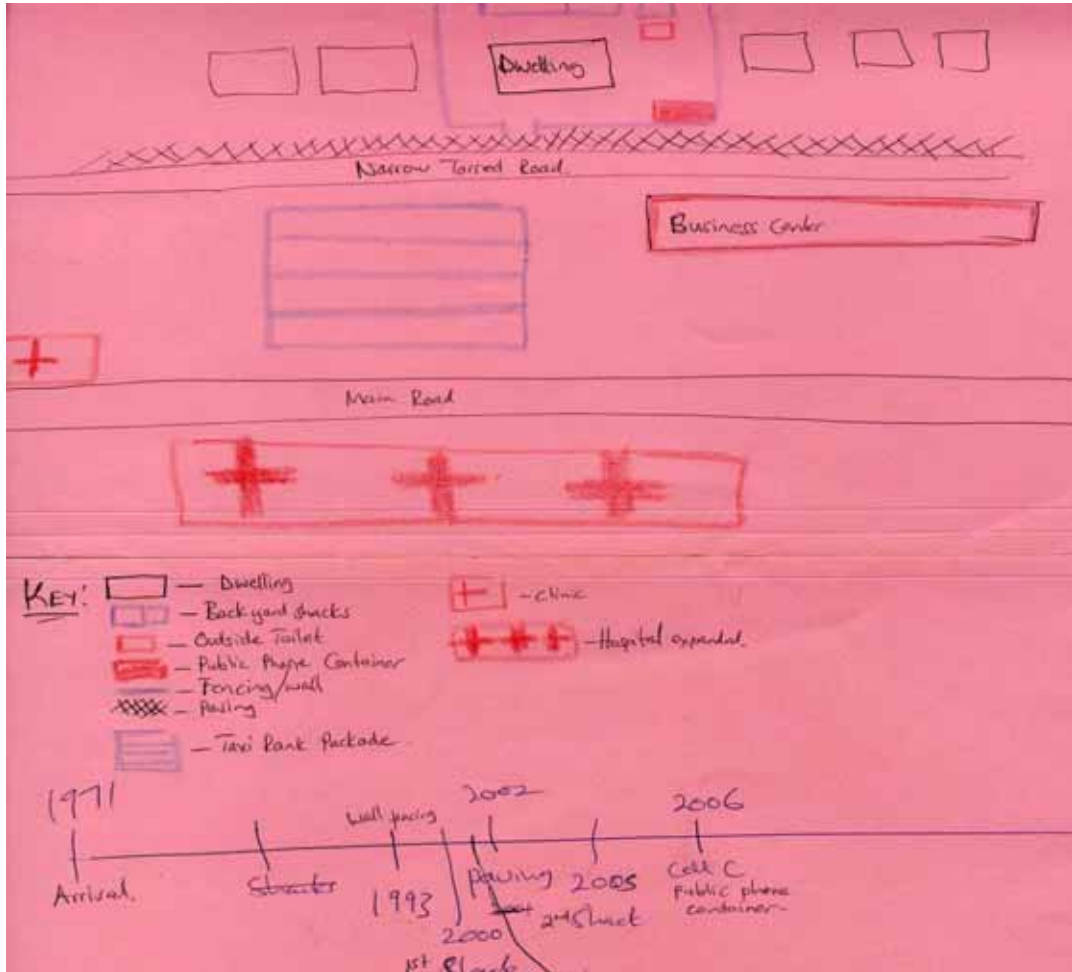


Figure 10: Changes to the community over time



## 5.0 Land Biography: Thokoza

### 5.1 Thokoza Summary

1910-1920	Establishment of first Black townships on the East rand
1920-1930s	Black population increases on the East Rand due to economic opportunities
1948	National Party comes to power
1950-54	Kathorus laid out and construction begins
1955	Alberton buys land for Thokoza and laying out the township begins
1961	All residents from Alberton Township had been moved to Thokoza
1972	Piet Koornhof (Minister of Bantu Administration and Development) excised a large portion (4,058 ha) of Thokoza  Thokoza put under the management of the East Rand Administrative Board
1982	Thokoza has amongst the largest number of backyard dwellers on the East Rand.
1983	68,000 informal dwellers loose their homes and almost half are 'repatriated' to the homelands.
1990s	IFP aattempts to take on a national identity and goes on a marketing and promotion drive and garners a geat deal of support in Thokoza hostels.
1991-92	Violence in the township between ANC and IFP supporters, and fanned by the complicity of the SAPS
1993	In an atmosphere of uncertainty, violence intensified
1994-95	Violence begins to dissipitate

1997	The population of Thokoza is 98 776 with only 14 600 units
2001	The township is seen as having “a close association with Alrode industrial area to the west” and as a “coherently structured space” that is “relatively uniform”.
2006	Title deeds handed over to beneficiaries in Thokoza through the Regularization and Transfer of Ownership (RETRO) scheme hostels also supply the local informal dwellers with access to water, and supply illegal connections to electricity (Respondent 1).
2008	Currently large numbers of housing projects and development planned for and underway in Thokoza

## ***5.2 Thokoza’s story***

### **1920s- The Roots of Thokoza 1940s**

Thokoza’s origin lies in the experiences of settlements that emerged in response to the early goldfields of the east rand, which were home to a series of mines and shack settlements by the end of the 19<sup>th</sup> Century (Bonner and Nieftagodien, 2001). The shack settlements were cleared after the Anglo-Boer War and the Black residents were pushed out of the newly declared white municipalities and into four main settlements in the area. In Boksburg, Black workers were split between the original Boksburg North location (established in 1910) and Stirtonville that was built in the 1920s. Germiston established separate “Asiatic” and Black locations between 1912 and 1913 and Alberton, with the smallest Black population, established its own location after its establishment in 1907 (Bonner and Nieftagodien, 2001). The eviction of especially Black people, is a recurring theme and highlights that for most of modern history, formal LUM in South Africa has doubled as a system for controlling, concentrating and excluding.

The Black population in the East Rand climbed steadily throughout the 1920s and 1930s in response to the increasing lack of economic opportunities in the rural areas and the growth of mining and industry in these centres. The population grew steadily and the townships and their facilities, could not cope with the large influx of rural migrants. Overcrowding and its associated ills became manifest and Black workers found accommodation wherever they could; squeezing into the backyards of white households in the suburbs; on peri-urban plots on the periphery of the town boundaries; and subletting stands from households in the slightly newer location of Dukathole (Bonner and Nieftagodien, 2001). Each stand in Dukthole held an average of 5-6 shacks but 10 or 11 were not unheard

of and each shack was purported to house 5 or 6 people. This meant that by the 1940s the average stand in a location on the East Rand, was home to 36 people without sewerage or even a tap between them. Residents at the time describe Dukathole in particular, as 'a slum, it was filthy' (quoted in Bonner and Nieftagodien, 2001: 6). What this also has meant is that there are well-established norms of negotiation between landowners and people seeking to rent (informally) in the backyard. Although the locations were set aside to hold black residents, the reality was a great deal more complex than that, as individual stand holders, made decisions about who they would or would not sub-let to. Accordingly, some stands were homogenous in terms of race, language and origin of the residents, but many were a cross-section of the "non-White" community, as one resident remembers it, 'It was a mingled mass of humanity of blacks, coloured, Indians and Chinese' (Bonner and Nieftagodien, 2001: 6).

In contrast to the overcrowded and poor conditions of Dukathole, Boksburg's Stirtonville was considered a "model" township, much smaller than its neighbouring township with a total population of 3 000 by 1940, Stirtonville was effectively a location of two faces, the older more prosperous area displayed owner built houses with running water and water borne sewerage, low densities and excellent amenities, whilst the face of the "model" that was generally ignored was the community who had been transferred as an entire population from Boksburg North to Stirtonville in the 1930s. The end result was a divided location in which the older residents were separated from the later arrivals and the Boksburg North residents were divided again into those who obtained a two-, three- or four-bedroomed house, and single men who had been removed from the backyards of white owned properties and placed in one of the 640 sub-economic rooms (Bonner and Nieftagodien, 2001). The different parts of town followed quite different trajectories as those in the original houses and the newcomers in the government provided houses continued to be regarded as a sterling example of Black urban life, whilst the single rooms and their occupants apparently displaying moral and physical decay by the late 1940s.

As the decade progressed the population increased by 10 000 people, and although a further 138 houses were added, they were not sufficient to accommodate the influx of people and as a result the 1950s saw Stirtonville's density increase until the each of the single rooms was housing a family instead of an individual, and most of the formal homes had taken in at least one lodger. The experience of overcrowding is consistent over the decades and sometimes appears to be promoted by the state and sometimes emerges despite the formal LUM system.

The last location in the area was the small and relatively quiet Alberton location, which became known for its slow population increase and relatively good

conditions. Although the houses were mainly constructed of iron and wood, the plots were larger than other stands in the area and could easily accommodate low density urban agriculture and the keeping of a few head of cattle and some goats (Bonner and Nieftagodien, 2001). Although by the 1950s many of the households took in lodgers due to the shortage of housing in the district the location never became as congested as other parts of the East Rand.

In all of the locations, gangsterism – a phenomena dependent on the informal control of land – and juvenile delinquency were rife, and most of those living in the locations at the time, describe the richness of the social life and the squalor of the physical conditions. Households made ends meet by working on the mines (almost without exception men were miners), whilst many of the women and unemployed younger males were engaged in the illicit liquor trade. In the 1930s a survey of employment was carried out and it was found that 75% of women in the locations were engaged in illicit liquor sale. The high rates of gangsterism and juvenile delinquency was very much a result of the fact that the local schools could accommodate less than half of the resident children and most households faced a situation in which parents spent days away from home. In the 1940s a survey concluded that in 70% of households the mother was away for three consecutive days a week (Bonner and Nieftagodien, 2001). Gangs modeled on the American films shown at the local cinema, fought each other over territory and women, but by the 1950s the government saw the gangs as potentially dangerous and aggressively subdued them.

By 1948 the Nationalist government had come to power, making campaign promises of curbing the urbanization of the rural black population through much more specific land use controls. It was a winning formula that offered White farmers the chance to hold onto to their cheap and exploited black workers, whilst promising white suburbia that the tide of black migrants would be effectively held back. The Nationalist government increased arrests and convictions for pass law infringements by a quarter in its first year alone and instituted the *dompas*, which unlike its predecessor the “middle pass”, had a photograph of the pass holder and could not be shared (Bonner and Nieftagodien, 2001).

### **1950s    The Birth of Thokoza**

By the early 1950s the congestion in the locations, particularly those in Germiston, had eventually become recognised as intolerable by the authorities. The catalyst that appears to have highlighted the deplorable conditions was municipal calculations of (cheaper and greater) labour inputs to support and enhance the predicted economic growth in the vicinity. Such circumstances hint at ambiguous motivations for providing more land for residential purposes: how

much of the provision of new land was related to improving people's living conditions and how much was it related to ensuring a supply of cheap and controlled labour? The ambiguity of formal land management is a consistent theme in Thokoza. Nevertheless, the local authority began to layout and subdivide the land into the three main townships that would comprise Kathlehong, Thokoza and Vosloorus (the so-called Kathorus conglomeration).

Kathlehong was laid out first on the farm Natalspruit and consisted of sites on which one and two roomed houses could be leased for 30 years (Bonner and Nieftagodien, 2001). Many of the original residents were under the impression that it was a rent-to-buy scheme and would own their properties at the end of the 30-year period, this however, was not the case. Thokoza was also established in terms of the provisions of the now repealed section 35(3) of the partly repealed Black Communities Development Act, No. 4 of 1984. The township establishment process was however not completed before Act 4 of 1984 was promulgated and therefore the townships are deemed to be established as mentioned. However the Gauteng government has no record of the approved layout plans for the township and therefore we have no record of the zoning or land use of the erven at the time of its establishment and as with Diepkloof there were no conditions of establishment issued (Smith, 2008: Pers. Comm.).

Between 1950 and 1954, 3,000 sites were laid out and houses were built, their construction and financing took a number of forms, most of which came in the form of assisted home ownership. This meant that prospective households could lease a home from the council or could contract an African sub-contractor who had permission from the council to build the unit. House sizes ranged from large 5 bedroom units on a double stand for those who could afford it to one bedroom council subsidised (and often rental) units for a more indigent population (Bonner and Nieftagodien, 2001). The creation of the new townships meant that the African population was effectively spread across the East Rand in a number of townships. Although, the allocation of more land had been made in the establishment of Kathlehong, it had done little to absorb the Black people living in suburban backyards and farmland on the periphery. With the motivation of controlling the urban Black population ever present in their minds, the Nationalist Party led-council hastened the provision of more land through the establishment of Vosloorus and Thokoza as a means of concentrating the population. Anxieties over an 'uncontrollable' urban Black population were exacerbated by the ANC-led Defiance Campaign which began in 1952.

The provision of additional land for urban Black households did not automatically translate into enhanced (or redistributed) funding streams for servicing and the construction of housing. Although in some cases, only a plot seems to have been allocated to households, it was clear to the authorities that merely providing land would result in environments that were as difficult to police and control and

that a very basic level of servicing and housing would be necessary to achieve some level of ordered land use. The dilemma of providing more land but not wanting to incur greater costs or burden 'White' municipal authorities in servicing and improving the land was to allow cheaper Black labour to construct structures in the townships through promulgation of the Bantu Building Workers' Act of 1950. The effect of this Act was to reduce building costs (within townships only) to almost half of their previous levels. The financing of construction on the newly provided land was supplemented by a levy on Black employees through the Bantu Services Levy Act of 1952.

In 1954, a further policy decision of insisting that municipalities in Kathorus charge 'economic rentals', so that all households earning over a certain amount would have to cover the costs of their own units, allowed the freeing up of money for new land provision and housing schemes (Bonner and Nieftagodien, 2001). Economic rentals and tensions between standholders and lodgers was the key issue that brought attention from the national and provincial to the local by the ANC and CPSA. It was the necessary call to arms that politicised large portions of the Kathorus community and created tensions within the community and with the local councils that would remain as the foundation for political violence in the area for years to come (Sapire 1992). The calculation of the house rental amount and implicit calculation of the value of the land is also a key issue that reaches into the present.

The town councils were instructed to utilise the available funding to provide land and establish new townships as soon as possible to gain control over the Black population. They were instructed to first set up a site and service scheme in which each plot would be provided with basic water and sewerage supply as well as a one bedroom shack and later when more funds became available a one-, two-, or three-bedroom house. The differentials in improvements to the land were used as another mechanism of division and control.

Thokoza's origin was based on these events and then a final agreement between Germiston and Alberton council's in which land rights were swapped and Alberton was given access to part of Natalspruit to set out the new township (Vermeulen, 1981). In 1955 Alberton had obtained 863.7836 morgen in Natalspruit, and learning from the lessons of Kathlehong and Vosloorus, proceeded with a much smoother township establishment process. Between 1958 and 1959 the township was laid out on a subsection called Palmietfontein and proclaimed under the Native Urban Areas Consolidation Act of 1945. In a process common to many other forced removals, and with the remarkable disdain and arrogance born of assumptions of racial supremacy, the authorities renamed the land as Thokoza meaning "place of peace" (Government Gazette, 1959). By 1961 all of the residents from the Alberton location had been 'successfully' moved to Thokoza. People in the focus group remember, that they

“... were the first residents here in Alberton because we were living in the old Alberton area” and when Thokoza was developed, “They [the authorities] would give us numbers and we would go and register and when your house has been completed then they would call your number and then you would know that your house is completed”. The renaming of land is a critical part of its management and while the formal name usually corresponds to the cadastral boundary, informal management systems develop their own means of distinguishing areas. For example, the Councilor describes the informal naming of areas in Thokoza: “we make the border at Buthelezi Street. It was at the edge of the street and here that where another section start. We call it Basothwini, Phenduka section and here it is Phumulamqashi” (Respondent 32).

The urbanisation of members of rural households was driven by increasing rural impoverishment but access to urban areas was highly constrained. The oscillating patterns of migration established through the application of Apartheid policies reinforced the importance of maintaining rural ties. Navigating the brutality of urban Apartheid meant that social and family networks that often reached back to rural areas were incredibly valuable in maintaining a toehold in the urban system. The importance of social networks does not seem to have diminished over time.

### **1960s Life in Thokoza**

In Thokoza, the Alberton Council constructed a series of government aided houses as well as building three hostels, the Madala, Buyafuthi and Umshayzafe hostels constructed between 1961 and 1981. The hostels figure prominently in the LUM of Thokoza and it is therefore necessary to attend to some aspects of their history. The land for the hostels was set aside along the main thoroughfare of Khumalo Road in Thokoza. The land was big enough to construct brutally rudimentary hostels for 2,500 men. Despite the controls on this land use, the population of the hostels had climbed to about 13,000 men by the 1980s. On the one hand, the difficulties of managing the labour migrant process put a high value amongst migrants of finding and maintaining social networks with those from the same area and language basis. On the other hand, even within the land set aside for hostels, the administration reinforced ethnic, language and geographical distinctions through the allocation of hostel spaces.

It was perhaps the intensity of the ties to rural areas and adherence to values associated with rural life that marked the hostels out as different from other residential land uses in Thokoza. Thus, in addition to the physical systems of control that sought to isolate residents in the hostels from residents in the townships, the hostel dwellers considered their township neighbours to be lacking in values and many of the hostels developed systems to insulate the

young hostel dwellers from what was considering the corrupting influences of the surrounding area, a difficult task considering that the hostels, particularly those in Thokoza, were located in the centre of the newly designed townships. Young migrants often had older mentors who gave advice and guidance to newcomers, the mentors monitored their protégés behaviour, their spending patterns and their leisure time, all of which was accomplished in an atmosphere of profound and utter respect of the hostel elders. These older and more experienced men were referred to as “Big Brothers” and controlled the younger men’s salaries, “He [the Big Brother] would give you some of it, and save the rest, but if they found that you take some of the money from your salary before the Big Brother has it, oh...my god you will be in big trouble. Such things made people disciplined and work for their families” (Respondent 2: Long Time hostel dweller Thokoza).

The hostels in Thokoza were designed in one of two formats: either a series of divided rooms or long dormitory rooms both with the most basic of communal facilities. The hostels offered cheap accommodation, but were generally dirty and residents lacked privacy and despite the mentoring systems many dwellers lacked respect for many of the mores of traditional life. Many of the hostel dwellers could not return home more than once or twice a year and as a result invited their wives, during the fallow agricultural periods in the rural areas, to come to town. Couples would then take lodgings in the town and rent kitchens or other empty spaces from home-owners. For their part township dwellers would buy meat and liquor from the hostels and buy baths and hot water from the hostel dwellers. In some cases, hostel dwellers purchased houses within the township but continued to live in the hostel. Respondent 27 continues to reside in the hostel but has informally purchased a house in the township and rents it out. These complex forms of interdependence have re-emerged after being swept away when the violence convulsed the area in the 1990s.

**Box 2: Thokoza’s Hostels: *Izinduna*, Headmasters and Blockmen  
Respondent 2: Long Time Hostel Dweller and Induna**

I started here to be a head master, I was chosen by the people. I was not a head master from home and in other hostels the head master was chosen by the king from their village So this means that I’m a head master not only for the king’s people Enquthu, but of different kings. There are nine kings at Enqhuthu, all the people of Enqhuthu were called together including the kings themselves and I was chosen to be a head master, but I firstly reported the matter to the king that I’m under, so that it will recognize me as the head master.



The work of the head master is to resolve conflict among people, for example if there was a conflict between someone from Enqhuthu and someone from Emsinga, I'd contact the person in charge at Emsinga to resolve the issue, then the person that is found to be guilty must apologise in the traditional way with a sheep or cow and even money. If it happens they kill each other, that's where I come in, I'd send a report to the king every year. I once sent cows to Msinga from the Ntenga family. I play a very huge role in the community, sometimes people fight over girls or when they are drunk or sometimes they make an issue out of the tissue, but if one is dead...that's where I come in. because two nations of two different kings might be at war and that shouldn't happen. The problem must be resolved. Now the work it's more difficult since females are also staying here, the fights are about lovers, someone is raped, someone dumped someone etc. the nation or the people might be at war and resolve the problem

Gaining access to the hostel was originally a matter of applying to the Council for a bed, paying for an initial permit and then paying a monthly rental to the municipal workers who had an office at the entrance to the hostel but were not well liked by the hostel dwellers who saw them as the one point of contention in an otherwise harmonious atmosphere. Hostel dwellers were also vulnerable to police harassment and were often accused and convicted of pass offences. The sentence for pass offences was not jail time but forced servitude on a farm, where they worked out their sentences in an atmosphere of poor food and worse treatment.

The hostels represent a very particular space in Thokoza in that they were heavily invested in many different ways in maintaining rural links. In some senses, they appear as islands of an imagined rurality in the heart of urban Thokoza. While ties and perceptions of rural values have played an important part in township dwellers' urban lives (James 2007), the hostels by default and design reinforced the assumptions of temporariness by workers, allocated spaces on the basis of ethnic and rural identities and allowed forms of authority to emerge and function that had their foundations in more traditional accounts of rural lives and areas. This analysis points to ways in which social relations were set up to work over great distances and a wide geographic area – transmitting and concentrating social dynamics from rural contexts to urban and from urban to rural. But, of course, the hostels were not the islands that the planners and land use managers assumed them to be and over time, the hostels would act in different ways on their surrounding areas. The obvious example, is

how the hostels would come to function as a lightning rod for the broader political dynamics in the 1990s but there were also more quotidian effects that arose from the different levels of servicing that were provided so that people outside and adjacent to the hostels would come to depend on them in complex ways (for example water, ceremonial space).

By the late 1960s deteriorating social conditions and fewer jobs lead to the re-birth of gangsterism in the Kathorus region, and an increase in overall crime. The overall increase in violent crime was a growing feature into the 1970s, particularly in Kathlehong, but was generally confined to the township and to township residents. Although most of the crimes were committed by gangs, they were not confined to gang members and ordinary members of the public were victims of violent contact crimes including rape, murder and violent assaults. The territorial control by the gangs prefigures the informal land control systems that would be set up by the BLA councillors in the late 1980s (Sapire 1992).

### **1970s An articulate housing strategy for Thokoza**

If we could characterise the informal systems of LUM as functioning with horizontal reference points, then the formal LUMS tend to operate with vertical reference points. A parcel of land with cadastral boundaries remains the same parcel of land irrespective of the level of government at which management occurs and land administration can 'slide' up and down these levels without reference to the actual land itself – although the consequences of different scales of government would vary dramatically. By way of example, in 1972 Piet Koornhof (then Minister of Bantu Administration and Development) excised a large portion (4,058 ha) of Thokoza from the local municipality and vested the management of the land under the newly established East Rand Administrative Board (Government Gazette 1972) which had more direct links to national government. The function of the ERAB (and others like it) were to control and administer the land and were integral to grander spatial imperatives of segregated development to create 'Bantustans' and native reserves. In 1973 control of the Kathorus townships was transferred to the ERAB and as such represented a new attempt at land use management.

But while the management of land can slide up and down levels of government without much reference to the land itself, the administrative systems – the people, files, offices, etc. – that are associated with land management is not as easily ignored or changed. The process of setting up the ERAB required a great deal of available (but already constrained) government resources which left even less for formally providing more land for Black urban development. The reconfiguration of administration created an acute land and housing shortage in which large numbers of residents were left without the possibility of gaining

their own accommodation. Demands, by the ERAB itself for greater land provision, fell on deaf (national) ears.

Land in the Kathorus region remained overcrowded, with very little accommodation that could be purchased and none that could officially be allocated to women who felt the brunt of the racial and gendered location system. While local residents had witnessed the enormous economic development of the East Rand, very little of this growth translated into real increase in wages and decreasing living costs through distributions across (racial) land use categories. As a result local residents began to strike, starting with a few smaller collective actions at the beginning of the decade and spreading steadily across the East Rand. Economic motives were not the only reasons for local strikes and in a move that précised the 1976 riots, parents and teachers at the Thokothabo Secondary School marched on the school in protest against the newly appointed head master. June 17<sup>th</sup> 1976 showed collective mass action by students in support of their Sowetan comrades and the following week brought violent protests in the hostels and the township, with Thokoza at its epicentre that needed the police to quell it. The next few years saw strikes, mass action, protests, and consistent unrest in the area. School children, the youth and political activists were at the centre of the continued unrest. A land use management system that had concentrated people in poorly serviced conditions contained the conditions for its own demise by creating a motivation and platform for co-ordinated protest.

The 1970s had also seen an increase in the residential population of Thokoza as land set aside for industrial purposes in the Alrode township developed and more migrants poured in. Respondent 2: a long time hostel dweller, remembers that when he moved into the area in 1975 work was plentiful and relatively easy to get. In Thokoza, the population was calculated to have doubled between 1970 and 1975 (from 27,673 to 47,900) but with almost no land made formally available and only of 38 houses being built in the entire decade.

It is noticeable how, particularly from this period, onwards the dominant urban narrative becomes focused on *housing* rather than *land* – despite the provision of land being far more fundamental than housing to the process of urbanisation and transformation of South Africa's cities. Thus, by way of example, the dominant statistics from the period privilege data that an estimated 69,000 people lacked their own housing in Thokoza in 1987. Isolated references on land densities, such as the calculation in 1988 that most stands housed 16 – 20 households, stand out because they are rare. However, these are rarely converted into a demand for more serviced land and far more likely to be considered part of the 'housing crisis'.

The government well-aware of the 'housing crisis' continued to deny the ERAB's

applications for more funding and even reduced financial allocations for urban Black housing in the Kathorus region. The government did articulate a new housing strategy, which gave priority to those who could afford serviced plots and who had the means to either borrow or self fund the building of their own homes on these plots. Funds were also made available to households who earned R150 or less a month. Although some housing projects did take place in Kathlehong by the mid-1980s housing provision for Black residents was clearly not a priority for the Nationalist government and emphasis was placed on the private sector as the housing provider for the low income Black community. Unfortunately, banks, who were expected to provide finance for Black home builder and emerging home owners were reluctant to get involved in what they saw as a high risk market sector. Since the vast majority of households could not service bonds, the Banks eventually landed up lending only to the wealthier portions of society.

**1980s** Since the population was increasing exponentially and the formal provision of land for housing provision was not even close to keeping pace, backyard shacks and squatter settlements sprang up all over the East Rand. By 1982 Thokoza had amongst the largest number of backyard dwellers on the East Rand, the ratio of backyard dwellings to formal houses was calculated as 2 backyard shacks for every one house (35,000: 17,500). Almost ten years later the informal population was estimated to have increased to 65,000 shacks. The shack dwellers were originally forced to pay levies to the local municipalities, it was hoped that the costs incurred by the informal dwellers would dissuade them from staying and they would move on. The opportunities, however, provided by the continuously industrialising East Rand and the lack of opportunity in many other parts of the country meant that few if any chose to leave (Sapire 1992). As a result, the administrators of Kathlehong engaged in large scale forced removals, in the first six months of 1983 over 68,000 informal dwellers lost their homes and almost half were 'repatriated' to the homelands. A number of civic and other organizations protested but the forced evictions continued. The Thokoza Council intended to follow suit but by 1984 the outcry could not be ignored, not to mention the fact that many council members were renting land to informal dwellers and were reluctant to lose their secondary income. There has always been a complex interdependence between informal tenants and formally recognised land holders. In the focus group, participants explain that:

"Our fathers, meaning our husbands, used to go to the hostels to shower and they would buy meat and braai over there and drink there. Life between the hostel dwellers and the township residents was good and we were one with them... We were not enemies like now. If you wanted to bath you'd go to the hostel because at the hostel their water was always hot and they used to give them free coal and here at the township we bought that coal. So we would go

to the hostel to bath... the hostel was so tidy and neat. They used to deliver coal and wood for them for free but now you no longer see that. And they had TV's in the hostel but not in the location...".

Officially Thokoza's population expanded from 35 000 to 50 718 in 1981 to 228 000 between in 1990 (Vermeulen, 1981; Bonner and Nietfagotdien, 2001), the resultant overcrowding meant that the facilities originally provided by the Alberton City Council when the township was established, were certainly not sufficient for the flourishing township of the 1980s and 1990s. Again privileging a housing perspective rather than the land issues, the number of people per unit was estimated at 8.2 people. Some of the most obvious problems in Thokoza were the burst sewerage pipes, which burst as a result of overuse and the streets ran with raw sewerage for a number of years. Water was also generally in short supply and eventually fire engines had to be brought in to supply water to the residents. Refuse removal, provision of recreational facilities, and care for the sick, elderly and very young were clearly notable for their absence in all three of the Kathorus townships. Only one old age home existed in Kathlehong (Vermeulen, 1981). In terms of commercial activities, there were some informal activities but no informal markets were recorded in 1981 (Vermeulen, 1981). The lack of funding rested on the premise that the townships, according to central government, should be financially self-sufficient. Town councils were encouraged to exploit the rentals from state supplied housing and to increase the tariffs on various services. Although there was some token resistance by the Council's on the East Rand, by the mid-1980s most had instituted this system. However the emphasis on rental collection in the mid-1980s coincided with an economic slow down, and many of the households could not afford the newly increased rentals.

The breakdown of the municipal system of control appears to have reinforced the importance of social networks as an alternative entry system in the ways that people accessed, held and traded land in the precinct. As a male backyard tenant observes:

"The best thing is to network with people, ordinary people. If you are working talk to people at work or if you go to church tell people or if you go to library tell people that you are looking for a place to rent, they can help because you can't wake up in the morning and look for a place to stay by doing door to door. You won't find it" (Respondent 19, p2).

By 1984 Thokoza recorded the third largest arrears of R340,399, which almost doubled by the following year to R626,153. One of the focus group participants was able to give an account of what happened at the time "I think it was 1988 or 1989 the whole of Thokoza did not have any electricity and there was a blackout.

So people couldn't pay their services because it was dark and there was no electricity but after that people received statements that they did not expect for electricity and water. People did not understand how this can be because they did not have those services for long. Some of the people owed something like R25000 and they were requested to pay them but they couldn't afford". Clearly the municipality's debts were passed on to Thokoza's residents. The Black Local Authorities (BLAs) who had become responsible for housing and infrastructure provision in 1977, were due to be elected in 1983 and on 16<sup>th</sup> September 1983 the establishment of Thokoza Town Council was gazetted (Government Gazette, 1983). The BLAs had monopolised political control in many of the East Rand townships, and had limited support from both Black residents, who saw them as useful mediators, and White officials, who thought of them as a controllable and less radical form of Black authority than any other option. The BLAs were often corrupt and worked off gang-like territorial systems of patronage and cronyism that made housing and business stand allocation an obviously and categorically unjust process. Funds were collected from the local residents to build old age homes and other communal facilities, but the money was instead used to build private homes for the BLA members and private shops owned by the councilors and rented out.

Respondent 25, a grocer with a formal shop just off Khumalo street, remembers how he applied for a shop in Matondo Street, to the local councilor who was advertising commercial sites for a stand to build a business he "was lucky" and was allocated a stand in a row of shops close to Khumalo Street. But it was not just luck that was needed to get a place, a person also had to prove that they had capital to start the business, experience and prove that they had come from and were a resident of Thokoza. All of the applicants, of which there were many, were screened by the Councilor and three or four other people. The Councilor approved the application and he was issued with a letter that told him which stand he had been allocated, how big the space was (m<sup>2</sup>) and that he was the official stand holder. The letter also made it clear that he was the leaseholder for the next 99 years. The shop-owner was responsible for putting in all services and building the formal structure, all that was supplied was the open ground.

It was partly in protest against the BLA that the Thokoza residents staged a rent boycott, which resulted in the large amount owing to the council. By 1985 Kathorus was considered ungovernable and a State of Emergency was declared. Student and trade unionist movements had, for the most part, combined and leaders and activists of both were harassed, assaulted and arrested causing a lull in political activities in the area until the early 1990s.

The lack of political activism, closing of schools and violent oppression opened the door to the reawakening of the gangsters and their informal systems of territorial control, which the disaffected youth used as a way of expressing their

anger and filled the vacuum caused by political repression. Street committees took matters into their own hands and dealt with crime and criminals in a series of kangaroo courts that meted out immediate and often violent retribution. Housing and unemployment continued to plague the area and although there were one or two housing projects with active urban NGOs and civic organizations, government remained disinterested in low income housing provision. By 1987 Thokoza was the most congested township on the East Rand, a situation caused by the lack of housing provision was made worse by the high rents that stand holders were demanding. In effect the stand holders were passing on the increased costs that they were experiencing due to the “The Great Sale” of the mid-1980s, which was effectively based on the principle of either buy your property or lose it. Households thus pushed up the rentals of their lodgers or crammed even more people into the yards in order to gain the necessary funds to hold onto their stock (Sapire 1992). Other households, who could afford their own homes, nonetheless jumped on the band wagon and increased their rentals or density with a view to making a profit during this difficult time. The conditions under which the backyarders were living were unacceptable, 1 toilet for every 11-15 people and 1 tap per every 150 and constant conflict and tension brought about by too few resources shared by too many people.

The ‘schizophrenic’ approach to informal land use which Sapire (1992) draws attention to, is highlighted in 1987 in the case of the council’s establishment of an informal settlement of 500 households near to the Thokoza water tanks – due to their previous demolition close to the coal yards. Another informal settlement was set up on what was to become Phola Park to pacify the Red Cross who objected to the forced removals and demolitions (Baskin, 1993). The original settlers near the water tanks were removed to Phola Park and by 1988 the population stood at 15,000. Phola Park expanded even more when the Council levied a R20 charge on all stand holders per shack, the stand holders simply passed the cost down and added the R20 to the lodgers’ rent, ‘they found it hard to accept living in such conditions when land in close proximity was lying vacant’ (Baskin, 1993: 2). As a result by 1991 the population of Phola Park was estimated to be between 24,000-30,000 people serviced by only a few dozen toilets and virtually no access to water. The majority of the Phola Park residents were Xhosa, many of whom (47%) said they were long-term residents but 51% were temporary whose main interest was earning money to be taken back home and invested there.

Although the residents of Phola Park were promised houses by the infamous BLA and some residents were even ‘sold’ stands, the Thokoza Town Council claimed that it needed the land to pay off the debt, which was caused by the rent and services boycott. As a result they started an eviction and relocation procedure, allowed under the new amendment of the PIE Act, to move the informal

dwellers to a site and service scheme in Kathlehong. In a move that only served to reinforce residents' perceptions of the ways in which land use management systems could be nefariously manipulated, the Thokoza Town Council (TCC) claimed that the land had been zoned for industrial use and therefore people should be evicted so that the land could be developed for that purpose (Baskin, 1993). The process was eventually stopped through a judicial injunction as the community and its representatives argued that although the land had been zoned for industrial use, there was no industrial development plan and very little likelihood of real industrial development. Although the community won its case it was not before 2000 people had had their homes destroyed and been moved across.

The lack of investment in the townships was also obvious in the hostels, where conditions were deteriorating by the mid-1980s, a situation that was worsened by the removal of influx control measures and the increase in the hostel population, as people crowded into any available shelter. The hostel officials were threatened or coerced and many left the management of the hostels in the hands of the hostel dwellers. The conditions deteriorated in the hostels as the number of people sharing rooms and facilities increased.

Over time the way in which people got hostel beds also changed, and it became increasingly difficult to get a permit. Some of the problems were due to the fact that the municipal offices moved into town and away from the hostels themselves and the cost for a bed increased, both of which made it difficult for people to afford the permit. It was reported that by the mid-1990s, hostel permits cost between R27 to R30 but there seems to have been a conflict over the cost and some of the officials were claiming that the new permits cost between R50 and R60. Due to the high price and the sense that people were being cheated a number of new applicants and older hostel dwellers just stopped paying for permits. The Council responded by cutting off the electricity supply (the water supply has never been discontinued in the hostels). The permits were also dependent on having a job and those people without one were sent back home (Respondent 2).

The strain on hostels in Thokoza was made worse in the Khalanyoni Hostel close to the Phola Park informal settlement. The informal dwellers with virtually no access to water relied on water from the nearby hostels. Women, whose traditional job it was to fetch water for the household, struck up relationships with the hostel dwellers, a move that was disapproved of by the hostel elders. There were also tensions between IFP and ANC hostel dwellers, as each responded to the calls for stay aways of their particular party and ignored that of the oppositions.



**1990s Violence, faction fighting and a complicit state**

By the early 1990s the IFP was attempting to take on a national identity and went on a marketing and promotion drive. This garnered a great deal of support amongst the Zulu hostel dwellers but created an uncomfortable situation for non-Zulu tenants who began to feel that it was time to leave. Tensions climbed and open warfare was eventually sparked by a fight between a hostel dweller and Phola Park resident, which resulted in two deaths (details are uncertain). What, however, is certain is that the fight catalysed open fighting between informal dwellers and hostel dwellers, resulting a series of violent clashes and deaths throughout the Kathorus area but focused on Thokoza (Figure 11). In the ensuing violence Khalanyoni Hostel was razed to the ground and its very bricks carried off and used in the construction of houses in Phola Park.

War raged for the next few months as both sides attacked and killed innocent township dwellers, burning houses and shacks and killing anyone seen as belonging to the opposition. Respondent 19a: a female long time township dweller was dispossessed of her house and first moved to Orange Farm informal settlement to escape the violence and then Phola Park. In Phola Park, 150 people were killed and hundreds of shacks were burnt to the ground at the height of the fighting in 1991 (Baskin, 1993). Throughout 1991 and 1992 violence continued, the fight was fanned by the complicity of the SAPS who escorted and encouraged Zulu fighters, mercenaries who supplied arms and expertise and the main bodies of both parties who saw Thokoza as the perfect microcosm to fight a much bigger ideological war. The state added to the violence by sending in their own forces, under the guise of quelling the violence (Human Rights Commission, 1992). By 1993 anticipating the transition and the prevailing sense of uncertainty, violence intensified particularly around Khumalo Street, where non-combatants were cleared and Zulu war-lords took over most of the hostels and many of the houses (Anonymous, 2008: Pers. Comm.). The ANC supporters responded by clearing the local informal settlements of all Zulus. Zulu residents either sought sanctuary in the hostels and changed the profile of the hostels from bachelor to families or returned home. Their places were taken by young men from KZN who wanted to fight for the IFP and what they perceived as Zulu identity. Hundreds of people were made homeless by the violence and whilst the rest of the country celebrated its first free election, Kathorus and especially Thokoza, was gripped in faction fighting and entrenched systems of violence.

In the period preceeding the violence, the Phola Park community in conjunction with a wide variety of partners, including: Planact, COPE, Trees for Africa, the Women's Development Bank and the Legal Resources Centre initiated a development scheme based on the needs of the community and funded by the Independent Development Trust. The process was interrupted by the faction fighting of the early 1990s but by the beginning of 1992 the project was back on

track (Baskin, 1993). The process tried to make community planning a reality and had to deal with the large variety of agendas within the community and the scars of violent trauma, which influenced planning and urban design. The development plans were literally stopped dead, when the members of the Development Committee in charge of the project, were systematically murdered (Baskin, 2008: Pers. Comm.).

Although most of the community supported the project two elements within Phola Park saw the project as a direct threat to their way of life. The first were the young men who lived in the hostels and in the informal dwellings, and considered themselves to be temporary residents of Phola Park. They were motivated by making money as quickly as possible sending it home and returning home as soon as possible. They were not interested in investing either financially or emotionally into the area. They had ignored the participatory project but violently objected to any process that meant that they would have to pay more for the services that they received. The second element was the Mozambican migrants who had been invaluable during the violence. Their military knowledge and contacts had meant that the community had access to weapons and expertise that was considered vital during the battles of the previous few years. The Mozambicans had found a place to live in Phola Park, and were generally located on the outside of the settlement as the first line of defense. When the new development project was being developed, it became clear that the subsidies, housing and other benefits would only, as a matter of policy, be available for South African citizens. The project would in point of fact evict these residents and deny them a part of the new Phola Park. They felt that they had to stop the process because as Baskin (2008) put it, "If not Thokoza, then where?". The violent murder of the Development Committee meant that the project never really got off the ground and most of the partners understandably pulled out of the process (Baskin, 2008: Pers. Comm.).

In 1997 the population of Thokoza in 1997 was 98 776 according to the Census and had a total of 14 600 units, with an average family size of 8.2 people. In 1997 only 25% of the residents had completed highschool and the average household income was about R1 342 per month. The township was described as having no central business or industrial center and is characterised by its backyard shacks (Levintow, 1997). The local council in the form of the housing, social development and health officers barely went into the area at the time. The Environmental Health Practitioners became effectively office based after one of their number was shot through the arm in the early 1990s (Anonymous, 2008: Pers. Comm.). When they did go in, mostly to deal with the large numbers of households who kept animals, predominantly cattle, on their stands and in the open spaces, they faced a great deal of intimidation and threats of violence. The response to spot-fines was also so violent that it was only recently that the health practitioners began issuing them again. The majority of residents also

resisted by-law enforcement because they felt that the system was derived from Apartheid laws and intentions, which they felt, in a sense, obligated to try and ignore or rebel against (Anonymous, 2008: Pers. Comm.).



Figure 11: Photograph in Thokoza taken in the early

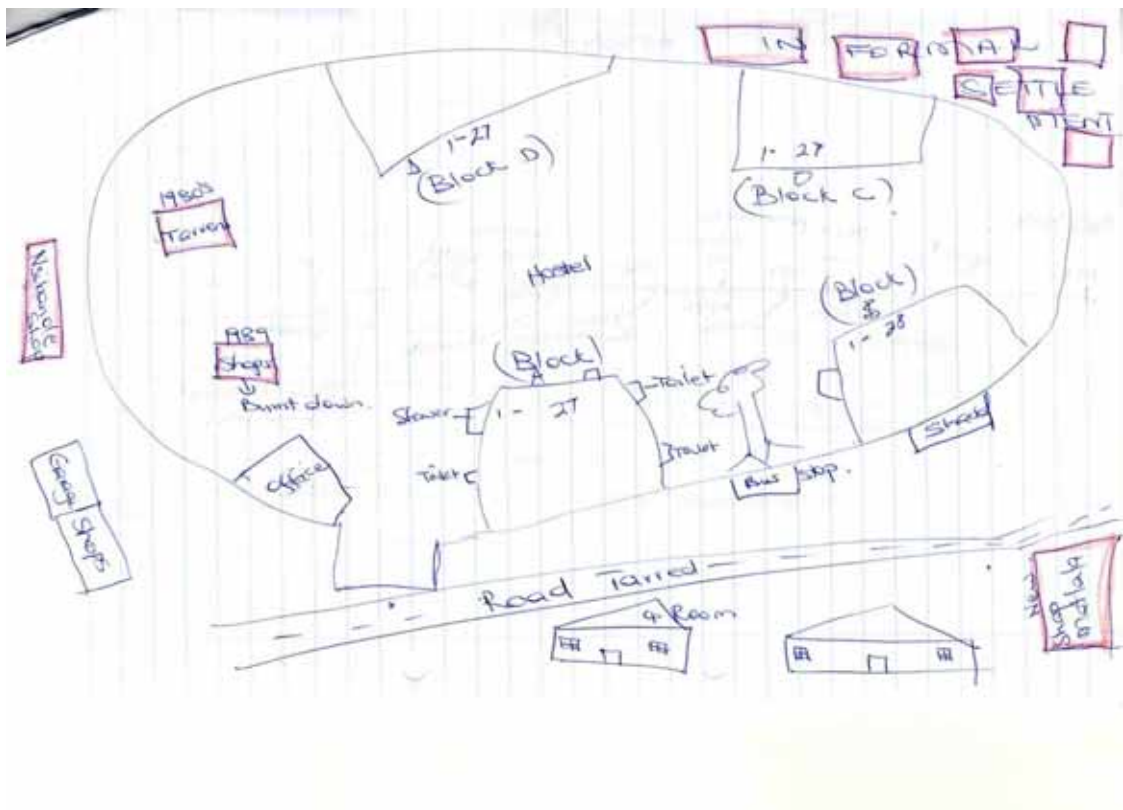


Figure 12: Growth and change in Thokoza hostels over time

**2000-  
2008**      **Thokoza today**

In 2001, Skosana (2001: 47) described the township as having “a close association with Alrode industrial area to the west” and as a “coherently structured space” that is “relatively uniform”. In the general Kathorus region there was a great deal of informal activity, and a sense that the streets were public space to be used by all residents for a variety of purposes. Backyards were also seen as densely utilised by the homeowners and the backyarders for a number of activities that literally go on around the clock (Skosana, 2001). The informality has been growing over the last few years, basically since people have been allowed to move freely (Anonymous, 2008: Pers. Comm.). In Thokoza the informal settlement behind the hostels, has also seen growth over the last few years (Figure 12). In processes that reach back into history, in 2000 when Respondent 22, a female informal dweller, wanted a place in the settlement she was shown a piece of land by the “owner” of the stand, and told that she could stay free and build a shack, but she had to produce “An organization card”, which would prove that she was a card carrying member of the IFP. Apparently the “owners” no longer require this proof even though to currently get access to the settlement applicants have to go to Mam’ Mtungwa, who is the women’s representative in the local IFP structure, who in conjunction with the local councillor decides whether to give a place or not. In this sense, the informal system of allocation appears to run in parallel with the formal allocation mechanisms overseen by the (formal) councillors. Informal dwellers do not seem to feel that secure, and one resident was recently told that they are going to build a stadium where she lives and she and her family will be moved into other housing, which she does not want to do but feels she has little choice.

In 2006, title deeds were handed over to beneficiaries through the Regularization and Transfer of Ownership (RETRO) scheme (GPG: 2006), in which households who had been paying rent and could prove it, were either offered their homes at a hugely discounted amount or were declared the owners and the title deed was transferred into their names (Edwards and Sagsamy, 2008: Pers Comm.). At the same time housing that had been abandoned and taken over by IFP supporters, was returned to the leasers of record, most of whom were still in the area, and given ownership (Anonymous, 2008: Pers. Comm.). The process is, however, still not complete and housing officials have mentioned that the transfer process is still underway in some parts of Thokoza. The perspective of the participants in the focus group is illustrative of a crucial lapse in formal land use management during the violence of the early 1990s that continues to have repercussions. What the focus group members point to is the uneven application of formal land use management systems. In the violence that convulsed the township in the 1990s, many people fled their homes.

There are a number of housing projects underway at the moment and the housing department is attempting to work its way through the applicants from 1996 and 1997 before moving on (Edwards and Sagsamy, 2008: Pers. Comm.). Thus far there is the Eden Park project, in which Extension 4 will provide 199 units and Extension 5, which is the much larger of the two, will offer 2 200 low cost subsidized RDP houses, Phola Park, which is a Presidential Project, is still under way, Tinasonke, which will be completed in 3 phases has just started on providing housing for the 178 households that were removed from Kathlehong, and the approximately 350 households, who were removed from Alberton Station (Edwards and Sagsamy, 2008: Pers Comm.). There are also plans to “deal with” the hostels, and at the moment the plan is to knock them down and provide alternative accommodation, as they are situated on dolomitic land.

In the hostels the municipality has very little control, and at present supplies water and does any major maintenance, which is generally felt by the hostels dwellers to be insufficient (Respondent 2, 2008) but otherwise has very little involvement in the administration of the hostels (Anonymous, Environmental Health Practitioner, 2008; pers comm.). The cost of renting a bed also increased, the rental was R2 a month in 1975 and now the average cost is R15 a month, which is paid to the Council. At the moment people who want access to the hostels approach one of the *Izinduna*, who run the hostels and explain their situation. If the story is acceptable then the *Isinduna*, will approach a room and explain the situation, if the residents are in agreement then the new person will be accommodated in the already cramped conditions (Respondent 2). The hostels also supply the local informal dwellers with access to water, and supply illegal connections to electricity (Respondent 1).

Thokoza does seem to be showing some kind of upturn and the Land Use management department reported that there is a great deal of activity going on at the moment with an “enormous” number of applications for Thokoza coming through at a rate of 1 or 2 a day. The applications are concerned with a number of different functions, but mainly revolve around applications for rezoning and change of primary rights, which mostly consist in the township of residential rights to commercial rights, Khumalo Street is a particular node. It would appear that a number (unspecified) of people are starting business and the environmental health practitioners concur, and say that most of the businesses are involved in food preparation, take-aways and informal food sale in public spaces, particularly close to main roads and in well-located nodes and hubs (Anonymous, 2008: Pers. Comm.). There are also requests to buy municipally owned open spaces and to re-zone them for a variety of uses. EMM has made it known that they want to sell off open ground, as there are generally squatters living in these open spaces and EMM does not want to be responsible for open spaces any more. When the applications come through land use does not make

decisions in this regard, they just comment on what the LSDF says and whether the places have been earmarked by the EMM and if the zoning allows the activities proposed in the request to buy is possible or not. This is apparently occurring “randomly” all over Thokoza (Tshabalala, 2008: Pers. Comm.).

There are also a number of applications to lease parts of open spaces, and parks for a range of commercial purposes, which include car washes, church purposes, (no taxi ranks), panel beating and motor mechanics, but generally the application just states that it is for community uses. This creates a sense that the legitimacy of the local authority is increasing in terms of land use management.

Shebeen applications have increased and the official we contacted had seen as many as 50 applications for Thokoza in last few years. The decision is up to the liquor board but land use is asked to comment as they know the use rights on the stands. Land use generally says that it is fine as the primary rights on most of the properties allow for commercial activities, but the final decision is up to the liquor board who also responsible for inspecting the sites and monitoring the establishments. There has also been an increase in applications for building especially increasing the building line, effectively people want to and are allowed to extend their properties, which is totally acceptable in terms of Annexure F of the BCDA 4/1984 (Tshabalala, 2008: Pers. Comm.).

Households living and working in both formal and informal environments interface with the formal LUM systems, albeit in different ways. For households in informal settlements, the interface appears to take two main forms. In the first, there are processes of incorporation that usually take the form of different kinds of registration. In the second, are processes of exclusion and eviction. Often the same person can experience instances of all of these variations. For example, a female long time informal dweller has had her shack registered with a number and she is currently holding an application for an RDP housing subsidy. Simultaneously, she is facing potential eviction (for a second time).

### **5.3 Land use management in Thokoza**

#### **5.3.1 Access to Land**

Informal access to land is overwhelmingly driven by the need to resolve familial obligations of care, secure some stream of income to meet familial obligations or reduce commuting costs to save resources for other commitments. For example, Respondent 19 moved to be able to live with his brother. For a long time informal settlement dweller, accessing land informally meant being able to create a livelihood (Respondent 23). In this sense, there is nothing informal about what people are doing. Formal access to land is too cumbersome to adapt quickly enough to poor people’s needs. Similarly,

bribery through the formal system is usually not available to the very poor. A less dominant motivation of 'need' can be identified amongst commercial and industrial land users. In most instances, commercial or industrial respondents spoke to fulfilling an identified 'need' in the area for a particular service or facility. For example, Respondent 25, a male formal commercial land user, specifically opened a grocery store to meet the needs of local residents for groceries.

There are three main ways of obtaining access to land uses in Thokoza. First, there are drawing on the social networks of family and friends. This access mechanism has been referred to above in different contexts and there is little need to elaborate again. What does bear greater consideration is that the transfer of control of the land is expressed under the broad term of being 'given' the land. Respondent (21) was 'given' the land on which he conducts his business activities by local taxi-bosses. Another respondent – a hostel dweller – was 'given' his space in the hostel through the informal allocation system of social networks within the hostel. Research has long shown that the giving of a 'gift' is as calculative as other forms of transactions and typically creates obligations between the giver and receiver. It is unclear what calculations and obligations are created by 'giving' land and the implications of this kind of (temporary) land holding for land use management systems. The importance of understanding the implications of the 'land-gift' is reinforced in the context of the massive delivery of RDP house/land. An appreciation of the fine-grained detail of the relationships set up by the giving of land was beyond the scope of this study and is an issue that merits further research.

One of the consequences of relying on social networks and negotiating with the holder of the land, particularly in relation to starting a business (but also in the case of residential uses) is that the access does not trigger procedures for fulfilling other requirements that activate the provision of services or alert the user to the processes that create compliance. The documentation and information pamphlets of Ekurhuleni Metropolitan Council are relatively streamlined and applications for changes to land use have been systematised to trigger off and alert applicants to the other requirements that have to be fulfilled. The requirements associated with particular land uses – particularly commercial and industrial uses – are regulative as much as facilitative of economic activities. The result is that in the short-term, informal negotiations with the landowner to start a small business are much cheaper and easier. However, in the longer term, the small business can find it difficult to grow because while they are likely to encounter Municipal regulations, they are unlikely to trigger the facilitative services and procedures. The example of an informal business owner serves to illustrate this point. The respondent (20) has set up a light industrial business to service taxis and Municipal officials have indicated that he should move to a bigger space. However, he has insufficient resources to make this move and cannot identify possible premises. His informal negotiations with the landholder mean that he does not get direct support from the Municipality in terms of services and infrastructure that could allow the business to grow. A similar situation applies to a male respondent operating a funeral parlour without a direct electricity supply (Respondent 26).

Second, there are those that fall into the formal systems of land use management. In this situation the dominant motif is one of 'waiting' and going with the 'flow' if this turns out to be advantageous. The disillusionment born of years of waiting under Apartheid are an important factor here. As Respondent 22 notes:

"They said that they're going to build houses for us in a particular area, but we don't want to [move]. I personally feel like we must just go with the flow cause there's nothing we can do, because if we refuse they might come and move us by force and that won't be great because we can be homeless."

Thirdly, there are the various ways that the formal system is informalised through corruption that may involve payments or drawing on favours or social pressure to subvert the procedures. The focus group participants identified corruption as a major route and it is worth repeating their views at length:

A participant explains why they felt that corruption was more limited before 1994: "Earlier on, for things to be right it's because you did not own the house but the municipality owned the house and you had to rent it for 30 years then after 30 years it's yours. So that is why there was no corruption then but since now when you have a house then it's yours I think that is how corruption started. And even now since there is this corruption you find a person who doesn't own the house has a title deed but the owner doesn't have the title deed. Corruption is there in the office because we would ask how you obtained this if you don't qualify".

In order to access housing, one of the participants described the corrupt process that she had to follow, "As for me, I had to pay some people, then they gave me the place and said we should not rent any place. So as time went on they said they would find us places meaning houses but even those who arrived before they haven't got their houses we don't know what's going to happen. I have been staying there for 8 years but there were people who stayed there before of which I don't know how long have they been there". Since housing is in such short demand, many of the residents feel compelled to try anything to get a home.

Other focus group participants describe how, "We have that sort of a problem here in Thokoza finding that people's houses are being sold without their knowledge. So that's why I say I am not very sure because there is corruption happening around here". Another member of the focus group related his first hand experience, "Like the house that I live in at Mabuya Street I went to the office and I found that I have been evicted from the house without my knowledge and there is another person's name as an owner. Even now the house is in that person's name but as an owner I did not have any knowledge of that. This is something that has been happening in this area where you find that you no longer own the house but someone else owns the house because that person paid them money". The end result according to the participant is that "They [the



officials] would take you out ... They take out all your stuff and everything and the keys because that person has paid them money”.

In terms of accessing commercial sites in Thokoza, it appears that the municipality has maintained some form of control of the allocation process. A participant elaborates:

“Oh I just wanted to explain about businesses because I am one of the business owners here in Thokoza. As they have explained what happens is that when you go to municipality there is a time when they advertise sites and you have to apply. Anybody can apply and afterwards they would call us for interviews because when you apply you have to state what kind of a business you want to open. After the interview they’ll want to find out if you have money to be able to build for yourself. If you have money they would then allocate you a site and investigate on whether you will be able to build the kind of business that you said you want. Then afterwards they will give the documents then you’ll have to pay for the services first so that you can start to build. Then after building you are going to go back for the licence after finishing the building so that you can operate [...] But mostly we didn’t get money to build from the banks or from the government it would be one’s hard work to do so by saving your own money and using your resources. Most of our businesses we started them from opening Spazas in our own homes even though we would be jailed for that and asked why did we open our Spazas but there was no any other way that a person could make money except by doing that because you couldn’t open a business with the money that you worked for from your employers. We would continue doing Spazas because we knew what our goals were. Most of us that’s how we got to make those businesses by starting Spazas in our houses”.

### **5.3.2 Tenure security**

The four main means of holding land in Thokoza remain – primary land rights holders (now mostly holding title deeds rather than permits), backyard tenants, hostel dwellers and people living in informal settlements.

The valuation of residential land in Thokoza presents a paradox to one of the purposes of formal land management – that of making land available for financial transactions and the generation of wealth. Despite the overwhelming demand for land and evidence of some transactions, the value of residential land expressed as a rental amount remains extremely low and does not appear to be contributing to the generation of wealth (although it is certainly a livelihood strategy for some). The provision of services has some impact on the rental value charged but this is relatively insignificant (Respondent 25). The size of the land available appears to be factored into the calculation, but again this is relatively insignificant (Respondent 21). Location and aspect appear to have no bearing on rental values. What does appear significant is the relationship between the land holder and tenant and the broader social network within which they are both

embedded (Respondent 19). It is evident that the meanings and cultural values inscribed in Thokoza township's residential land are one of the most significant factors in rental calculations. It is not at all clear that formal land use management systems in Ekurhuleni have appreciated the role of culture and meaning and hence, continue to base their activities on land parcel's technical qualities such as its size, zoning and servicing levels. We argue that the lack of formal land use management system's acknowledgement of the value of culture and meaning results in one of the ways in which the formal system is unable to appreciate and build upon the value of the informal systems.

For some, even those that are holding land in more visible ways to the formal land use management system such as land set aside for worship, their land use status remains ambiguous. Respondent 24, a male long time township dweller, has paid for a formal surveyor to (re)peg out the site, purchased the dwellings from the church movement to which he adheres, pays monthly rent to the municipality for the land, has allowed backyard tenants to construct shacks, lives on the site himself in a formal dwelling and temporarily hires the church hall space out for celebrations and meetings.

Research shows that proof of holding land informally can rely on affidavits, receipts, and letters jointly signed in the presence of an authority. However, a funeral parlour owner (Respondent 26) adds an additional example to this list by turning to his company registration as a Closed Corporation to prove his claims to the land.

### **5.3.3 Conflict, control and authority**

In the informal systems, the predominant means of resolving land use conflicts is to draw authority from length of occupation. For example, if people moved onto land knowing that a land use with a negative externality was adjacent, their subsequent complaints are unlikely to have much force on the land user creating the nuisance if they chose not to mitigate the nuisance in some way. Such conflicts are usually resolved by the person of lesser duration moving away. A male informal business owner illustrates this 'principle' in relation to the noise impact his welding and light industrial work has on his neighbours by remarking that ... (respondent 21).

This overlaid by the power relations that inhere in the status of either renting or being recognised in some way as the land holder. The rights of tenants are lower than those of owners that draw some legitimacy from either their length of occupation or backup by their connections to the formal land use management system. As a tenant, female informal dweller seeking to sell liquor, an informal businesswomen faced considerable difficulty in gaining (informal) 'permission' to sell liquor (Respondent 23). For another female long time informal dweller, the negative externalities that arose from her neighbour's spilling water (Figure 13) into her site were resolved by appealing to the local leaders (Respondent 30). She notes: "Now is the children who are not in good terms. What caused the fight was that those other children were spilling water right in

front of my door steps and that would make a pool. We did go to the police station, that week. At the police station they said Mcambi [the local informal leader] should solve it. We went to Mcambi and those children were not there. Mcambi came along to solve the problem. He said they should not pour water here. They must pour it at the toilet. It was solved”.

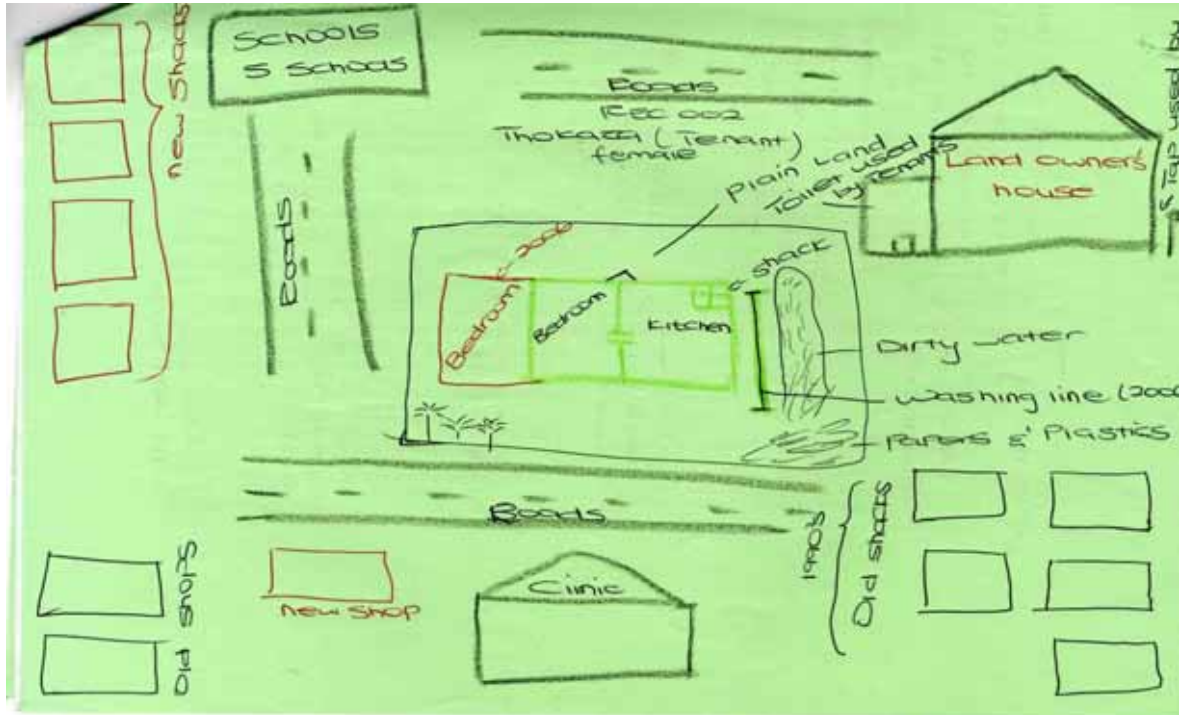


Figure 13: Drawing of living space and uses in Thokoza

## 6.0 Land Biography: Doornfontein

### 6.1 Summary of Doornfontein's Land History

1886	Johannesburg established
	Transvaal Townships Act
1910	Union of South Africa Poor Black labourers finding accommodation in the city
1917	17 000 people were living in slum conditions in Johannesburg including the yards of Doornfontein.
1919	The great 'flu epidemic and the Public Health Act
1920	Start of Marabi Culture in the six yards of Doornfontein
1923	In 1923 the Native Urban Areas Act was passed
1924	1200 Doornfontein residents had been removed to the locations
1931	The Township and Town Planning Ordinance of 1931, applied to the whole of the Transvaal was passed. 11 townships in Johannesburg proclaimed "White" under the NUAA.
1931-34	Hellman conducts her seminal study of the Doornfontein yards
1930-1939	Marabi culture flourishes
1934	New amendments to the old Eradication of Slums Act - 43 000 slum dwellers were removed under this Act.
1940	White middle class residents begin to leave.
1947	The National Resource Development Act was enacted and establishment of the National Resource Development Council( NDRC).
1950s-1960s	Doornfontein begins to industrialise
1970s	Continued industrialization and impoverishment of mixed race community

1975	The Physical Planning Act and the Guide Plans were introduced.
1974-76	The Doornfontein Development Corporation begins its plans
1976-77	Property speculation takes off in the area.
1980	Doornfontein seen as a “grey area”
1986	Attempt to get rid of non-white households under the Group Areas Act Landmark case allowing Indian family to stay in a White suburb
1987	New Ordinances: The Townships and Town Planning Ordinance (no. 15 of 1986) were promulgated
1989-1990	The “exodus started”, building owners began to leave and abandoned their properties.
1994	Hostel dwellers come and stay in Doornfontein
1994-5	Town council effectively pulled out of the area
2000	Series of regeneration attempts

## **6.2 Doornfontein’s Story**

### **1886- One of the first townships 1900**

Doornfontein is almost as old as Johannesburg itself, and was one of the first townships to be declared after the founding of Johannesburg (Beavon, 2004). Early maps of Johannesburg clearly show the boundaries of the township (Hart, 1974). The large stands and its location, over the ridge and far from the noise and dust of the mines to the south, attracted some of the wealthiest elements of early Johannesburg society. Many of whom built their mansions and follies in this township that boasted a rare luxury in Johannesburg, namely its own water reservoir (Manoim, 2003). The attraction did not last long and by the 1900s and the outbreak of the Anglo-Boer War, the really wealthy had moved over the next ridge to Parktown, which was Johannesburg’s first ‘gated community’, with controlled access and boomed off roads (Wentzel, 1975). The area became upper middle-class as households who could afford to, moved out of the centre of towns and into the leafy suburb of Doornfontein. Like the rest of the city, Doornfontein was basically empty during the war and when people returned

many more middle-income households took up accommodation in Doornfontein.

Doornfontein like the rest of Johannesburg and the rest of the country did not have a town planning scheme as such. The government of the day recognized the potential of uncontrolled growth and introduced two forms of control into the newly urbanizing and industrializing areas. These included: restrictive conditions of title deeds, which defined what could and could not be done on the sites in question; and building regulations, which restricted certain kinds of developments on specific properties (McConnachie, 1997). The earliest piece of planning legislation came in the form of the Transvaal Townships Act, which legislated the establishment of new townships on proclaimed land and allowed for the conversion of leasehold to freehold in a variety of townships (McConnachie, 1997). The Act made it compulsory for all new townships to register their plans with the Surveyor-General and the Deeds Office and assured people of the security of full title. According to Parnell (1993) much of early planning in Johannesburg was influenced by colonial notions of public health and racial division. In Johannesburg it was the City's Medical Officer Charles Porter who was instrumental in passing town planning legislation in the next decade.

### **1910s Black Housing in Johannesburg**

By the first decade of the 20<sup>th</sup> Century, Doornfontein had a very middle class face, the area appealed to residents because of its close proximity to the mines and the CBD but did not have social kudos associated with other parts of smart Johannesburg. It was also just after the First World War that the Jewish community began to establish itself in Doornfontein. It did, however, also have a rather different complexion. As the first example of a long history of multiple tenure relations, many of these middle class homes were renting rooms, shacks, and yards to anyone who needed them and could pay (Parnell, 2003). The provision of housing in Johannesburg for low income and non-white households by the state was already falling behind demand. Mine workers, domestic workers and certain employees were housed by their respective employers but the bulk of the industrial workforce was not accommodated by their employers and had to find alternative accommodation for themselves (Parnell, 2003).

Many of these labourers found accommodation between the railway line and the mine-dumps and the community consisted of migrant workers from rural South Africa, Mozambique and Swaziland, as well as, poor immigrants from Cyprus, the UK, India and Greece. In 1913 the medical officers of Johannesburg were already reporting the slum conditions in Doornfontein and remarking on its unacceptability (Koch, 1983). Although the officials disapproved of the slum conditions, it did not stop them from issuing and charging for permits that

allowed slum dwellers to remain in their homes (Koch, 1983). By 1917 an estimated 17 000 people were living in slum conditions in these areas, including the yards of Doornfontein (Parnell, 2003). In 1919 the great 'flu epidemic struck Johannesburg and the health official and town planners, encouraged by Porter and his inner circle, immediately grasped the opportunity and the excuse to pass the Public Health Act (McConnachie, 1997). The Act permitted the restrictions of activities, densities, and building regulations of 'zones' within each city. However, it also gave authorities the right to remove individuals and communities that were not considered appropriate, in the name of public health, to other areas considered more 'appropriate'. The Public Health Act provided the basic tools for urban segregation and land use within all large cities.

Doornfontein had a very vibrant community and a number of early struggle activists of both the ANC and CPSA lived and operated from the Doornfontein slums (Koch, 1983). As the decade progressed and the industrial life of Johannesburg expanded more and more people flooded in to Johannesburg and worsened the overcrowding on land and the housing services shortage.

### **1920s Slums and slums and slums...**

The previous 20 years had seen "enterprising" slum lords (informally) sub-divide the once grand plots of Doornfontein into smaller yards and sub-sections, which were stacked with tin shacks and rented out to poor Black labourers (SA-History Project, n.d.). By the 1920s the six main 'yards' of Doornfontein, were home to thousands of Black households who preferred the cramped conditions and "smell of beer, thrown out by the police on their raids, combined with the stench of lavatories" and the crowded conditions and shared facilities in Doornfontein, to the alternative accommodation available in Johannesburg at the time. The alternative consisted of municipal compounds, mine hostels or the locations, which were too far from most of the employment and other economic opportunities (Koch, 1983).

Revealing the selective gaze of national policy, the Native Urban Areas Act of 1923 was passed by national government with Johannesburg very specifically in mind (Parnell, 2002). The Act was passed to try and segregate the more than 14 500 Black residents who were living illegally in the slums and White suburbs of Johannesburg. It was first instituted in Doornfontein and within its first year 1200 Doornfontein residents had been removed to the locations (Parnell, 2002). The Act though only had about a 10% success rate in Doornfontein and residents became skilled at avoiding the application of the Act. Their ability to avoid the consequences of the act meant that many if not most of the residents in the Doornfontein slum were able to stay in the area until more efficient policy and application of slum clearance provisions appeared in the late 1930s. It was

very much in response to the slum conditions and the realization that the Slums Act had been fairly inconsequential in its desire to remove unwanted and unwelcome 'non-white' residents that the town planning profession started to call for town planning schemes (McConnachie, 1997). Nothing came of the call until the 1940s but a series of small but incremental steps towards a formally controlled urban space followed.

### **1930s Proclaiming a White Johannesburg**

In 1931, one of the first steps in a systematized land management scheme took place; the Township and Town Planning Ordinance of 1931, which applied to the whole of the Transvaal was passed (McConnachie, 1997). The Ordinance was intended to regulate and control town planning and "all related matters" (McConnachie, 1997: 47). Local authorities were made responsible for its implementation and it was up to them to monitor land sub-divisions according to the filed and approved land schemes. It was intended as a tool to stop, what had already happened in Doornfontein, the illegal sub-division of plots by private owners and renters for their own ends, which increased densities and created an 'uncontrolled' urban environment.

In the same year, 11 areas of Johannesburg were proclaimed as "White" areas and the council wanted once again to clear the inner city of its non-white residents. Interestingly, many of these places had been sites of removals in 1923 under the NUAA. The reasons are many but lie primarily in the fact that there was still little housing elsewhere and so many residents came back to the units that the slum lords were still fighting in the courts to keep and protect (Parnell, 2002). Much of the housing remained and in direct disobedience of the law, Black people simply moved back in or in many cases stayed exactly where they were.

Life in the yards continued and in the 1930s Hellman conducted a study of these areas. She noted that there were 6 large yards in Doornfontein: Rooiyard, Makapan Yard, Molefe Yard, Mveyane Yard and Brown Yard (Hellman, 1935). There were also a number of cottages and other backrooms that were rented by an assortment of people. The era and the culture of the time and place are described as the "marabi". Marabi "came close to describing the whole way of life of a people, the way they earned a living, the class position they adopted, the music they played and the way they danced" (Koch, 1983: 109). In Doornfontein the Marabi was expressed in the beer brewing, which most of the women earned their living from and parties that were thrown with gifted but itinerant musicians and the daily way of life that consisted of struggling to survive in hostile and difficult conditions but with the support of neighbours and friends. The area had its share of gangs but also had numerous churches, stokvels, and burial societies all whom worked together to make life bearable



(Koch, 1983). As a result, the area was continuously raided by the police looking for beer, illegal residents or unapproved parties and other communal activities.

At the time rural impoverishment was increasing and manufacturing and the mining industry were facing a huge economic upswing after the depression of the previous decade. Consequently, the Black urban population in South Africa doubled between 1930-1936 and putting more pressure on an already overburdened land provision system. In 1934, the racially-concerned government, once again tried to deal with the issue of urbanized Black households living in the slums and amended an earlier piece of rather ineffective legislation. The new amendments to the old Eradication of Slums Act that was first passed in the 1920s, allowed whole areas rather than individual plots to be declared, the resident populations removed and new White sub-economic housing to be built on these locations (Koch, 1983). The new amendments also did not require the council to supply housing to the removed residents as the earlier Act had. It was under this new Act that the slums and their residents faced real and effective opposition. Doornfontein was no different and many of the original yards were cleared over the next decade, in all it was estimated that some 43 000 slum dwellers were removed under this Act.

#### **1940s The Changing Face of Doornfontein**

The Doornfontein area had people living in slum conditions and a very stable and middle-class Jewish community. By the 1940s, however, the quality of the housing and the issues that had faced the slum dwellers encouraged many of the middle-class residents, who could now afford to leave Doornfontein and move north to the burgeoning suburbs of Hillbrow and Berea, where better accommodation and a more cosmopolitan life, designed after a 'European model' was available to them. A lower income community, many of whom were "poor whites" moved into the area and took over some of the original housing and at the same time into some of the new sub-economic units that the council had supplied after the slum clearances of the preceding years. The area, which had once been known for its palaces, was now home to some of the poorest elements of the White community in Johannesburg.

The 1940s also witnessed the first piece of national planning policy ever passed in South Africa. The National Resource Development Act was enacted in 1947 and made provision for the National Resource Development Council (NDRC), which was the first national planning instrument. The NDRC was given the authority to investigate optimal land use, prepare schemes, and co-ordinate planning for the whole country (McConnachie, 1997).

**1950s An Industrialising part of town...**

**and**

**1960s** The reasons why the area industrialized and became home to light manufacturing and warehousing still remains slightly obscure and few if any academics and historians seem to have studied this area and this particular period. The respondents in the research had all moved to the area since this period and were unable to offer any insights. This lack of knowledge of previous generations' use of Doornfontein is something that marks the experiences of the respondents as being very different to those in Diepkloof and Thokoza. In Diepkloof and Thokoza, the respondents maintain and draw on a much longer historical perspective in interpreting their current land use.

**1970s Slums an attempt at upgrading**

In the 1970s the downward spiral that had begun in the preceding few decades recurred which meant that the area was at its lowest ebb. Doornfontein had once again devolved into slums with an impoverished mixed race population in most of the suburb but with a series of modest households who owned or worked in the surrounding industries along the base of Bellevue East all the way to where Bezuidenhout's farm was. Many of the employed residents worked in sectors associated with the trains or the buses as the area was a transport node or at the rugby and other sportsfields and local swimming pool that were nearby. Many people just found work where they could. Doornfontein at the time was notorious for drug dealing and abuse. Many of the facilities in the area had fallen into disuse, namely the schools, swimming pool and the clinic. There was some entrepreneurial activity and not much public space that was used for communal purposes (1 tennis club). Industry who had been moving over the last decade began to pick up the pace and industrialise much of the existing space (Abrahamowich, 2008: Pers. Comm.).

According to Abrahamowich (2008: Pers. Comm.) the council did not step in as they did not seem to care about the area and as a result the residents were left to look after the area themselves but lacked resources. The problem was not just with Doornfontein, but that there was a larger issue in City planning at the time, with no forward planning, no real planning focus or proactive steps towards planning for most of JHB. What effectively controlled JHB was capital and the council was at the mercy of those with money and their agenda.

In the early 1970s a group called the Doornfontein Development Corporation (DDC) which consisted of a group of private sector individuals and companies, funded by some of the large banks such as Sanlam and with the support of some of the government officials, wanted to design and implement "...a burning example of development for the poor" in Doornfontein (Abrahamowich, 2008: Pers. Comm.). At the time the government had just come up with the "infamous

Guide Plans” (McConnachie, 1997: 53), which were born from the Physical Planning Act of 1975. The Guide Plans were superficially intended to provide ways of integrating social and economic development, whilst at the same time, addressing physical planning. In fact they were really about manifesting political goals of segregation in urban regulations and control. The DDC was in point of fact an organization that recognized the limitations of the current planning ideology and attempted to provide an alternative to what was happening at the official level.

The project revolved around housing provision, access to good facilities and utilizing the local transport network to ensure that the mixed race community could access economic opportunities and improve the quality of their lives. The plan was drawn up between the various parties and was taken for national cabinet approval. But, it was here that the process was politically stalled. Abrahamowich suspects that the radical nature of the project probably did not appeal to the conservative government. After 2-3 years nothing happened and the project fell out of its potential time-lines. Interest waned and eventually disappeared and the project fell by the way side.

The project did, however, have an effect on the area, as a number of parties caught wind of the proposed scheme and acted. Speculators moved in and bought up a lot of land from the poorer households and at the same time pushed up the price of most of the properties. The municipality carried on with its own project, which was the beginning of planning the education campus in the area and they too bought up land and properties and demolished large portion of the existing communities and structures (Abrahamowich, 2008: Pers. Comm.). In the south, many of the industrialists in Jeppe began to agitate for more industrial land and did not want to increase the cost of property or lose property to other uses and began to speak against it at council, which created some divisions in the community.

The effect on the resident community was dire and there was a sense that there was increased impoverishment as a number of businesses moved out and the best buildings and properties were bought first leaving the worst accommodation available for the poor. Poorer households who could previously afford property in the area, suddenly were not able to access the market. Those who could afford to, both business and residents left, including the Jewish Old Age Home, which went to the suburbs. The new owners were waiting for the proposed plan to come to fruition and rented the properties to poorer sector of society and spent even less on upkeep than before. The buildings were also neglected (probably premised on the idea that they would be demolished anyway), and there were “pockets of total destitution” (Abrahamowich, 2008: Pers. Comm.). The lack of accommodation also meant that there people who were sharing their homes and up to 10 people per room was not unheard of.

Many of the properties were converted into cheaper industrial and commercial uses, which changed the face of the suburb as well. The housing market also moved from sale and rental of houses to the renting of single rooms or part of a room.

**Figure 14: Doornfontein over time (see attached)**

**1990s Crime and loss of control**

In the late 1980s and early 1990s Doornfontein was mostly industrial but was considered to have a vibrant retail community that was associated with the transport node in that part of the city (Naidoo, 2008: Pers. Comm.). In between 1989 and 1990 the “exodus started”, building owners began to leave and abandoned their properties, this was due to the fact that suppliers began refusing to want to come into the area (as they were concerned about their safety) and fewer customers coming into Doornfontein for very similar reasons. The local councilor described the situation as “it started early in 1990 or 1991 because when there was political violence most Whites were threatened in different ways like were demanding money and other things so the Whites did not have the assurance of the future of their businesses so they decided to run away and some left huge debts with municipality”. This created a downwards spiral in which increasing numbers of formal businesses moved out and more and more people from the surrounding hostels in particular began to move into the abandoned buildings. The first group was comprised of young Black, mostly Zulu men from the Van Bleek, Jeppe, Selby and Denver Hostels. Naidoo (Pers. Comm.) suggests that the post-1994 sense of freedom encouraged people to move out of the hostels and into the surrounding old suburban areas.

Some of the businesses and the large factories tried to stop the trend and complained to the council about the buildings that were being taken over, particularly in Davies Street. The trend seemed to be that in the areas close to the education campus and to the north of the train line things were better but literally on the other side of the tracks and traveling south towards the hostels there was increasing informality (Naidoo, 2008: Pers. Comm.). The buildings that were taken over were mostly office blocks, old factory buildings, and warehouses, these buildings were not designed for residential purposes and certainly not the numbers that came into the area very quickly.

Within just a few years the situation got worse and by 1994 there was a great deal of building occupation and illegal squatting. It is uncertain if there was initially some kind of agreement between the owners and those who became the slumlords, which then devolved due to intimidation into the slumlords taking over the building and effectively getting rid of the owners. A description, however of a thwarted building hi-jacking by one of the focus group participants seems to indicate that there was no collusion between the owners and the hi-jackers, "There came someone who claimed to be the landlord, I asked him to give me his credentials and he gave me incomplete petty information,. So I told him that I do not like what you have done to me. If you want to take the building is fine but give me the paper works, so that I can discover for myself if you are there, because whatever I am demanding from you I have a way of going to the title deed office looking for this relevant document, however if I cant find it then I can't. Then he went away" and apparently has not returned. This case does seem unusual and many buildings have been illegally taken. Unfortunately the process of reclaiming the building may have been considered too long and difficult or the owners may have been too afraid to try and get their buildings back (Naidoo, 2008: Pers. Comm.).

During the transition period and just after 1994 the Council did not know what to do. They just were not prepared for the change and were unprepared for how quickly it all happened. As the situation deteriorated the council, afraid for its staff, who were threatened and vehicles were set alight, and uncertain about what to do, pulled out more and more from the area, until there was virtually no formal presence in Doornfontein (Naidoo, 2008: Pers. Comm.).

More and more factories and offices closed after 1994 and informal trade became increasingly prevalent. Respondent 44 owns a take away and describes the changes and the impact that they had on his business, "You see when it was lunch we were supposed to have things like lunch bar making sure that you have that you have some thing to sell to people for lunch. A lunch bar when they knock off they came here. It was supposed to be right things on your shelves for people to buy. Whites were working there. There were many there. So when it

was lunch business that was moving when there were there. There were lots of people I don't know where they took them to. I don't know why it was like that and I don't know why they move them. All of a sudden there were no people. All of them were gone. The building is left alone". Another man, who owns a panel beating shop and participated in the focus group, concurred "The business really slowed down. I can go for more than 1 hour without a sign of a customer, so we just remain there". Increasing numbers of slumlords over the last few years and effluent poured down the streets. The systems were overloaded and stopped working, manhole covers were consistently stolen and the infrastructure deteriorated.

**2000. Its never too late, yet another attempt at regeneration**

The current situation has shown the reappearance of both the private sector and the council in the area. This is not the first time, there was an earlier attempt in 2000-2004. A series of monthly stakeholder meetings took place, but eventually fell apart as the council was accused of not moving fast enough (Naidoo, 2008: Pers. Comm.). There now seems to be a second attempt that is taking the problems quite seriously and two of the respondents mentioned community meetings with residents business owners and the police but there are still grave challenges to be faced. There are a number of informal activities taking place in the area, which include very well established taxi ranks, and their associated activities such as motor mechanics, panel beaters and welders that locate themselves on pavements, open ground and rent old houses and shops from which they operate. There are also large numbers of scrap metal dealers, and people engaged in the collection of cans and paper for recycling in the nearby recycling plant. There are also large numbers of informal hairdressers, who operate on the streets, as well as hawkers selling fruit, vegetables, and sweets (Bisset, 2008: Pers. Comm.).

Most of the businesses do not comply with the by-laws and the majority are informal and seem to work from any nook and cranny. Shops and spaces are often shared with one business at the front and one at the back (Bisset, 2008: Pers. Comm.). There are also a number of commercial activities that are attempting to "intensify their activities" " i.e. garages thinking of putting in drive-through restaurants, using their stands and properties for multiple purposes not just the existing one (Mathinye, 2008: Pers. Comm). Most of the buildings in which industrial activities take place are structurally un-sound and lack adequate ventilation, light and generally do not meet the requirements for their use. Unfortunately by-law infringement is dealt with through fines and summons but find a number of repeat offenders. Although the Environmental Health Practitioners do notice that entrepreneurs who are there for the long haul (as opposed to those just trying to make some money quickly and get out) are generally more compliant and try to meet the conditions for their business

(Bisset, 2008: Pers. Comm.).

The urban environment is not cared for and there are a number of incidences of vandalism and theft. Manholes, storm water covers and fire-hydrants are routinely stolen and sold for their metal content. Taxi drivers wash their vehicles in the streets and waste water goes into the storm water drains. There are a number of illegal electricity connections and many vacant plots and buildings in the area, whose owners cannot be traced, as a result the Council takes responsibility for keeping them clean (Spiropolous, 2008: Pers.Comm.). There are also endemic social problems in the area, with a lot of drug dealing and abuse, many of the resident children not going to school, and extremely high crime rates. Consequently, many of the officials do not feel safe in the area.

Lately the area has seen a great deal of development from both the public and private sector. The private sector is very involved in housing provision and is currently converting a number of office blocks into housing. This is mostly not an issue as the primary rights of many of the stands allow for residential activities (Mathinye, 2008: Pers. Comm.). There is not, however, universal applause for the regeneration and the local councilor feels that "... the person that fail us, is the Johannesburg Property Company because they fail to identify those buildings even when we help them, they fail to make attachments and we end up having friction between the tenant and the owner". Although both conversions and demolitions and rebuilds do require the submission and approval of building plans. The Johannesburg Metro land use unit has also received a number of enquiries over the last few months regarding their properties and what they can be used for. Mathinye (2008: Pers. Comm.) suggests that the 2010 Fifa World Cup and the regeneration of the area has prompted absconded, absent or previously disinterested property owners to come back and see how they can now turn a profit. Most property owners seem to be considering parking garages or guest houses as the two main profit generating activities. The 2010 regeneration strategy is also helping to revitalize the areas as is the Urban Development Zone in which Doornfontein falls. The future of the area is certainly being influenced by the 2010 event as people try and capitalize on the process. Mathinye (2008: Pers. Comm.) is positive about the future and the impact of the 2010 but adds the caution and the hope that all of these activities are profitable and sustainable after the event.

**Box 3: The history of Doornfontein in Summary  
Councillor for Jeppe and Doornfontein**

Jeppetown and Doornfontein these were the industrial areas because of the changes in 1994 after the democratic elections, many industrialists began to vacate their businesses. We couldn't manage the movement of businesses out of this place and people took advantage and occupied the buildings. They started to build shacks within the buildings and when you look from outside you could say it's a factory but they are people staying in that building. There is a financial and housing called AFCO that manages some of the buildings, and it negotiated with Municipality and bought some from the private owners and are in the process of converting them from commercial or industrial to residential properties. Most of the buildings in Doornfontein are in the position of being converted from commercial to residential, so we look at that in line of 2010 and others look at the opportunities for 2010 in terms of accommodation since Ellis Park is nearby. Most of Doornfontein buildings are being converted or developed from business to residential. There are many people living in these buildings and sometimes they give them time to find alternative places to stay like four to six months notice because there is no vacant place where they could move them to.

### ***6.3 Land Use Management in Doornfontein***

Doornfontein's land use scheme effectively zones all of the properties under discussion as "general", which means that almost any activity outside of that and which does not produce noxious fumes is allowed. The legislation that is used to control and govern the area is therefore the by-laws and ordinary laws of the country. This means that the properties and stands have not had to apply for re-zonings or amendments due to the very liberal terms of the policy. As for tenure forms, the area allows for freehold and rental options, without restriction on the actual title deeds in any form. As mentioned early Doornfontein has gone through a number of changes over time many of which have gone un-recorded on the official systems but have certainly been recorded in the minds of long term residents (Figure 15).

The following sections attempt to understand how people in Doornfontein have traditionally accessed, held and used space, both in the past and recently in order to get an idea of systems and processes around land and land use have changed over time.



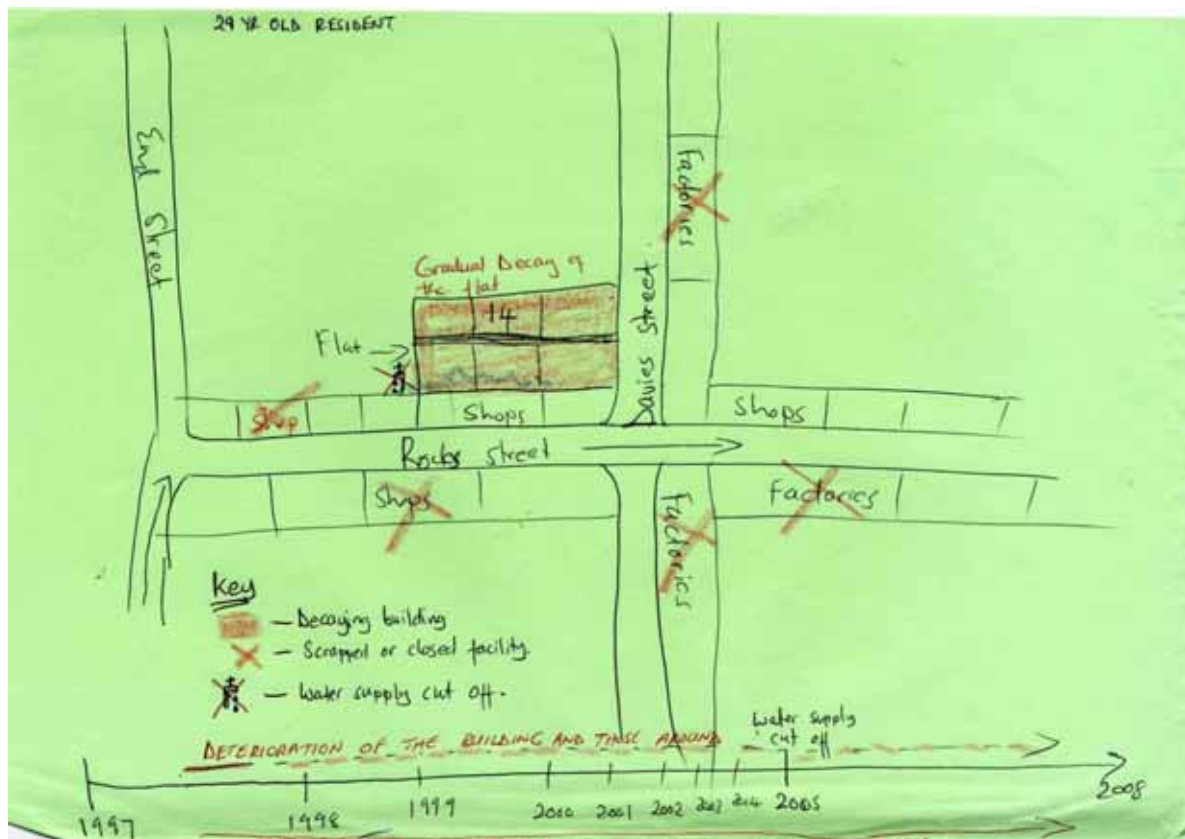


Figure 15: Changes to Doornfontein as recorded by a long term resident

### 6.3.1 Access: How to get a place in Doornfontein

Accessing space in Doornfontein has followed different processes over both time and space and is influenced by the purpose for which the land is intended. There are a variety of ways of accessing commercial, residential or industrial space depending on when a person arrived and what kinds of activities and tenure form is being looked for. Each of the main types of access is discussed below.

i. Commercial space: formal and informal

Informal traders who arrived in the early 2000s and operate on the streets state that they have just found a space and set up their tables, Respondent 43 stated that “To trade on the streets you don’t require permission”, although permission may not be required another informal trader was asked to leave her original place on the streets by someone who felt that she had an earlier claim. Respondent 45 tells how, she “was staying next to a place and was selling there and another woman came to me and said “this place you are selling at is my child’s space”, as she had brought her child from home. As a result the informal

trader moved to a place closer to the taxi rank and, with the agreement of the taxi drivers, set up shop. Currently access to informal spaces is reported as being increasingly difficult due to the involvement of the local police forum that is trying to cut down on the number of street vendors in the area (Respondent 46). One Respondent (43) said that she could not offer any advice to newcomers on how to access space because she felt unable to deal with the current problems with the local authorities. A third respondent mentioned that best advice she could offer, would be "...to put their stuff where they would find a suitable place... advise them to on the look out for the Metro cops... [and] that they should always run when ever they see Metro Police".

Those involved in formal commercial enterprise have generally accessed spaces through the simple method of walking the streets of Doornfontein until finding a place that they thought might be suitable and then trying to find out who was in charge. One or two of the commercial enterprises mentioned that friends or family members were able to help. But the majority of formal respondents approached the care takers or security guards and were then directed to the managing agents for the buildings or shops. Respondent 38, a spaza shop owner in the area described the process by which he found a place, "[I] asked from the people around. What happens is that when you are looking for place to rent you also has to find out about how much the rent costs, then you can move in. You also have to link up with those in charge and security guards and they gave me information as to whom to approach." In all cases of formal rental the commercial enterprises signed a lease agreement and have copies of these agreements, which they keep with them. Most of the formal commercial enterprises suggested that if newcomers want to access their own spaces they should follow similar routes to the ones that they did. Respondent 36 recommends tracking down the landlords or caretakers and asking them if there is any space available.

To argue that there are just formal and informal routes to accessing commercial space in Doornfontein would be to oversimplify the case. There were situations in which a mixture of formal land and property relations were in place with a lease agreement but sub-tenant and informal sub-relations take place. Respondent 44, a long time resident and commercial actor in the area describes how he was invited to take over half of one his supplier's shop, when the man was facing both familial and financial difficulties. There was never any formal sub-letting agreement even when the respondent took over the entire shop and became solely responsible for the rent, even though a formal agreement did exist between the original renter and the owner. In another case of co-existing formal and informal land use agreements, Respondent 35 who took over part of a shop and has a formal lease agreement with the landlord, was still forced to pay a "maintenance fee" to the original renter because he claimed he had improved the shop and deserved recompense. In order to avoid conflict with

her neighbour the newcomer paid it, even before she paid the deposit to the owner.

ii. Finding a place to lay your head...

Access to residential property seems to be quite dependent on friends and family who keep an eye out for suitable places for their kin. Respondent 40 who had been working in the area in the mid-1990s and commuting into Doornfontein, was told of a place in his present building by “people from home” who were in flats “12, 14 and number 7”. In the focus group, two of the participants confirm these access routes, “I got it [my place] from someone who is from home, someone one that speaks the same language with me” and a female respondent who works as a domestic said, “...so my sister, who stayed here before me looked for this place for me”. Respondent 42 who has been living in Doornfontein since 2001 demonstrates that the system has not changed very much over the last few years. When asked if a vacant room is advertised he responded by saying “No, it’s like we take it, if some one is moving out. We take it for someone or a friend of mine is looking for a place to stay we let them know about it. So like if there is a friend of mine that needs a place to stay. They [caretaker and landlord] just want to know about the person like how many will be staying, the gender, their marital status and how many children they have, that sort of thing.”

Doornfontein also has a large number of immigrants, both legal and illegal, who live in the area, they too facilitate access to shelter through a series of kin and social migrant networks. Respondent 39, an immigrant from Burundi who has been in Doornfontein for the last seven years, and runs a shoe making and repair shop, came straight from his homeland to work and live with his brother. Respondent 45 who seems to be an illegal immigrant and intimates that she was living on streets for an unspecified period talked about the support she received from a fellow countryman:

“I was staying down the street and we were always meeting this man and speaking the language from other country. When they told us that the government is closing the flat where we were staying we told this man and that is how we got the place. And we came to this man asking to put our things here where he is doing his business. And he asked where are going to stay. We told him that we can not afford the place in the flats because other places charge R500.00. And he told us that there is another place that I will show I don’t know whether you will like. And he told that you can here it is unlike staying by the street. That is how we got this place. No papers. [And] maybe he is paying but we do not pay we stay as kids from home”.

It should, however be noted that many of the people in the area who are engaged in commercial activities also live on the premises. Respondents 39, 41, and 44, a shoe repairman, cell phone repairman and a take away owner (respectively) all began by operating their business from their current property. Two of the commercial enterprises then subdivided their shops and created living quarters at the back, whilst the third took over some of the residential units at the back, one which he uses and two more which he sublets to supplement his income. Those who have formal tenure also use their units for a number of purposes and respondents talk about the place as a place to stay and a place to do business from, as both he and his partner operate partly from home. He is a cobbler and takes on piece work and his partner sells peanuts and vetkoek, which she makes and packages at home.

There is an enormous problem of invasions of empty buildings, which are mostly illegally occupied, extremely over-crowded and considered “Bad Buildings”. The buildings are run by slum lords with a number of owners who have absconded. Residents and building managers do not always know who owns the building and just deposit money into a bank account. There is generally no water and no sewerage in the buildings, many of the services have broken due to over use (overcrowded conditions) and lack of maintenance. Effluent is either put in the basement until it is full and then it is pumped into the storm water drains, which is problematic as that water is generally set aside for consumption – which leads to increased costs of purification. Most tenants use the bucket system, and then throw the waste matter into bins or onto the street. Other refuse is often just thrown out of windows of the multi-storey buildings (Bisset, 2008: Pers. Comm.). The residents generally seem to be immigrants (Nigerians, Mozambicans, and Zimbabweans), with very low incomes due to the few jobs that are available and it seems that people will do what they can to survive. Interestingly, the land use officer that was interviewed felt that there were not really problems of building invasions in Doornfontein and that this was far more of an issue in Hillbrow (Mathinye, 2008: Pers. Comm.).

### **6.3.2 Security of tenure: holding your place**

There are two parallel systems in operation in Doornfontein. On the one hand land and property is owned, formally registered with the deeds office and is leased out to individuals or companies. The formal enterprises all have leases with their respective landlords. The owners, however, remain slightly obscure, as Respondent 38 a formal retailer, who runs a spaza shop commented about his rental arrangement:

“[There is] no proof just the rental statement we use to pay the rent. What is puzzling is that we just pay rent to an account whose owner we do not know. We are not sure if we are paying rent to the right person. What happens is that

sometimes if one feels lazy to go to the bank, we can hand over the rent money to the security. After that we are not sure if the money finally gets to the intended recipient.” In another case the residents are not even sure if the owner is alive or dead, Respondent 40, “I don’t know and we aren’t even sure whether he is still alive. The last time we heard there was a rumour that the owner passed away”. And yet the residents in both cases carry on paying rent. Most of those engaged in a formal system of rental feel quite protected by their leases and their monthly proof of payments, which they hold onto as evidence of consistent payment, even though there were no reported cases of receiving receipts from their landlords, managing agents or caretakers. The longer term residents are also confident that their flats and homes are recognized as their own because they have been staying there for a long time and have built up relationships with their neighbours and colleagues.

However there were reports, as discussed earlier, of tenants and landlords being in conflict over payment of services and refusing to pay rent as a form of protest. In situations where there is such dissent, residents don’t seem to feel either very secure or very inclined to improve or make changes to their homes. One of the participants articulated the situation as follows: “I think the other thing we need to look at in a place is that time to time the renovations like painting and everything you see must be done, so that it appears good. But as long as you find this type of anarchy whereby the landlord is going there and the tenant is going the opposite direction, there are no services then there would not be a point in renovating, I mean for what good reason would you say you are renovating, because at anytime he can chase you out or the councillor may come and chase you out on the grounds that you have not paid services”. None of the respondents had ever been evicted but it seems that the threat of eviction is sufficient to douse any desire for improvement as it is seen as a wasted investment.

Although none of those with formal tenure indicated that they had been evicted, they did cite cases of neighbours who had been moved out when the building was renovated by the property owner. Respondent 37, does discuss the fact that people have tried to force her out of her hairdressing shop, because as she puts it, “...you know how people are like. Jealous at times and they don’t appreciate”. Respondent 36 who runs his own shop reports a similar experience, and says that people have tried to move him “...several times. Some people become jealous of you when they see that your business is prospering. They will always want to remove you and do their own business”. In both cases they left the situation alone and were quite confident that they could not be removed from their shops.

There are, however, other issues with formal tenure, in that buildings that are registered with the deeds office and are formally owned are no longer secure.

The building hi-jacking that has been discussed throughout this section, seems to indicate that although there are formal systems in place and most of the institutions are certainly working at the level of the official, they bear little resemblance to what is happening on the ground. It seems that in this situation, one of the most insecure forms of tenure, is formal title to a building or house.

i. Informal claims: in/insecure?

Those engaged in less formal activities seem to have ambivalent senses about their tenure security. On the one hand, all of the informal traders discussed the fact that the metro police harassed them and confiscated their goods and they were forced to run away from them on a regular basis. The traders are also aware that they do not fulfill the necessary criteria, “Of course [the police have tried to move me], reason being selling on street without shelter it’s not allowed” (Respondent 34). They acknowledge that they are trading illegally but argue that they have no choice. Immigrants do not have identity documents just passports, which the authorities tell them cannot be used to apply for trading permits. One of the informal traders, Respondent 45 poignantly describes how she would like to live, “I wish I can get a proper place where they will not raid us. I know we will not continue running for ever. At times the Metro cops come driving in unmarked cars. We just see them when they are grabbing our stuff. Other wise there is nothing else we can do besides living with it”.

On the other hand, there does not seem to be any fear from the informal system, and claim that the spaces they are in are their spaces. Respondent 34, forthrightly states, “...no one can just pop-in from nowhere to occupy my space”. In response to asking what he would do if the situation arose, he said that he “... won’t do anything; I will take my stuff and look for another place to do business”. One of the other informal traders when asked the same set of questions said, “I won’t do anything [if someone moved into her space], but I would tell that person to move a few meters away from me and then trade, because I won’t chase her away. If he/she told himself that she/he will be trading here. When pressed with the question, *So you won’t chase him away?* her response was telling, “Chase him away for what?”.

There was only one reported instance of a non-police officer trying to evict an informal trader from her position; a local property owner tried to get her to either pay him to use the space or move. She asked for advice from people in the area, who said that considering she was constantly harassed by the police and he can offer no protection, so why should she pay him or move? As a result Respondent 43, “... just continued [to trade in the same place] and he kept on irritating me with the same story, so I ignored him until he gave up”.

iv. An unfortunate 'truth'

Doornfontein has high crime rates, poorly maintained infrastructure and is generally quite run down and yet people still stay in the area. When the questions were posed to the respondents asking where they might go in the future or why they stay in Doornfontein, there was an overwhelming and slightly depressing response that there was no where else to go. A female focus group member, stated the situation most clearly, "The thing that is retaining us here despite the bad circumstances is due to the fact that we have no other place to go, and again the people here are already used to us, especially us that have small businesses. So that is the thing that forces us to stay because we have no other place to go to and because the people are used to us, and to be honest it is not easy to get another trading space, so that is the thing that retains us here besides the fact that we encounter the bad conditions". In a sense Doornfontein seems to be a liminal space in which individuals and households who cannot access other parts of the city or who feel that they cannot stay in other areas seem to land up in Doornfontein, in what they consider a pessimistically hopeless situation.

**6.3.3 Controls, conflict and authority: use and abuse**

Issues around how land is used and who controls what is done occurs at a variety of scales. Many of the activities do not conform with the official by-laws and requirements of the area and the local environmental health practitioners are certainly in evidence in trying to formalize the area. There are however a range of other control and management systems that are in place and go on irrespective of the formal system that is in place. What can be drawn from this section is how individuals and communities negotiate their needs between the formal requirements of the system to hand and the informal, social and personal relationships that exist to regulate and maintain actions and interactions.

i. Public space, policing and who is allowed to use what.

One of the main areas of conflict and tension seems to revolve around the use of public space for informal trading and vending. The informal traders see their activities as a necessity and the only way they can earn an income for their households. However, the local formal community seems to associate crime with street trading and the local business forum argue that their two main goals are: to combat crime and minimize street vendors (Respondent 46). The local police seem to try and enforce the by-laws and to hit soft targets who they know are "breaking the law". Considering the high crime rate in the area, which every respondent mentioned in one form or another targeting the informal

traders seems both distracting and rather pointless. The informal traders are also often left feeling powerless when they try and engage with the official system, Respondent 43 describes her experiences as, “I can say yes I guess, because the law doesn’t allow us to trading freely. When they come we ask them about where we must go to sort this out or who must we talk to or do. But when we get there, they don’t give us info. Because they sometimes take our stock and give us receipt to fetch our staff with, but when you fetch your stock something is missing”.

Crime is seen as a serious issue within Doornfontein and as a result the council has come up with what it calls “blitzes”. The inner city is divided into a series of quadrants and on a particular night or day all buildings/houses/businesses/shops are inspected for by-law infringement. Night blitzes target illegal activities, illegal nightclubs and taverns. The blitzes are co-ordinated between a number of different departments but include the JMPD/SAPS and occasionally the army. In these situations fines and summons are issued and the occupiers and land lords are less likely to be aggressive when council officials are accompanied by the police (Bisset, 2008: Pers. Comm.). There is also a greater police presence in the area, and some of the formal retailers see the benefits, “Security is tight crime rate has reduced, more surveillance cameras more investors investing in this place” but not all traders agree and, Respondent 34 who is an informal trader feels “Now there is too much Metro Police Patrolling which wasn’t there before. This is making our work difficult”.

ii. Tenants and Landlords, rights and obligations

There do seem to be some general and socially acceptable rules of engagement between landlords and tenants. Most tenants argue that they have the right to make changes to their shops and homes but that they are obligated to keep their landlords informed of their actions. Respondent 42, who has been a resident of the area since 2001 explains “Indeed you must [tell the landlord] otherwise its disrespect to the one who owns this place. When you tell them even the owner they have no problem as long as they have been informed.” (Figure 16). Negotiations with proxy authorities such as security guards and caretakers does seem to be slightly more fraught, and Respondent 38 discusses how, when he wanted to make some changes to his shop, he spoke to the security guards as he did not know who the owner is and tried to get permission from them. “...they agreed and later changed their mind. It took about two months to make the negotiations; they wanted to throw me out”. In none of the interviews was there a sense that neighbours, either residential or commercial were that involved or concerned with each others goings on. Even when a scrapyard was put in place in a residential courtyard, in 2003 and run from the building. Respondent 42 just mentioned that an arrangement had been negotiated and a settlement reached between the scrapyard owner, the



caretaker and the building owner. Respondent 35 seems to best exemplify this position when she says, "I mind my own business. I don't go around checking on other peoples progress I am focused". Although there is now a communal forum as discussed earlier an attitude of leaving well-enough alone does seem to pervade the area.

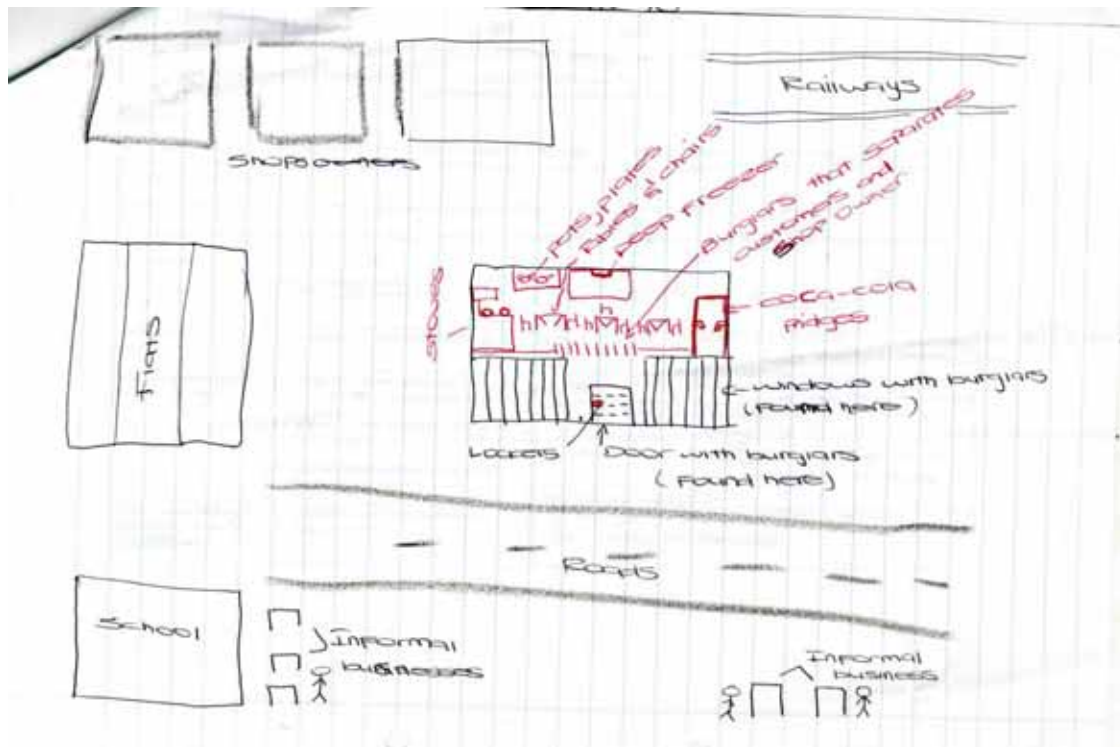


Figure 16: An example of Internal changes made to a rented property

iii. The Council and the community – a very conflictual relationship

The real disputes and conflicts over land its uses and services do not seem to happen between landlords and tenants, but rather between the municipality, its associated infrastructure and services and the tenants in the area. Disputes over costs for electricity incurred by previous tenants has left current businesses and buildings without power. One tenant simply moved shop, when City Power requested he pay the outstanding amount on the previous tenants' electricity bill (Respondent 44). Whereas, in another building, a leaking pipe led to the discovery by the municipality that many of the tenants in the building had not paid their water bills, Respondent 40, a long time dweller of the area, recounts the story, "There was a pipe that was leaking. Then the Municipality came to close down water in order to fix the pipe. Then it also happened that the residents owed the council huge sums of money in unpaid water rates. Then the water was never opened from there. The residents took the matter to court and they were victorious. Surprisingly water was never connected". At the moment, the building's residents committee and the municipality are still locked in

dispute and negotiation despite the court ruling. There is a general sentiment that a household or building can get the cost and debts written off, if one knows the right people at the council. A focus group participant poetically described how the “ghost owners...create new accounts and you would find this person owns certain buildings with a new account and therefore he has acquired this via friendship or connections. That is why I am saying as they are refusing to give people the new accounts they know that they are reserving it for their own purpose”. It seems that corruption, nepotism, cronyism or some combination thereof allows building owners who are in debt to open new accounts for their buildings and their old debts seem to just disappear.

In cases where landlords have not passed on the money for water and lights to the various parastatals, services have been suspended, and tenants have found ways of protesting. A female participant at the focus group relates how, “They [the landlords] have not been paying the municipality or water and lights it actually has not been paying anything. When they came to cut off the electricity, it then discouraged me to go further. Then when I went to them they even denied me access to even enter the office. So that thing made me to carry on running my business in their place without giving them the rent money”. Tenants simply withhold rent until the landlords sort out the municipal bills, it is the only leverage that they think they have.

There have been significant changes that the respondents mentioned in the interviews to the area. Of late, crime certainly seems to be considered and actively “battled” by the police and the community but not all of the actions are beneficial to the entire community. A local public toilet was closed down, without notice or discussion, and demolished because it was a hotspot for the abduction and rape of women in the area. Unfortunately the result has meant that many of the informal traders and the people using the streets during the day have nowhere to perform their ablutions. The crime blitzes and increased policing have also meant that informal traders and dwellers in the area are harassed and left without shelter or spaces from which to exercise their livelihood practices. The construction of the 2010 facilities has hardly been relayed to the majority of residents and users of the area and there is just some sense that something is going on, but few know what it is or feel that it will affect them.

The municipality is either viewed as being quite distant or quite obstructive within the area and disputes over services are common. The community has also observed and been informed of some of the changes to the area but have certainly not been consulted in any real kind of participatory manner. The best interaction that seems to have taken place is through the Community policing forum but even that is felt to have uneven benefits and deficits for the community in the area.

## 7.0 Analysis of Findings

This section presents one way of describing processes of land use management in the three case study precincts. In analyzing the findings we return to the key concepts set out in the framework in Section 2: the importance of the cultural meaning of land, complexities and contradictions of different ways in which land use management can occur, and focus on who has the power to make land use management decisions.

The transcripts were analyzed by paying particular attention to how respondents described instances of decision-making processes related to how they used, accessed, held, or traded land. The value of the 'long lens' of history is that it helps identify the historical issues, practices, and experiences of people in managing land uses and making claims to land. Since, new possibilities are shaped and understood through previous experiences as much as changes in current 'opportunity structures', the historical perspective allows us to understand some of the possibilities of the present and future. In the research, the analysis sought to understand the complexities and contradictions of decision-making processes and power relations of experiences in different situations and with respect to residential, commercial and light-industrial land uses.

On the basis of the analysis, a number of patterns, trends and processes emerged which are described below. At the core of these patterns and processes is the finding of the **co-existence** of many processes that relate to land use management and the **co-existence** of many rights that are held in or to land uses. The co-existence of processes and rights held is perhaps already acknowledged, yet the very obviousness of this acknowledgement appears to have prevented a full exploration of what the relationships are between the different processes and what this might mean for more progressive land use management practices. Thus, this section explores the ways that the processes and rights co-exist and in the concluding section that follows suggests a new framework that seeks to bring these co-existing rights and processes into one framework so as to better understand the relationships between them. On the basis of the new framework the research offers a means of moving land use management debates forward.

### 7.1 Co-existing land use management processes

The most striking finding when analysing the data is that land use management processes, systems, and practices **co-exist**. Moreover it is evident that these co-existences occur across the precincts of the study as well as within the precincts. To summarise one glimpse of these different forms of co-existence: while the respondents in Diepkloof were gaining authorisation to build 'garages' that would be used informally for residential purposes; the state was relocating respondents on the East Rand to formalised townships but turning a blind eye or encouraging informal settlement in other areas; while simultaneously, new uses were informally emerging in the formal

urban fabric of Doornfontein. The case study precincts reveal many more examples. Sometimes different land use management systems and practices exist on a single parcel within a precinct. For example, a pastor in Thokoza has employed a (formal) land surveyor to re-peg the official cadastral boundaries to the parcel although this has not been fed through to the Municipal authorities. Simultaneously, he has bought the buildings on the land from the church authorities, but pays monthly rent for the land to the Municipality and rents out backyard shacks to a few tenants. These different forms of co-existing land use management systems and practices are quite straightforward to comprehend. What is less easy to deal with is taking the implications of this acknowledgement forward. There are a number of points to note.

First, to acknowledge that land use management systems and practices co-exist is not to suggest that the history of land use management in the precincts is a story of 'anything goes'. What emerges from the case studies is that there are always ways of structuring land use decision-making. Sometimes, these forms of decision-making are more transparent than others, but one of the key issues is that **someone almost always takes control**. In Thokoza the violence of the 1990s contributed to make the area ungovernable, in Doornfontein the swift exodus of formal control of privately-owned properties, and the withdrawal of the council, and in Diepkloof the lack of municipal control in the hostels and for a time over the informal trade, all meant that someone or some other group moved into the space and took advantage of the power vacuum. At present there are a wide variety of examples to support this claim, building hi-jackers control Doornfontein, in terms of both access and activities in their buildings; Indunas and other informal systems controlled accommodation in the hostels and committees and individuals (sometimes in collusion with local councilors) control access to space in informal settlements. It would seem that historically a power vacuum creates an inevitable situation of someone coming in and taking control generally for their own benefit. Eradicating these systems once they are entrenched, however, meets with a great deal of resistance by both those in control and those who benefit from the system in some way.

Second, the co-existence of different land use management systems and practices mean that different people are invested in these systems and practice in specific ways. Sometimes it is relatively easy to dis-invest, such as moving from a backyard shack to an informal settlement but in most cases it appears quite difficult. Consequently, any changes that 'ripple' through broader land use management approaches are likely to be **differentially felt**. For example, in Doornfontein, the current increase in policing and crime prevention activities has had a very negative effect on the informal traders who now face greater police harassment than they did when there was a far smaller police presence. In contrast the more formal business interests in the area applaud the move and support the increased policing and the CCTV cameras, as they see the benefits. In Thokoza and Diepkloof the application of Annexure F has meant a great deal less work for the overburdened land management units of the local council but great deal more for the Environmental Health Practitioners who have greater responsibility for

monitoring of what is actually going on at the ground level. Women, too seem to be differently affected by the various systems, in Diepkloof two of the women interviewed saw the titling system as giving a house, authority and control to the original family who claimed rights to that unit. In contrast another woman in Diepkloof, who ran a commercial enterprise saw the rights that she had been granted to run her shop as defensible and refused to be moved by men who felt that a woman could not and should not run a large shop. It would seem that the system gave the women strength to fight for what she felt were her rights. Furthermore there is also the general issue of formalization and regularization, which means that in the cases of the hostel dwellers, an older system of governance and way of life will be destroyed in the face of hostel upgrading and improvement. The impact of any system or programme is unequal and considerations of that impact may need to be considered in terms of the livelihood strategies and ways of life that many of the poor lead.

Third, we argue that the lack of acknowledgement of the different systems is conducive to corrupt land use management practices because certain actors can 'slip between' (well-established) different systems to achieve their aims. It is not the fact that different land use management systems co-exist that is the problem but that anything beyond what is considered as 'formal' land use management is not considered to exist. Corruption came out of all three of the sites in a wide variety of forms and shapes. It is also clear that bribery and corruption is hardly a new phenomenon in any of the areas, in fact evidence from Diepkloof shows that it has been a feature of the formal system of land allocation from the township's inception. There are two problems associated with a formal system being corrupt, aside from those issues of a normatively ethical nature, which are certainly a concern but need a more appropriate forum for discussion. The problems that are generated are related to pragmatic land administration issues. The first is that the type of corruption, which is in evidence has a direct impact on the integrity of the deeds register. Where deeds have been tampered with or duplicated or where the names of owners have been changed on the system, it means that the deeds register, which is the legal device used to "protect" ownership is inaccurate and unreliable. Evidence of who owns what is compromised and the ability of people to hold and defend their claims is weakened and there is no "objective" body that can be referred to in order to find out who owns what.

The second issue is one of social justice, equity and potential social disruptions. Another finding that came out of the study was that if a system is transparent and appears fair, then there is a sense that potential housing and land beneficiaries will wait, safe in the knowledge that at some point their turn will come. However if the system is disrupted and made opaque by corruption and bribery then the idea of waiting for one's turn becomes ridiculous as waiting patiently will not necessarily result in any benefit. The system then becomes a downward spiral in which households and individuals compete for limited resources and those who cannot compete and most need assistance are even more marginalized by a system that was intended to help them. Such competition, lack of equity, and just general social injustice creates a society in which the government is

distanced from the communities it should try and serve as citizens no longer trust the state and its mechanisms, it also means that households are forced to compete with each other in order to access, what should be fairly and equitably delivered social goods.

The fourth and final implication of the co-existing land use management systems and practices is that the same parcel of land can have very different cultural meanings and social and financial values as a consequence of these meanings. This raises the prospect that land can have different values and can be mobilised in different ways to the dominant meaning of land as a financial asset. One of the ways that land can 'work' for poor people is that the ability to 'divide' the spaces is multiple and can work across different cultural meanings and values.

Onto this welter of different land use management processes the distinction between formal and informal systems is typically imposed. This distinction will always be necessary to make sense of the world. But there are three things to bear in mind. First, there is the danger of reification – to assume that because we can label and describe social processes that they always exist and function in this way. Second, that the distinction of the world into binaries such as formal and informal has consequences about which side is considered superior and which inferior or deficient in some way. What follows from such distinctions is the allocation of public resources and this makes the distinctions critically important for understanding the potential of progressive land use management systems. Third, people in their different roles and how their activities are described – whether formal or informal – enact certain social identities and attach cultural values to their behaviour. In other words, the description of certain activities as formal or informal do more than simply describe a set of activities because they also condition the possibilities for the range of potential actions of different actors. Since, binary distinctions are so fundamental to Western ways of thinking it is very difficult to escape them. New binaries replace old ones. One response is therefore to focus more explicitly on working across and between the assumed distinctions and to pay more attention to the effects of distinctions.

In summary, the co-existence of land use management processes and rights suggests that if urban land use management is to be made to work better for poor people it is useful to bring these processes and rights into a common framework.

## 7.2 A framework for analysing the co-existence of land use management processes and rights

This section seeks to develop a framework that can bring together the diversity of land use management practices described in the previous two sections. The purpose of the framework is to provide a means for starting to understand how the different land use management practices relate to each other. The rationale being that an approach to land use management that only focuses on one understanding of what counts as land use management will unnecessarily restrict itself in its ability to make land use

management work better for poor people. The findings suggest that if a clearer understanding of the relationship between the different processes is held, the power relationships that sustain these relationships can be illuminated and the processes that operate either strengthened or addressed.

However, it must be stated clearly at the outset that the framework is a **device** for thinking about land use management. It does not seek to account for the diversity of land use management systems and practices. It is one way of starting to highlight what is most important about different land use management systems – the relationships between them that are used to create, sustain claims and uses of land and/or erase others. The co-existence of different land use management practices shows that a simple categorisation of practices into those that are defined as ‘formal’ and ‘informal’ is deeply political because of what it includes and excludes from view and analysis. The new categorisations offered here are open to the same criticisms but seek to provide a means of continually revisiting what or who is included or excluded. The table is also not intended to be read as either a hierarchy or as a continuum it is a descriptive schema intended to be used to open up thinking about land use and land management systems.

We develop this device over the following seven tables.

In Table 1, a description is provided of the main groups of land use management practices that were evident in the case studies. With these descriptions, we seek to convey a sense of where the main decision-making power lies. Although the order of the categorisations suggests some kind of continuum this does not preclude geographic locations from changing from one extreme to another. The underlying purpose of the categorisations are to draw attention to the co-existence of different land use management practices across different parts of the city and, to a more limited extent, within particular locations.

Table 1. Description of different land use practices

Example	Description	Interface	Value	Existing formal LUM approach	Experience of poor user	Future approach
	Anarchy					
	Mixed system					
	Completely informal					
	Formally based but informal					
	Informally based but formal					
	Complete formality					

In ‘anarchic’ situations it appears that the locus of power is highly indeterminate and volatile. In ‘mixed systems’ the situation is little better, although not as volatile and

dangerous. But this categorisation of a ‘mixed system’ conveys a sense of people being able to pick and choose from different formal, informal, and even illegal processes to make, sustain or destroy claims to land and its uses. In ‘mixed systems’ the locus of decision-making power is unclear. In ‘completely informal’ land use management practices decision-making power is completely beyond any process considered as ‘formal’. In the context of ‘formally-based but informal’ the power to make decisions lies primarily in formal institutions and processes but includes some processes and practices considered informal. The ‘informally-based but formal’ describes the opposite situation where the decision-making power resides primarily in practices or areas considered informal but includes some formal practices. In contexts of ‘complete formality’ the decision-making power resides firmly in what is considered to be formal practices and processes.

The descriptions of the co-existing land use management practices are given greater specificity in Table 2 with the provision of examples from the case study precincts. A good example of ‘anarchic’ land use management practices is provided by the period of political violence that beset the Thokoza precinct in the early 1990s. In this context, the power to control land was nominally in the name of the state. In practice however, the volatility of the situation and unpredictability meant that it was extremely difficult for almost anyone to locate, or hold, land use management decision-making powers.

Historically, the state approved and even encouraged informal settlement in some places while simultaneously seeking to eradicate it, in other places around the Thokoza precinct. In pursuing this ‘schizophrenic’ approach to informal settlement it was unclear whether the locus of land use management decision-making was in the formal processes, informal processes, or in processes that contradicted formal laws.

Table 2. Examples of different land use practices

<b>Example</b>	<b>Description</b>	<b>Interface</b>	<b>Value</b>	<b>Existing formal LUM approach</b>	<b>Experience of poor user</b>	<b>Future approach</b>
Political violence in Thokoza	Anarchy					
Schizophrenic approach to informal settlements around Thokoza	Mixed system					
Doornfontein building ‘hi-jacking’ Informal settlement in Diepkloof	Completely informal					
Hostel Izinduna & Blockmen in Diepkloof	Formally based but informal					
Code of conduct in Thokoza shebeen	Informally based but formal					
Establishment of Diepkloof, Thokoza & Doornfontein	Complete formality					



The examples of ‘hi-jacking’ buildings and informally converting their uses in Doornfontein are a good example of a ‘completely informal’ process. Similarly, in some instances of informal settlement around the precinct in Diepkloof, land use management decision-making power resides fundamentally in the set of practices that have been considered ‘informal’. One example of ‘formally based but informal’ context that emerged in the case studies was the local authority’s informal use of *izinduna* and blockmen to (informally/traditionally) control the use of land and space within the hostels. While the example of a women-owned shebeen in Thokoza that had adopted a (formal) Code of Conduct for patrons as a means of limiting the impact of potentially inebriated patrons on neighbours, is an example of an ‘informally-based but formal’ land use management practice. As an example of the final categorisation of ‘complete formality’, the clearest instances are the original formal establishment of Doornfontein, Diepkloof, and Thokoza.

It is important to note that what emerged in the case study analysis was that the instances of ‘anarchic’ and ‘complete formality’ were very rare. Across the different spaces it is far more common to find the more ‘messy’ situations where the locus of decision-making is relatively clear, but always includes, or makes reference to, other practices.

In Table 3 the framework is extended in terms of what each categorisation suggests for its ‘interface’ with other systems. By the use of the concept of an ‘interface’, we are drawing attention to the boundaries between the different categorisations. These boundaries could be described in geographic terms, or in terms of norms of behaviour and what is considered acceptable and unacceptable in different situations, or institutional terms. However, it is only in cases of ‘complete informality’ and ‘complete formality’ that the boundaries of likely to coincide in all three senses. In the other instances, there is likely to be considerable variation in where the boundaries between the different systems are considered to be. In the conclusion to this report, we will argue that these variations in the boundaries provide a considerable, yet overlooked, resource for future land use management practices that are more supportive of poor people.

Table 3. The nature of the interface between different land use practices

<b>Example</b>	<b>Description</b>	<b>Interface</b>	<b>Value</b>	<b>Existing formal LUM approach</b>	<b>Experience of poor user</b>	<b>Future approach</b>
Political violence in Thokoza	Anarchy	Not clear, volatile & unpredictable				
Schizophrenic approach to informal settlements around Thokoza	Mixed system	Very unclear and context and actor dependent				

Doornfontein building 'hi-jacking' Informal settlement in Diepkloof	Completely informal	Very clear with conflictual interface
Hostel Indunas & Blockmen in Diepkloof	Formally based informal	Unclear, driven by formal
Code of conduct in Thokoza shebeen	Informally based formal	Unclear, driven by formal
Establishment of Diepkloof, Thokoza & Doornfontein	Complete formality	Very clear with conflictual interface

Consequently, in the 'anarchic' land use management situations, the 'interface' with other systems is, perhaps intentionally, kept unclear. The power to make decisions is unclear and it is almost impossible to know how far this power extends or when and how it might be exercised. In scenarios best described by a 'mixed system' of land use management, the 'interface' should exist but is unclear where exactly it might be and the ability to comprehend where the limits to decision-making might lie are highly context dependent and may slip in and out of view from the same institutional vantage point. For example, land use managers planning the removal and relocation of an informal settlement might draw on state laws to legitimate the removal but rely entirely on informal processes of allocation and consolidation in the newly established settlement. For poor land users, the ability to work out which 'system' is being drawn upon is highly variable. For the formal land use manager such situations might spin out of control; such as the example of the relocation and resettlement of Phola Park residents demonstrates.

For 'completely informal' and 'completely formal' situations, the 'interface' is relatively clear and defined in strong terms in both instances. The result is a conflictual interface whenever either set of practices encounters other systems or practices. In 'formally-based but informal' contexts the interface is unclear but driven by the logics and power to make decisions in the practices that are considered 'formal'. For 'informally-based but formal' contexts the interface is also unclear and driven by the logics and locus of power to make decisions in the practices that are considered 'informal'.

The notion of 'interfaces' suggests that the relationships *between* the different types of co-existing land use management practices are important. However, determining the 'interface' and limits of power to make land use management decisions has fundamental implications for land users to give land meaning and value – whether social or financial. In Table 4, we extend the analysis to consider the implications of the different land use management practices for the value of land – both culturally and financially.

By definition, in situations of 'anarchy' there is little overall control of land use management. Consequently, the case studies show that as land gains a meaning as being uncontrolled it loses its financial value and the value of investments in any land

uses. The ‘anarchic’ situation in Thokoza left deep psychological scars and was financially disastrous for respondents that participated in this research. ‘Mixed system’ situations tend also to be characterised by very little consistency in land use management with the result that the meaning of the land and how it might be used, is constantly shifting and thus has difficulty sustaining any financial or consistent social value.

Table 4. The value and meaning of land in different land use management systems

<b>Example</b>	<b>Description</b>	<b>Interface</b>	<b>Value</b>	<b>Existing formal LUM approach</b>	<b>Experience of poor user</b>	<b>Future approach</b>
Political violence in Thokoza	Anarchy	Not clear, volatile & unpredictable	No control, land of little value, land loses meaning, investment risky			
Schizophrenic approach to informal settlements around Thokoza	Mixed system	Very unclear and context and actor dependent	Little control, value & meaning of land shifting			
Doornfontein building ‘hi-jacking’ Informal settlement in Diepkloof	Completely informal	Very clear with conflictual interface	Rigid control, one dominant meaning & value			
Hostel Indunas & Blockmen in Diepkloof	Formally based informal	Unclear, driven by formal	Some control, value & meaning dependent on context			
Code of conduct in Thokoza shebeen	Informally based formal	Unclear, driven by formal				
Establishment of Diepkloof, Thokoza & Doornfontein	Complete formality	Very clear with conflictual interface	Rigid control, one dominant meaning & value			

Again, for both ‘completely informal’ and ‘completely formal’ there is only cultural meaning that dominates the land and its uses and actors in the two different systems attempt to maintain rigid control over this meaning by erasing or ignoring others. The stability of the cultural meanings associated with the land denote that it is likely that the land will sustain financial values. In both cases, the range of financial values will be achieved at the expense of excluding others. The ‘completely informal’ contexts of informal settlement is likely to exclude people who cannot identify with a specific political party (such as in Diepkloof and Thokoza) or who do not belong to certain social groups (Doornfontein). Whilst the ‘completely formal’ contexts tend to exclude those without political or financial power and the ability to navigate complex legal systems (Doornfontein).

The case studies show that the most scope for achieving stable meanings of land and allowing users to convert this into financial value lies in the contexts categorised as

'informally-based but formal' and 'formally-based but informal'. In both instances, there is some control and consistency over the meaning of the land and the uses to which it might be put but there is always scope for more stability. Examples in the case studies suggest that the ability to determine the cultural meaning of land and its management is dependent on a range of factors such as the ability to access formal institutional support or stabilise informal processes that have negative consequences for poor people.

The combination of context, interface, and the implications for meanings and values of land are now explored by categorisations in terms of how existing formal land use management approaches dealt with the situations in the case studies and how users experienced the situations. On the basis of comparing the historical approaches and experiences of users we suggest a final column that starts to suggest possible future, more pro-poor people responses.

Table 5 sets out what the range of responses, experiences and what future practices might be for 'anarchic' land use management situations. Historically, the approach to 'anarchic' situations has been to (more or less promptly) seek to re-establish law and order and create one reference point for land use management. The experience of poor people who find themselves in such situations has been that it is highly disadvantageous and financially regressive. The ability to manage land in such contexts is highly variable on the individual's ability to protect their claims and continue to conduct particular land uses and often appeared dependent on chance. A good example, is the taxi-mechanic who found himself on the side of the Thokoza war-zone that lacked accessible mechanics. The political fighting cut off the taxi drivers from their regular sources of mechanical backup and consequently, the taxi-mechanic in question was able to establish his business. The highly damaging nature of anarchic land use management situations for poor people suggests that seeking to achieve law and order in such circumstances should remain a priority for (formal) land use management systems. However, given the damaging prospects of such occasions there appears to be reason to investigate the instigation of land use management 'alerts' that might trigger additional responses to avert anarchic situations from occurring in the first place. A further consideration for future approaches to anarchic land use management contexts would be to increase the state's engagement with the consequences of anarchy, once order has been restored. For example, although Ekurhuleni Metropolitan Municipality have a programme for repairing structures damaged in the violence and restoring land uses, these programmes have failed to uphold the research respondent's faith in formal land use management systems. This is because, while the suspension to their land use has been recognised by the housing department, the electricity and water department have not made such the same acknowledgement and continue to bill people for services they were unable to use. The result is that people's faith in the formal land use management system has been shaken because they associate land use management with access to municipal services.

Table 5. Responses, experiences and future approaches to ‘anarchic’ land use management contexts

Example	Description	Interface	Value	Existing formal LUM approach	Experience of poor user	Future approach
Political violence in Thokoza	Anarchy	Not clear, volatile & unpredictable	No control, land of little value, land loses meaning, investment risky	Establish law & order	Flee, risk investments, lose investments, dependent on individual ability	Establish law & order, develop alerts to trigger responses Engage with consequences
Schizophrenic approach to informal settlements around Thokoza	Mixed system	Very unclear and context and actor dependent	Little control, value & meaning of land shifting			
Doornfontein building ‘hijacking’ Informal settlement in Diepkloof	Completely informal	Very clear with conflictual interface	Rigid control, one dominant meaning & value			
Hostel Indunas & Blockmen in Diepkloof	Formally based informal	Unclear, driven by formal	Some control, value & meaning dependent on context			
Code of conduct in Thokoza shebeen	Informally based formal	Unclear, driven by formal				
Establishment of Diepkloof, Thokoza & Doornfontein	Complete formality	Very clear with conflictual interface	Rigid control, one dominant meaning & value			

In Table 6 a set of responses, experiences and possible future responses to ‘mixed systems’ of land use management are summarised.

Table 6. Responses, experiences and future approaches to ‘mixed system’ land use management contexts

Example	Description	Interface	Value	Existing formal LUM approach	Experience of poor user	Future approach
Political violence in Thokoza	Anarchy	Not clear, volatile & unpredictable	No control, land of little value, land loses meaning, investment risky	Establish law & order	Flee, risk investments, lose investments, dependent on individual ability	Establish law & order, develop alerts to trigger responses Engage with consequences

Schizophrenic approach to informal settlements around Thokoza	Mixed system	Very unclear and context and actor dependent	Little control, value & meaning of land shifting	Different degrees and configurations of: Formalising Eradicating Erasing Incorporating	Adjust, adapt, 'go with the flow', dependent on individual ability	Shift the system to formal informal or informal formal then address interface
Doornfontein building 'hi-jacking' Informal settlement in Diepkloof	Completely informal	Very clear with conflictual interface	Rigid control, one dominant meaning & value	Co-opting		
Hostel Izinduna & Blockmen in Diepkloof	Formally based informal	Unclear, driven by formal	Some control, value & meaning dependent on context			
Code of conduct in Thokoza shebeen	Informally based formal	Unclear, driven by formal				
Establishment of Diepkloof, Thokoza & Doornfontein	Complete formality	Very clear with conflictual interface	Rigid control, one dominant meaning & value			

The land use management responses are part of a wide set of practices, techniques, institutions and systems that currently comprise what is considered to be current, 'formal' land use management. If the responses emerge from a relatively standard set of land use management approaches, the experiences of poor land users appear anything but standard. The case studies show that people must continually try to adapt and hedge their bets by ensuring that they maintain some link to a range of different processes. Unable to predict which avenue will be the most successful, poor land users 'go with the flow' and depend on their individual abilities (rather than institutional support) to access land uses or sustain claims to land. This suggests that the first task of a land use management that seeks to be more responsive to poor people is to move the locus of decision-making power into either a more informal or formal context to allow for the limits of decision-making to become clearer and more predictable.

Table 7 suggests that the existing formal approach of land use management to 'completely informal' contexts is derived from the diversity of strategies which seek to formalise, eradicate, erase, incorporate, or co-opt informal practices. Equally diverse are the experiences of poor land users that must try to fit into particular social and political networks in order to access and hold claims to land and land uses. A drawback of 'completely informal' circumstances of land use management is that the case studies show that poor people have limited recourse to formal external authorities to appeal against injustices.<sup>2</sup> The suggested priority for formal land use management systems is however, to work out the nature of the 'interface' of 'completely informal' situations

<sup>2</sup> It is important to note that there are routes to appeal to external informal authorities. A useful example is the case of the 'headmaster' of one of the hostels in the Thokoza precinct. This respondent could appeal to traditional authorities many hundred of kilometres away in Ulundi in resolving certain disputes.

and what the effects are of conceptualising and acting as if this were the limits of decision-making power. This suggestion is common for both the two contexts of ‘formally-based but informal’ and ‘informally-based but formal’ situations that will be described below. A difficult but important task, especially in ‘completely informal’ contexts is to think about how the (conflictual) ‘interface’ can be managed differently. And, following from this, which interests need to be included, negotiated, and compromised in redefining the interface.

Table 7. Responses, experiences and future approaches to ‘completely informal’ land use management contexts

<b>Example</b>	<b>Description</b>	<b>Interface</b>	<b>Value</b>	<b>Existing formal LUM approach</b>	<b>Experience of poor user</b>	<b>Future approach</b>
Political violence in Thokoza	Anarchy	Not clear, volatile & unpredictable	No control, land of little value, land loses meaning, investment risky	Establish law & order	Flee, risk investments, lose investments, dependent on individual ability	Establish law & order, develop alerts to trigger responses Engage with consequences
Schizophrenic approach to informal settlements around Thokoza	Mixed system	Very unclear and context and actor dependent	Little control, value & meaning of land shifting	Different degrees and configurations of: Formalising Eradicating Erasing Incorporating	Adjust, adapt, ‘go with the flow’, dependent on individual ability	Shift the system to formal informal or informal formal then address interface
Doornfontein building ‘hi-jacking’ Informal settlement in Diepkloof	Completely informal	Very clear with conflictual interface	Rigid control, one dominant meaning & value	Co-opting	Fit into system, explicit social networks, limited opportunities appeal to external authorities	Work out the nature of the interface and attend to: management of interface which interests need to be included,
Hostel Indunas & Blockmen in Diepkloof	Formally based informal	Unclear, driven by formal	Some control, value & meaning dependent on context		Dependent on context	negotiated, and compromised
Code of conduct in Thokoza shebeen	Informally based formal	Unclear, driven by formal				
Establishment of Diepkloof, Thokoza & Doornfontein	Complete formality	Very clear with conflictual interface	Rigid control, one dominant meaning & value			

In situations of ‘formally-based informal’ and ‘informally-based formal’ land use management practices (Table 8), the case studies demonstrate that the existing land use management approaches draw on the range of strategies already described. Similar pointers towards future responses apply in this situation to those suggested in relation to land use management practices and systems considered to be ‘completely informal’. The differences emerge in the experiences of poor land users. The experiences are highly dependent on the context, distribution of decision-making power and land use. In

both situations, the ‘reality’ is comprised of many different elements of practices and systems that are considered ‘formal’ and ‘informal’. For example, the extremely formalised spaces of hostels with (initially) high levels of formal control depended on the informal control of *izinduna* who themselves relied on their informal authority to traditional leaders in rural areas as well as being recognised by the formal hostel municipal authorities. In such situations the ability to borrow or mimic practices across the assumed ‘divide’ between formal and informal land use management was, and remains, dependent on the power of particular groups or individuals and their connections to other urban processes.

Table 8. Responses, experiences and future approaches to ‘formally-based informal’ and ‘informally-based formal’ land use management contexts

<b>Example</b>	<b>Description</b>	<b>Interface</b>	<b>Value</b>	<b>Existing formal LUM approach</b>	<b>Experience of poor user</b>	<b>Future approach</b>
Political violence in Thokoza	Anarchy	Not clear, volatile & unpredictable	No control, land of little value, land loses meaning, investment risky	Establish law & order	Flee, risk investments, lose investments, dependent on individual ability	Establish law & order, develop alerts to trigger responses Engage with consequences
Schizophrenic approach to informal settlements around Thokoza	Mixed system	Very unclear and context and actor dependent	Little control, value & meaning of land shifting	Different degrees and configurations of: Formalising Eradicating Erasing Incorporating Co-opting	Adjust, adapt, ‘go with the flow’, dependent on individual ability	Shift the system to formal informal or informal formal then address interface
Doornfontein building ‘hi-jacking’ Informal settlement in Diepkloof	Completely informal	Very clear with conflictual interface	Rigid control, one dominant meaning & value		Fit into system, explicit social networks, limited opportunities appeal to external authorities	Work out the nature of the interface and attend to: management of interface which interests need to be included,
Hostel Indunas & Blockmen in Diepkloof	Formally based informal	Unclear, driven by formal	Some control, value & meaning dependent on context		Depends on context	negotiated and compromised
Code of conduct in Thokoza shebeen	Informally based formal	Unclear, driven by formal				
Establishment of Diepkloof, Thokoza & Doornfontein	Complete formality	Very clear with conflictual interface	Rigid control, one dominant meaning & value			

Table 9 completes the categorisations that have emerged. As noted earlier, the ‘completely formal’ category was rarely observed in the case study precincts. Nevertheless, there are elements of a system considered to be ‘completely formal’ that are applied on a more piecemeal basis. The existing approach to contexts considered to



be ‘completely formal’ is to police and enforce the boundaries of these systems as efficiently as possible. The result of this process and ‘completely formal’ systems is that they are highly exclusionary and function for those inside the system but not for the majority of people who participated in this research. The tentative suggestions that emerge from the case studies is that future approaches to land use management are required to attend to the ‘interface’ so as to determine more precisely who is defined as being inside the system and how those that are outside might be included. In other words, the notion of an ‘interface’ acts as a device to focus attention on the limits of different forms of decision-making powers and, in so doing, continually illuminate and highlight the assumptions that underpin particular forms of practice and the power relations that sustain these.

Table 9. Responses, experiences and future approaches to ‘completely formal’ land use management contexts

<b>Example</b>	<b>Description</b>	<b>Interface</b>	<b>Value</b>	<b>Existing formal LUM approach</b>	<b>Experience of poor user</b>	<b>Future approach</b>
Political violence in Thokoza	Anarchy	Not clear, volatile & unpredictable	No control, land of little value, land loses meaning, investment risky	Establish law & order	Flee, risk investments, lose investments, dependent on individual ability	Establish law & order, develop alerts to trigger responses Engage with consequences
Schizophrenic approach to informal settlements around Thokoza	Mixed system	Very unclear and context and actor dependent	Little control, value & meaning of land shifting	Different degrees and configurations of: Formalising Eradicating Erasing Incorporating Co-opting	Adjust, adapt, ‘go with the flow’, dependent on individual ability	Shift the system to formal informal or informal formal then address interface
Doornfontein building ‘hi-jacking’ Informal settlement in Diepkloof	Completely informal	Very clear with conflictual interface	Rigid control, one dominant meaning & value		Fit into system, explicit social networks, limited opportunities appeal to external authorities	Work out the nature of the interface and attend to: management of interface which interests need to be included, negotiated and compromised
Hostel Indunas & Blockmen in Diepkloof	Formally based informal	Unclear, driven by formal	Some control, value & meaning dependent on context		Depends on context	
Code of conduct in Thokoza shebeen	Informally based formal	Unclear, driven by formal				
Establishment of Diepkloof, Thokoza & Doornfontein	Complete formality	Very clear with conflictual interface	Rigid control, one dominant meaning & value	Protection Policing Regulation	Exclusion	Attend to interface and become more inclusionary

In summary, the co-existence of these different categories of land use management across different precincts, and to some extent, within the same parcel within a precinct, is intended to draw attention to the need to understand how decision-making powers

might shift and land use management systems move from one category to another. Its purpose is not to entrench a new set of distinctions between categories of land use management. The advantage of the framework with co-existing land use management practices and systems is that it reveals the dangers of pinning any hopes for a progressive land use management system on only one category.

## **8.0 Conclusion**

In concluding this report, we draw attention first to methodological implications of the research process and second, to the implications of acknowledging the co-existence of land use management systems and practices.

The methodology adopted in this research was experimental because issues of oral history and urban history tend to place, people and communities in the line of focus rather than land. This project attempted to use techniques, and archival research with “land” being at the centre of the study, where the subject cannot “speak” for itself. This meant that the project relied on people’s interpretation, understanding, valuation and valorization of land. The approach allowed the researchers to gain insights into these elements and to see how, what and when land is valued and given meaning and when systems cohere or conflict. There is no doubt that valuable material has been collected and a reasonable start has been made but there are certainly improvements that could be made to the methodology, it could be strengthened so that, if the work is replicated, it can be better focused, draw out more exacting details and effectively demonstrate the range of relationships and inter-relationships that exists between people and land, land and legislation and land and context. As a concluding consideration for future research, it is recommended that researchers need time and resources to really “dig” into the past and the present to gain detail, whilst not arousing sensitivities or bias, a difficult task requiring delicacy.

Land use management systems and practices have co-existed from the beginning of the settlement and use of land described in the case studies. They are going to continue to co-exist. This raises two important issues for formal land use managers. First, the need to develop the means for understanding other land use management systems and following from this, how land use management systems change from one category to another – however these categories are defined. To acknowledge other land use management systems and practices is neither to devalue what is considered ‘formal’ land use management nor call for greater ‘informality’. Instead, it is to create the possibilities for seeing value in other land use management systems rather than consider them as inferior or deficient in some way. Clearly, if the starting point is that any land use management system that is not considered ‘formal’ is perceived as inferior, the possibilities for learning or working with valuable aspects of other land use

management systems is immediately blocked – despite the importance of such systems for poor people.

The second important issue is despite land use management being fundamental to society there is no explicit overall goal towards which land use managers are working. Land use management has a tarnished image from its explicit service to Apartheid and has yet to identify with a different social goal. The time has come for the debate about which goal to harness land use management systems. South African approaches to rural land use management have clearly related their objectives to goals of ‘sustainable development’ and there is a substantial body of work on such goals (cf Kotzé, 2007). But, sustainable rural land use goals have neither been translated into an urban context nor might be considered as most appropriate in an urban context. This research raises the need to begin a debate around the goals of urban land use management. The purpose of such a debate will be to create a new equitable goal around which to orient land use management. What is more, this research shows that there are processes that create significant relationships between land use management systems and therefore, the explicit definition of a new set of (formal) land use values are likely to filter through to other land use management systems too. Fortunately, this research also shows that contrary to a view which makes claims about an untainted formal land use management system, it is clear that completely formal land use management is rare. The bulk of current practice is a mixture of ‘informally-based formal’ and ‘formally-based informal’ land use management practices and systems. This acknowledgement provides a rich resource for future land use management practices that might be more supportive of poor people’s urban land needs.

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## **10.0 Annexures**

### ***Annexure 1: List of Land use managers interviewed***

#### **Diepkloof**

1. Veronica Nephumbada  
Senior town planner
2. Brenda Mathonsi  
Environmental Health Practitioner
3. David Chamboko  
Senior Professional Town planner

#### **Doornfontein**

1. Percy Naidoo  
Environmental Health Practitioner: Doornfontein
2. Melinda Bisset  
Environmental Practitioner: Doornfontein
3. Sydney Abrahamowich  
Professional Architect and Town Planner and Architect
4. David Mathinye  
City of Johannesburg: Operations Manager: Land use management, Doornfontein

#### **Thokoza**

1. Dudu Tshabala  
Senior Professional Town Planner
2. Julian Baskin  
Previous director of PLanact: Project coordinator for Phola Park, Thokoza
3. Anonymous  
Senior Environmental Health Practitioner
4. Brigitte Edwards and Dessica Sugasamy  
Senior Housing Liaison Officers

Housing Department: Thokoza

**General**

1. John Spiropolous

KUM: Urban Consultants

2. Roger Boden

University of the Witwatersrand: Professional Town and Regional Planner

3. Lorraine Oakenfull

City of Johannesburg: Senior professional training officer – town planning

4. Hannalie Smith

Gauteng Department of Housing, Township Establishment Section, Directorate  
Development Planning



**Annexure 2: Land Biographies: Interview Protocol for Managers**

1. Introduction: Hello my name is... Working on a project concerning the history of land.

2. Motivation	- When did you first become involved in this area?	<ul style="list-style-type: none"> <li>• Year</li> </ul>
	- What was your official title?	<ul style="list-style-type: none"> <li>• Who were you working for?</li> <li>• What was your role in the organization?</li> <li>• What was the function of your department/organization etc?</li> </ul>
3. Processes involved in getting this place	- How were people allocated to this place?	<ul style="list-style-type: none"> <li>• What was the process?</li> <li>• What kind of official documentation could they receive?</li> <li>• Who was involved in the process</li> </ul>
	- If someone wanted to get a place here today, what would they have to do?	<ul style="list-style-type: none"> <li>• Who to talk to?</li> <li>• What to do?</li> <li>• Where to look?</li> </ul>

<p>5. Change over time</p>	<ul style="list-style-type: none"> <li>- Can you make a rough drawing of this place - what it looked like when you started working there here?</li> <li>- Can you tell me more about this place and the neighbourhood when you first started here?</li> </ul>	<ul style="list-style-type: none"> <li>• What infrastructure was in place in the neighbourhood? (Roads, taxi ranks, shops, train, clinic, etc)</li> <li>• Who was living where?</li> <li>• What activities were taking place in this neighbourhood?</li> <li>• Did all the places look the same when you first got here?</li> <li>• Who was in charge at the time?</li> <li>• Were there any major organizations or civil movements at work?</li> </ul>
	<ul style="list-style-type: none"> <li>- Can you use the same pictures and using a different colour pen to draw the way the place looked when you were done?</li> <li>- How did you get from there to here i.e. what has happened over time. Please tell me about the biggest changes in this place over the time you worked there. <i>DRAW TIMELINE to indicate changes on stand and in neighbourhood</i></li> <li>- Can you tell me more about the process of making this change?</li> <li>- What motivated these changes?</li> <li>- What were the changes intended to accomplish?</li> </ul>	<ul style="list-style-type: none"> <li>• When did the change occur? (Write Year on Time line)</li> <li>• Who initiated the change?</li> <li>• Who actually made this change?</li> <li>• What was the reason for making this change?</li> <li>• Did you need permission to make this change? / If OTHERS (i.e. Council) made change – Did they consult with you/community before making the change?</li> <li>• From whom did you get permission?</li> <li>• What steps/processes did you take to get the permission?</li> <li>• Was it difficult/easy to get permission?</li> <li>• Was it important to get permission? Explain?</li> <li>• If NO permission was obtained, why did you not ask for permission</li> <li>• Did anyone complain about the changes you made?</li> <li>• If OTHERS made change, and you disagreed were your opinions considered?</li> <li>• Who complained?</li> <li>• What did they complain about?</li> <li>• How did you deal with it/resolve it?</li> <li>• Whom did you ask to help you to resolve it?</li> <li>• What were the benefits of the changes?</li> <li>• What were the disadvantages of the changes?</li> </ul>

	<ul style="list-style-type: none"> <li>- Why do you think these changes happened?</li> <li>- How did they impact on the neighbourhood?</li> </ul>	<ul style="list-style-type: none"> <li>• Did these changes mean that the place was used differently by the people that lived there? What were the differences?</li> <li>• Do you think these changes were for the better or worse? Why do you say that?</li> <li>• Do you think the neighborhood and place are better or worse as a result of these changes.</li> <li>• Did you feel that the neighborhood became more important/useful to the people who lived there?</li> <li>• Did the organization view the place differently as a result of the changes?</li> </ul>
6. Future Plans	<ul style="list-style-type: none"> <li>- If you could imagine that this place has a story to tell what do you think the story would be and how would it end?</li> <li>- What do you think is the future of this place?</li> </ul>	

### ***Annexure 3: List of Local Informants***

#### **DOORNFONTEIN**

##### **CATEGORY**

INFORMAL COMMERCIAL  
INFORMAL COMMERCIAL  
INFORMAL COMMERCIAL  
FORMAL COMMERCIAL  
FORMAL COMMERCIAL  
FORMAL COMMERCIAL  
FORMAL COMMERCIAL  
FORMAL INDUSTRIAL  
FORMAL INDUSTRIAL  
LONG TIME DWELLER  
LONG TIME DWELLER  
LONG TIME DWELLER  
LONG TIME DWELLER  
LONG TIME DWELLER  
LAND LORD

#### **THOKOZA**

##### **CATEGORY**

INFORMAL COMMERCIAL  
INFORMAL COMMERCIAL  
FORMAL COMMERCIAL  
FORMAL COMMERCIAL  
INFORMAL INDUSTRIAL  
LONG TIME DWELLER  
LONG TIME DWELLER  
LONG TIME DWELLER  
LONG TIME DWELLER  
LAND LORD  
SHACK DWELLER  
SHACK DWELLER  
SHACK DWELLER  
SHACK DWELLER

#### **DIEPKLOOF**

##### **CATEGORY**

INFORMAL COMMERCIAL  
INFORMAL COMMERCIAL  
INFORMAL COMMERCIAL  
FORMAL COMMERCIAL  
FORMAL COMMERCIAL  
LONG TIME DWELLER  
LONG TIME DWELLER  
LONG TIME DWELLER

LAND LORD  
LAND LORD  
LAND LORD  
BACK YARDER  
BACK YARDER

## **Annexure 4: Land Biographies: Interview Protocol for Users**

### **1. Introduction**

Good day my name is ..... We are working for Progressus Research & Development – a research company. Our research project is about the history of this land. We would like to learn from you about your memories and experiences since the time that you moved to this place, the changes it underwent through time, up to now. We would like to tell the story of this land and what has changed. Can you tell the story on its behalf?

All the information that you will share with us will be anonymous and we will not use your name or identify you in any of the research. With your permission we would like to record this discussion so that we are back in the office we can remember all the important information that you gave.

### **2. Motivation**

<b>When did you first come here?</b>	<ul style="list-style-type: none"> <li>• Year</li> </ul>	
<b>Who was here before you?</b>	<ul style="list-style-type: none"> <li>• In this erf?/ In this neighbourhood/area?</li> </ul>	
<b>What were your reasons for coming to this place?</b>	<ul style="list-style-type: none"> <li>• Reasons for choosing this place and not another? This precise parcel of land</li> <li>• Is there another place you rather would have moved to?</li> <li>• Did they move here out of free will or forced to move here?</li> </ul>	
<b>What are your reasons to continue to still live (or trade from) here?</b>	<ul style="list-style-type: none"> <li>• Why did you not move to another house/area etc.</li> </ul>	

**3. Processes involved in getting this place**

<p><b>What did you do to get this place when you first moved here/ started trading here?</b></p>	<ul style="list-style-type: none"> <li>• Whom did you talk to?</li> <li>• Who helped you?</li> </ul>	
<p><b>Did you have to do anything else during the years after you first moved here to keep the place to live/ trade here?</b></p>	<ul style="list-style-type: none"> <li>• Did you do different things at different times during the years?</li> <li>• Did you talk to the same people every time? Who else?</li> </ul>	
<p><b><u>IF YES:</u></b>  <b>→ After you did this – Was living /trading here better/worse/ same after you did that?</b></p>	<ul style="list-style-type: none"> <li>• Who helped you?</li> <li>• What was better/worse?</li> <li>• Could you now do other or new things on your land/shop/area where you work that you could not do before?</li> </ul>	
<p><b>Did anyone ever tried to move you from here?</b></p>	<ul style="list-style-type: none"> <li>• Why?</li> <li>• How did you deal with it?</li> <li>• Who helped you?</li> </ul>	
<p><b>If someone wanted to get a place here today (to live/to trade), what would they have to do?</b></p>	<ul style="list-style-type: none"> <li>• Who to talk to?</li> <li>• What to do?</li> <li>• Where to look?</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>

**4. Proof**

<p><b>What kinds of proof did you get to show that the place is yours (to trade/ to live) when you first move here?</b></p> <p><b>Did this kinds of proof ever changed from the time you move (started traded here) here to now?</b></p>	<ul style="list-style-type: none"> <li>• What different things did you have to do to get recognition that this place is yours?</li> <li>• Who did you talk to get proofs?</li> <li>• What proofs?</li> <li>• Who helped you to get proofs?</li> <li>• What different NEW things did you have to do to keep this recognition that this place is yours?</li> <li>• IF YOU GOT NEW PROOFS, WAS THINGS BETTER/SAME WORSE?</li> <li>• COULD YOU DO MORE/DIFFERENT THINGS AFTER YOU GOT NEW PROOFS?</li> </ul>	
<p><b>Did anyone ever disagree that this place is yours (to live/ to trade), or did you ever feel that someone might try to take the place? Can you tell me about that?</b></p>	<ul style="list-style-type: none"> <li>• If proofs were contested: How did you manage to stay?</li> <li>• Who helped you?</li> </ul>	



**5. Change over time**

<p><b>Can you tell me more about this place and the area when you first moved here/ started trading here?</b></p>	<ul style="list-style-type: none"> <li>• Did all the places look the same when you first moved here?</li> <li>• What was in/on this place? (house, shack, lawn, fence, garage, etc.)</li> <li>• Water?/ Electricity?/ Bathroom/ Toilet?</li> <li>• What infrastructure was in place in the neighbourhood? (Roads, taxi ranks, shops, train, clinic, etc)</li> <li>• Who was living where?</li> <li>• What community activities were taking place in this neighbourhood when you first moved here?</li> </ul>	
<p><b>Please tell me how your place changed from then to now.</b>  <i>DRAW TIMELINE to indicate changes on stand</i>  <b>Can you tell me more about the processes of making these changes?</b></p>	<ul style="list-style-type: none"> <li>• Why did you make these changes?</li> <li>• Was everyone in the neighbourhood (all the traders) making the same kind of changes at the same time?</li> <li>• What was the reason for making this change?</li> <li>• Did you need permission to make this change? From whom did you get permission?</li> <li>• What steps/processes did you take to get the permission?</li> <li>• Was it difficult/easy to get permission?</li> <li>• Was it important to get permission? Explain?</li> <li>• If NO permission was obtained, why did you not ask for permission</li> <li>• Did anyone complain about the changes you made?</li> <li>• Who complained?</li> <li>• What did they complain about?</li> <li>• How did you deal with it/resolve it?</li> <li>• Whom did you ask to help you to resolve it?</li> <li>• What were the benefits of the changes?</li> <li>• What were the disadvantages of the changes?</li> </ul>	
<p><b>Were there any changes in the community since the first time you moved here (started trading here) to now?</b></p>	<ul style="list-style-type: none"> <li>• Were these changes for the better or for the worse?</li> <li>• Did the community or community leaders or traders in any ways help to bring about these changes? How?</li> <li>• If not, were the community (or traders) consulted about the change?</li> <li>• If the community (traders) were dissatisfied – were their</li> </ul>	

	views taken into consideration	
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**REMEMBER:**

- Ask about each change in the community, how did that impact on them, was it making live better or worse, and how?
- Ask about who are the people that they networked with or people/groups they had/have contact with (i.e. police, taxi association, SANCO, church, other associations etc.)

**6. Community Action**

<p><b>Individual problems</b></p>	<ul style="list-style-type: none"> <li>• Was there ever something you wanted to do in this place that you could not do because you were not allowed to? What? How did you deal with it?</li> <li>• Did the community (traders) try to do anything?</li> </ul>	
<p><b>Community problems</b></p>	<ul style="list-style-type: none"> <li>• Was there ever a time when the community (traders) had to stand together to bring about change or manage problems in the community?</li> <li>• Can you tell me what the community (traders) did/ how they did it?</li> </ul>	

**7. Future Plans**

<p><b>What are your future plans with this place (If Trader: Will you continue to trade from here, or will you move somewhere else)?</b></p> <p><b>Would you ever leave this place? If so why and where would you go?</b></p> <p><b>What will you do with this place if you should leave</b></p>	<ul style="list-style-type: none"> <li>• Will you sell? Give away?</li> <li>• If not, why not?</li> <li>• If will sell, to whom, how, how to determine price etc.</li> <li>• If you pass away, what will happen to this place? <b>(If trader, will you sell this space where you trade from to someone, who? Where will you find them, How much?</b></li> </ul>	
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**Annex 5: Focus group participants**

Diepkloof:

Gender	Number of years in Area	Age	Type of Land-user
M	44	71	Long time dweller
M	38	66	Trader/Informal business operator
M	44	70	Long time dweller
M	48	81	Long time dweller
M	38	48	Long time dweller
F	31	32	Trader/Informal business operator
F	44	75	Long time dweller
M	44	45	Long time dweller
M	45	70	Long time dweller
M	20	46	Trader/Informal business operator
M	44	78	Long time dweller

Thokoza

Gender	Number of years in Area	Age	Type of Land User
F	11	47	Long time dweller & Informal Business
M	10	70	Long time dweller
F	50	58	Long time dweller
M	50	49	Long time dweller & Formal Business
F	8	51	Informal Settlement Long time dweller
F	8	31	Informal Settlement Long time dweller
M	43	43	Long time dweller
M	48	62	Long time dweller & Informal Business
M	30	58	Long time dweller
M	49	80	Long time dweller
F	38	38	Backyard Tenant

Doornfontein

Gender	Number of years in Area	Age	Type of Land User
M	8	28	Long time dweller
F	5	43	Backyard tenant
F	5	42	Long time dweller
M	30	59	Trader/Informal business operator

**Land Biographies**

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F	4	32	Trader/Informal business operator
F	2	38	Long time dweller
M	20	44	Trader/Informal business operator
M	20	52	Trader/Informal business operator
M	20	55	Long time dweller
M	10	55	Trader/Informal business operator

## **Annexure 6: Focus Group guidelines**

Aim: isolate and establish how a cross-section of the community in all three case study areas were able to access, hold, trade, and use land. What their experiences are around land and what systems have supported or obstructed their ability to satisfy their social, economic, and communal needs. It is also to understand the interaction between the formal and informal systems and to see where they ‘meet’/overlap and where there is conflict and contestation over land and land use and how it is resolved or not.

All three focus groups must focus on:

- Individuals who live or work within the designated precincts.
- People who have lived or operated in these areas for as long as can be found
- Need a mix of gender
- Need a mix of tenure types for both commercial and residential participants

Due to the highly heterogeneous nature of the focus groups gender issues, age, power and notions of “ethnicity” will need to be managed by the focus group facilitators and the outcomes will need to be analysed in a manner that is sensitive to these factors.

The guideline needs to be relatively short and to the point and should not run beyond 2 hours in each of the case study sites, this is to ensure that the exercise is tightly focused and to aid with the translation of the transcripts and facilitate their rapid release for analysis. The guideline is built around the key issues of control and power relations, their manifestations and their effect/impact on land and how it is used, understood and given meaning.

In this exercise we would like to generate data on key themes that have emerged using the relatively straightforward sequence, that all participants would be able to relate to, of:

- Accessing land
- Holding it for particular uses
- Changes that have occurred in its use
- How people access this use now

### **1. Introduction**

- a. Welcome and explanation of the process...

### **2. Gaining access to this land use in the past**

- a. There seem to be two main, but opposite, ways of obtaining land to use: either the land is allocated by the government and it is very difficult to understand the process, or people turn to their friends and family for advice and introductions to people who have some space. Does the land have a different meaning for the people who use it if the government allocated it or the space was obtained through friends and family?

- b. As a result of getting land in one of these two ways, do these different ways of access have any implications for what people can then do on or with the land?
- c. Do these different ways of accessing land have any implications for how the participants are likely to encounter or relate to the municipality in terms of solving problems or improving the environment?
- d. Does the land that has been accessed in these different ways have a different emotional meaning to the participants?
- e. Note to facilitator
  - i. *The purpose of this question is to find out whether there are any land use implications that emerge from the relationships (or non-relationships in the case of government allocations) that are used to gain access to land.*
  - ii. *What might come up is that people who access land through the government own their land while people who obtain land/space through friends and family are required to be renting in some form or other. If this is emphasised by the participants as being a more important variable than how they accessed land, then the same questions should be asked on the two types of tenure – ownership and rental. That is, are there any differences in what can be done on the land, does it mean they encounter the municipality in different ways and does it have a different emotional meaning?*
  - iii. *In some cases, people might have used friends and family to obtain ownership of land and people might contest the view that is suggested at the beginning that the two main types being through the government or family and friends. If this is the case, then explore what people see as the main ways of obtaining access and use the new categories to explore the other dimensions of access.*
  - iv. *An important subset of the ways in which people accessed land is through being given it or 'gifted it'. Examples, include being allocated by the state (although in most cases it seems people had to pay some kind of ongoing rent) and by family and friends. A gift is never divorced from obligations to reciprocate in various ways and research has shown that gifting is every bit as calculative as money transactions. In this context, a key issue to explore is what obligations get set up by the different ways of accessing land and what this means for how people can use land into the future.*

**3. Holding land**

- a. What factors do people take into account when they want to work out the value of a piece of land for different activities? First, identify the main activities as living, selling or making/repairing things. Second, ask people to list the different factors that they look(ed) for when wanting somewhere to stay, start selling something or start activities that involve making things. We are looking for the features of the land that are important such as: location in relation to... Access to services, size, etc.
- b. In all precincts there have been times when it looks like the municipality or government was very far away or not interested in this area. What happened in

these periods? Was there any difference in the things people used the land for? Where did people get the legitimacy to use land in a different way? Who assumed authority to make decisions about who and what was allowed to happen? Why? What happened as a result? What happened to the value of the land?

c. Note to facilitator

- i. *The purpose of this question is to examine what happens on the ground when formal land use management systems are remote or no longer applied and how this relates to the value of the land. This might be because of the political violence in Diepkloof and Thokoza or (apparent) lack of municipal capacity in Doornfontein. Who steps in and fills the gap in managing conflicts around land use? Who decides what uses are allowed? How important are the land uses that the state allowed before withdrawing in pre-determining the 'informal management of land uses' that follow in these periods?*

**4. Changes**

- a. As a result of the examples and responses that emerge in response to the questions in 3 above: what is different about how people access different land uses now compared to when the participants accessed land uses in the past (as described in question 2)?

b. Note to facilitator

- i. *The purpose of this question is to track how land use management systems have been modified. What has changed in terms of what is allowed to be done on land? Who makes these decisions? What the advantages and disadvantages of these new arrangements are for creating healthy, sustainable living and working environments?*
- ii. *It will be useful in the responses to this question to get a sense of the time period that people are talking about. For example, have the changes that they have talked about happened in the last five years, over twenty years, etc.*