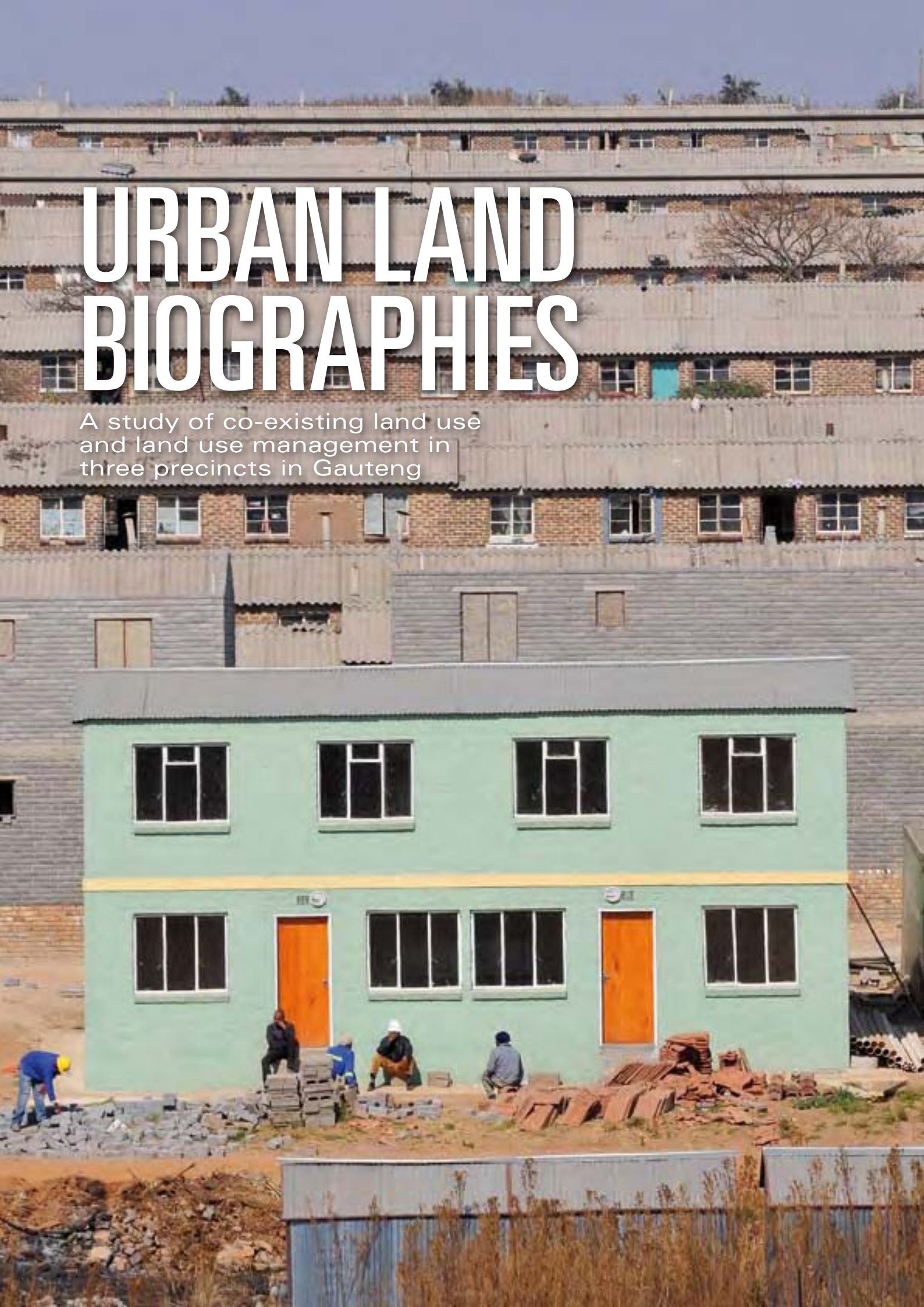


URBAN LAND BIOGRAPHIES

A study of co-existing land use
and land use management in
three precincts in Gauteng



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Cover picture: Community Residential Unit development to replace hostel accommodation in Diekloof, Soweto

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CHAPTER 1:

INTRODUCTION

The distinctive contribution of urban land biographies is how they *reveal and give value to a greater set of land use management processes and practices* than is officially acknowledged by planners and policy-makers. Using the long lens of the *historical* and *biographical* approach to land use makes it possible to understand the interaction of processes that unfold at different rates of change.



A Diepkloof formal house with surrounding backyard shacks.

The historical approach allows us to see changes unfolding over a period of time – from the long-term relative stability of land uses in some contexts, to creeping changes that eventually embed themselves, and to “overnight” change of catastrophic proportions, such as forced relocations or sudden geological events.

The biographical approach to land makes it possible to place *land at the centre* of the analysis, rather than people or institutions, such as the government. Focusing attention on the land as the stable unit of analysis helps to cast light on the processes and layers of change in particular precincts, and how various land management policies and practices contribute towards stabilising or destabilising human and economic activities.

Using this approach means that actual land use activities taking place need to be looked at, along with how they are being administered and managed, as opposed to working from the relatively confined “straitjacket” viewpoints of dominant and conventional categories and terms. Fresh perspectives emerge from looking at “what is” rather than idealist, unattainable notions of a perfectly planned and ordered human landscape.

THE PURPOSE OF THE DOCUMENT

The purpose of this booklet, which is a summary of a longer report, is to suggest possibilities for building on and making comprehensible the rich practice that already forms part of the

daily activities of formal land use managers.

This approach recognises that people involved in official land-use management frequently work outside and beyond the confines of the rules, norms and values of the “formal system”. This system tends to be conceptually and politically insulated from the diversity that exists in reality, and is hence unable to respond to it.

The evidence and conclusions presented here seek to encourage those involved in what is considered to be “formal land-use management” to recognise the unnecessary constraints resulting from accepting the *myth* of the term “formal”.

The inaccuracy of the terms “informal” and “formal” leads to conceptual and practical mismatches between policy, law and practice. This has consequences for the allocation of state and private resources, since the understanding proceeds from a false dichotomy between “formal” and “informal” land institutions and practices.

The booklet is intended to open space for a debate, not about what is formal or informal, but about how land use management practices change, and how they can be made to change, for the benefit of poor people. Binary logics (in this case informal/formal) are so embedded in our thinking that they are difficult to escape. However, the impact of the definitions is what counts because they include or exclude people from benefits and resources. This document fundamentally questions the use of the terms “formal” and “informal” systems in so far as they are conventionally counterbalanced to one other. Nevertheless, we have retained the use of these terms because they are most easily understood in institutional discourses.

We hope, however, that our approach to the use of these terms will lead to some questioning of the more conventional values attributed to each.

Evidence suggests a dynamic interaction between various layers of land management systems and practices, based on the everyday realities of life in the precincts from which the research findings are drawn. It is these very interactions that produce tangible results, which may be overlooked when the narrow confines of rigid categorisation threaten them.

This document provides the foundations for an alternative conceptual framework of land management to deal with broader urban problems associated with poverty and what is usually described as “informality”. The ultimate aim is to open up opportunities for poorer people to use urban land more productively. The evidence suggests that opportunities are more likely to flow from an approach that builds on existing practices or an acceptance of

what is, rather than continued attempts to ignore or replace them. The booklet summarises the biographies of three study sites that provide the evidence in support of our conceptual framework.

A central contribution of the research is a schema (Table 1 on page 19), in which the various land management categories that were derived from the research are identified and described. It shows the extent of divergence of these land management practices from the ideal of the formal land management “system” and as importantly, it shows that land use management practices shift between the different categories.

The final sections draw conclusions and emphasise the significance of already existing practice and the changing nature of land use management.

BACKGROUND

Urban LandMark identified a need to analyse how, over time and under conditions of

Doornfontein residential buildings and commercial enterprises on the ground floor, built in the 1930s and now in a state of neglect.



intense change, a great variety of overlapping systems and practices of land management have affected poorer households and their ability to access, hold, and trade urban land.

The long-term objective is to provide land managers with ideas and methods for strategic and constructive approaches to the complex problems of urban land management.

To this end, Urban LandMark commissioned the Urban Land Biographies study in early 2008 as one way to uncover the processes of change and adaptation of land management in a small number of areas. The study was conceptualised as a way of understanding how urban land passes through a range of land management systems and practices, conventionally categorised as either “formal” or “informal”, over time. Through a process of reflection and analysis, precincts in Diepkloof, Thokoza, and Doornfontein were selected.

The biographies underscore the centrality of land in urban households’ lives and how different systems support or

obstruct these households’ economic and social ambitions. The full urban land biographies report and a methodological report can be obtained from Urban LandMark.

The chapters that following include:

- The methodology and descriptions of the case study precincts.
- A historical survey with examples of different land management systems and practices in each precinct explaining and illustrating how the various systems interact and co-exist. Table 1 on page 19 provides a bird’s eye view of the forms in which these systems and practices reveal themselves. Collectively, these introduce a framework of categories of land management based on actual practice that differ significantly from the “formal” and “informal” binary.
- A conclusion summarising the key lessons learned from the findings, including a graph showing the fluctuations of land management systems as newly categorised in this booklet.

METHODOLOGY

The methodology aimed to generate a narrative from diverse points of view that could form the basis of urban land biographies. A land-centred perspective means it is possible to identify land use management activities without pre-determining or pre-judging them in terms of existing categories.

The methodology focused on accessing and engaging with various accounts of land use management both across, and within, different parcels of land in the selected precincts. The description and analysis is generated from the accounts of individuals, biased towards those with the longest histories in the areas, who were using, holding or claiming land, and from formal land use managers who were identified as having authority of one kind or another over land management.

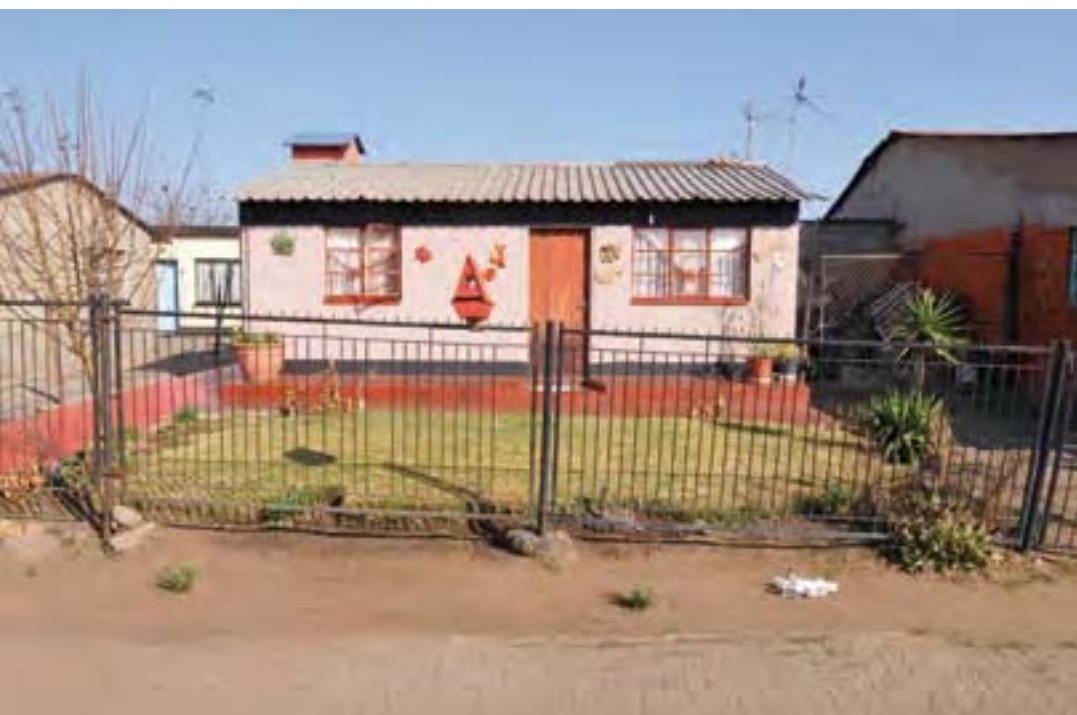
The focus and approach of the biographies is on change and people’s power of agency to change urban land use activities. The historical aspect enhances an appreciation of the different rates of land use change as well as the basis of authority and power to achieve changes in the way land is held and used over time.

The emphasis on change also highlights the diversity and transformation of spatial arrangements. In so far as these reflect a wide range of social relationships that change over time, it is possible to see how the various actors can shift their own understanding and practices relating to tenure and spatial arrangements from one set of premises or organisational arrangements to another. People may even seek recourse to multiple institutions at the same time, rather than sequentially.

In practical terms the research involved:

- Interviews with 12 people

A four-roomed formal Thokosa house.





involved in formal land use management such as town planners, municipal development control officials, and urban specialists using a semi-structured questionnaire.

- The selection of one precinct in each of the three areas.
- Qualitative, in-depth interviews with 15 land users in each precinct, using a standardised open-ended questionnaire.
- Open-ended interviews with the ward Councillors in each precinct.
- One standardised focus group interview in each of the three precincts to confirm emerging trends from the qualitative, in-depth interviews with land users.
- Archival research in the official records of each precinct.
- Literature surveys on urban land use management and

the broader histories of the precincts.

TOWARDS A NEW UNDERSTANDING

The findings are based on research conducted in small precincts, defined as areas bigger than a block but smaller than a neighbourhood, in three areas around Gauteng – Diepkloof in Soweto, Thokoza in Ekurhuleni and Doornfontein in the inner city of Johannesburg.

The main conclusion is that various land use management systems and practices of land use management co-exist. Moreover, the way in which these systems co-exist makes it possible for people to shift from one system to another. Furthermore, these shifts are not necessarily made in an evolutionary direction from “informal” practices to the “formal system”. Rather,

they are mutually influencing: the “formal” becomes informalised when the formal cannot be sustained and the informal becomes formalised in innovative, unconventional ways. In other words, the co-existing land management systems or configurations are not necessarily insulated from each other, parallel or dichotomous. Moreover, the interaction between them produces an endless and varied set of activities and inter-relationships between people, institutions, state and non-state, and the market in varying degrees of strength and importance.

In some circumstances, land is embedded in social relationships that attempt to insulate land from the market in order to safeguard family or group members’ vulnerability from impulsive sales or

A woman trades from her shack in the Thokoza informal settlement.

evictions. In other circumstances a dynamic engagement with informal land markets or state subsidised services leads to a great variety of transactions, such as layers of rental or occupational agreements, many of which may be extra-legal.

This description provides a picture, not of static formal or informal circumstances that can be plotted on a continuum, but rather a set of multiple, overlapping and interlocking rights and obligations. Placing land at the centre of the analysis should not deflect attention from the underlying truth that land relations, whether sanctioned by the state, the market or informal agreements are fundamentally based on social relationships of various kinds between people, only some of which are formally institutionalised.

These social relationships are manifested in continuous and innovative processes of using space, some more tangible than others. Spaces may be

physically divided, for example, through formal subdivision or consolidation of land parcels, or informal subdivision of household plots into different spatial arrangements, such as backyard shacks and room rentals. Spaces may also be rearranged through various formal or informal agreements or contracts where the physical space may be less boundaryed, such as occupation based on informal inheritance of family property, in-kind reciprocal agreements, residential uses overlapping with business uses and rental agreements within the same space.

It is difficult for the “formal” system of land surveying and conveyancing to recognise uses or divisions of land based on social relationships or informal written or verbal contracts rather than documented “paper systems” based on legal cadastres created and maintained through formal surveys and registration. In the former cases, rights are

nested within various layers of social organisation and not easily picked up as a neat correlation between a parcel of land and a registered owner. They are therefore not recognised by the state and private financial institutions, despite playing a vibrant and indispensable role in livelihood and survival strategies.

In summary, the research revealed that the co-existing systems are consistently more complex than a simple categorisation between formal and informal. As a result of the number of land users who share space, these negotiated systems frequently occur simultaneously on the same piece of land. Effectively, land management practices co-exist on both shared and divided spaces. The divisions or, more appropriately, the “apportioning” of land occurs, not only on maps through legal cadastres, but practically, physically and imaginatively through shared or layered use

A degraded residential building and downstairs retailers' premises in Doornfontein.



of spaces with corresponding levels of rights and obligations that may not easily be physically mapped out. Whatever the form, the diversity of arrangements may not necessarily retard the productivity of land, but actually *release* it.

This fresh perspective opens up greater opportunities for formal land use managers to contribute to more equitable South African cities by acknowledging the diversity of ways of using and apportioning land, and the importance of this diversity for increasing the productivity of urban land. Currently, land managers in formal institutions are in fact contributing to a variety of land use management systems in a number of ways, whether or not these contexts are categorised as formal or informal.

This booklet offers alternative insights to those that see “formalisation” as the necessary end goal of urban land use management. In so doing, it acknowledges the existing on-the-ground situations encountered during the research, and it attempts to provide a simple framework for building on these in constructive and creative ways to encourage approaches that provide more supportive environments for the poorer citizens of South African towns and cities.

While the research is not based on exhaustive and intensive research in a great variety of urban contexts, its value lies chiefly in providing an alternative way of thinking about land management. The approach is based on sufficient evidence of a world of vibrant action, reaction and responses. While some of these actions are based on desperation and should not be romanticised, a great deal of them have the sustainability to be *written into the land management framework* of



A typical three- or four-bedroomed Thokosa house, built in the 1950s and 1960s.

the country as a starting block, instead of being criminalised.

THE CASE STUDY PRECINCTS

Diepkloof

Diepkloof is situated within the greater Soweto area, south west of the Johannesburg city centre and falls within Region D, along with the rest of Soweto in the latest municipal demarcations. Diepkloof is divided into a series of six zones, all built between 1950 and 1960, with standard township housing stock of three and four-roomed houses.

An area called Diepkloof Extension was built in the 1980s, known as Diepkloof “Expensive” to local residents because it is home to relatively wealthier inhabitants. Many of the formal houses have backyard shacks, which are rented out or used by family members. The Elias Motsoaledi informal settlement, just off the Old Potchefstroom Road, is the only one in the area. Diepkloof is also home to a number of hostel dwellers and recent research shows 2 900 households living in these 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.

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

Thokoza

Thokoza is quite densely settled and provides a number of examples of various housing typologies, tenure forms and land 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 to provide a cross-section of activities, uses, issues and problems.

Thokoza is south east of Alberton, adjacent to Katlehong in the Ekurhuleni Metropolitan Municipality. It 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 “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. Most of the housing provided consisted of three or four-roomed houses and infrastructure, running water and sewerage were provided.

The commercial properties were often no more than empty plots where prospective entrepreneurs had to provide their own connections. Over time, much of the infrastructure deteriorated as a result of lack of investment from the Council and residents’ inability to afford higher rates. Thokoza has also become home to a large hostel population with many migrant workers who provided labour for the mines and nearby industrial areas of Walkerville and Alrode. It also became known for its extremely high density and large numbers of backyard shack dwellers.

In the 1990s, the township witnessed violent clashes between the ANC and Inkatha Freedom Party (IFP), where communal relations deteriorated, the infrastructure was damaged

and where many were displaced from their homes. In the post-apartheid period Thokoza has seen a great deal of upgrading, initially as part of the Kathorus (Kathlehong, Thokosa and Vosloorus) Special Presidential Project, which provided basic services, but later due to the housing and social development programmes put in place.

Doornfontein

Doornfontein is just east of Johannesburg’s city centre and officially forms part of the Inner City (Region 8). Considered a vital part of the inner city renewal strategy, Doornfontein is being re-developed in preparation for the 2010 soccer world cup. The area has a variety of housing typologies, with few of the original free-standing units remaining. Large factory buildings and warehouses are interspersed with high-rise buildings originally used as offices for some of the large Johannesburg-based corporate companies.

Currently, Doornfontein has a large migrant and immigrant population, along with a number of political and economic refugees and is regarded as an enclave for north and central

African communities living in Johannesburg. The area also faces social and economic problems, with high crime rates, a large number of derelict and “hijacked” buildings, and very little formal intervention. This is a far cry from its wealthy beginnings in the early 1900s, when the township was established as an up-market suburb.

Over the past few years Doornfontein has seen a great deal of development from private investors, who have bought, and are continuing to buy, old buildings and warehouses and are converting them into low-income rental housing units. The soccer world cup has also had a positive impact on development as the Ellis Park sports complex is being upgraded for the event. These actions have sparked greater investment interest and have brought back formal engagement from the City and its institutions.

The precinct chosen for the study is between Davies Street, Rocky Street and the railway line, which includes some informal occupation of dwellings, sub-hostels, warehousing, commercial and converted warehouse space.

Newly built houses in Diepkloof extension.



CHAPTER 2:

LAND BIOGRAPHIES

This chapter outlines some events and activities the respondents' drew on to make sense of current events and opportunities for changing land uses. The approach used in the research was to consider the past as understood subjectively through the present.



People might remember an event, such as the day they were allocated a house, but the implications of this event can change when viewed later in a different context. For example, houses allocated before a certain date may or may not qualify in terms of later policies for certain kinds of state subsidies. In other words, how the date is remembered is framed in relation to subsequent events or state interventions that create new values or challenges of more immediate importance.

People's memories are

neither comprehensive nor consistent and this presents serious methodological challenges to historical research. The researchers sought to deal with this by cross-referencing different accounts. We have not focused on producing an accurate history as much as reflecting on people's perceptions of institutional change.

DIEPKLOOF

Origins and first few years

Diepkloof was a late addition to the original Greater Soweto

area, and was laid out only in the late 1950s, to accommodate households forcibly removed from newly declared "white areas" (Marks, 1993). The township was established in terms of the provisions of the repealed section 35(3) of the Black Communities Development Act (BCDA), No. 4 of 1984 and its land use fell under Annexure F, which had the broadest of zoning rules, offering Diepkloof residents licence to conduct retail and professional activities from home (Oakenfull, 2008: Pers Comm.).

A Diepkloof house, part of which has been converted into a spaza shop and take-away, pictured here with a woman buying goods.

The current state of Diepkloof's hostels, the product of years of neglect.



The beginnings of a divided community

Most households were originally from Alexandra, whose purge had been motivated by the desire to destroy one of the last vestiges of black urban land ownership and convert the township into a series of single sex hostels (Mabena, 1996). The purge was also an attempt to break the spirit of political protest that characterised Alexandra communities. The initiative was effective and between 1963 and 1966 almost 45 000 people were moved to Diepkloof, Thembisa and Meadowlands (Marks, 1993).

The general sentiment was that housing in Diepkloof was better than the cramped quarters of Alexander (Councillor Mtshwenyane, 2008, Pers. Comm.) but there was little infrastructure. The authorities made every attempt to separate households into "tribal" groups because, according to Councillor Mtshwenyane:

"[in Alexandra] ... we were a united people ... we were speaking all these languages and we were one thing."

Although townships were supposed to be the various city Councils' responsibility, Diepkloof and Meadowlands inexplicably fell under the Urban Resettlement Board (URB), the body responsible for forced evictions (Carr, 1990). The URB provided a few houses and built a single-sex hostel with 4 403 beds for migrant workers. But as a result of this unusual administrative set up, Diepmeadow, as the combined areas were known, did not benefit from municipal subsidies and was forced into financial self-sustainability.

Raised rents, riots and radical Black Consciousness

By 1973, the control of land use management in Soweto

once again changed hands and this time the West Rand Administration Board (WRAB) became responsible (Marks, 1993). Soweto had been fairly self-financing for most of the 1960s, although low levels of services were attained. But, by the mid-1970s, expenditure far outstripped income and WRAB was in the red (Marks, 1993; Mabena, 1996). As a result, the WRAB raised municipal rents and service tariffs but this was done in an atmosphere of little real collaboration and resulted in agitation and rent boycotts by many township dwellers. At the same time, the state's insistence that black learners be forced to study in Afrikaans and the rising Black Consciousness movement resulted in the tragic 1976 Soweto riots.

The 1980s and the loss of control

By 1982, Soweto and most other townships were considered "ungovernable". By 1983 they were placed under Black Local Authorities (BLAs) and their intention was stated as providing "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 their own development.

The BLA expenditure in the broader Diepkloof region far exceeded their revenue from the low tax base and as a result of residents' lack of payment. By 1989, the BLA was R35 million in debt even though they had raised rents and services fees, which provoked mounting anger on the part of the community. Tensions between the BLA and the local community were raised

Portable toilets provided by the Council within the hostel grounds.



A spaza shop built on to a Diepkloof hostel.



and accusations of corruption and tyranny were levelled at the BLA and its members.

Diepkloof in transition

By the early 1990s there was a general sense that change was on its way and the old regime was in its death throes. By the 1990s Diepkloof had a set of unusual features – the highly developed, middle- and upper-class suburb of Diepkloof Extension had been established and next to this was Zone 6, which was growing in terms of informal densification, both residentially and commercially (Mabena, 1996). At the time it was estimated that the average number of people per housing unit was between 8,36 (Mashebela, 1988) and 10 (Sapire & Schlemmer, 1990). The units were overcrowded, were havens for communicable diseases and offered little privacy. The hostels had also densified and were now home to whole families. A second informal settlement called Mandela Village had been established in 1990 and within three years the settlement was home to 3 000 residents, but was disbanded in the early 2000s.

Diepkloof residents had avoided much of the violence the rest of Soweto faced. A focus group participant claimed that was because in the 1970s:

“... there were children and their fathers were in the hostel and maybe if one would attack, one would be attacking his own child. 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?”

From 1990 the Council has encouraged those who could to buy their homes and in 1996 many households exchanged

their Permits to Occupy for title deeds.

Present-day Diepkloof

Since the mid-1990s the City has tried to finalise outstanding general plans and to compile conditions of establishment, 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 regularisation 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). By late 2008, the area was still deeply divided in two, between Diepkloof Extension and the six zones (Chomboko, 2008; Pers Comm.).

The area is stable and is not undergoing much growth or change, but the perception now exists that the area is undergoing change in terms of more informal activities and home-based enterprises, with the main problem being illegal dumping and the spread of rodents rather than the Council's real loss of control.

THOKOZA

The roots of Thokoza

Thokoza began with the development of the mines and industries on the East Rand of Gauteng. Originally, black labourers were settled in locations outside of the three major towns of Germiston, Alberton and Boksburg (Bonner & Nieftagodien, 2001). However, the original settlements of Stirtonville, Dukathole and Alberton Location rapidly became too small for the burgeoning numbers of labourers who moved to the cities and new settlements had to be developed (Bonner & Nieftagodien, 2001).

As a result, the authorities began to lay out and subdivide land for three new townships, being Kathlehong, Thokoza and Vosloorus (Kathorus). Kathlehong was laid out first on the Natalspruit farm and consisted of sites on which one- and two-roomed houses could be leased for 30 years (Bonner & Nieftagodien, 2001). However, the land area was too small to accommodate the numbers of black residents now living on the East Rand.

In response, 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 into defined areas (Vermeulen, 1981). Between 1958 and 1959 Thokoza was laid out and proclaimed under the Native Urban Areas Consolidation Act of 1945. By 1961 all of the residents from the Alberton location had been “successfully” moved to Thokoza.

Thokoza's degraded hostels, pictured here with a child in the foreground.



Life in Thokoza’s hostels

The Alberton Council constructed a series of houses and three hostels, the Madala, Buyafuthi and Umshayzafe hostels, which were built between 1961 and 1981. The hostels were constructed for 2 500 occupants but by 1980 housed 13 000 men. The hostels had a strict hierarchy in which the *izinduna* controlled the hostel, blockmen controlled each block and the younger men were “disciplined”. The older mentors, called Big Brothers, “insulated” the younger men from what was considered the corrupting influences of the surrounding community.

“He [the Big Brother] would give you some of it [your salary], 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 Thokoza hostel dweller).

An articulate housing strategy for Thokoza

Local residents who witnessed the enormous economic development of the East Rand, but did not experience any increase in their own wealth began to strike. This industrial action started with a few smaller collective actions at the beginning of the 1970s and spread steadily across the East Rand. By June 17 1976, students participated in collective mass action in support of their Sowetan comrades and the following week brought violent protests into the hostels and the township. Thokoza became the epicentre of the East Rand mass action and the police were called in to quell the unrest. During this period, the population of Thokoza expanded from 35 000 in the 1970s to 50 718 in 1981 and then again to 228 000 in 1990 (Vermeulen, 1981; Bonner & Nietfagodien, 2001).

The formal provision of housing and services could not keep pace with the growing population. As a result, the

numbers of backyard shacks and squatter settlements expanded all over the East Rand, including in Thokoza. The infrastructure began to degrade and by the early 1980s sewerage ran openly in the streets and water had to be brought in by the fire department. By 1982, Thokoza housed among the largest number of backyard dwellers on the East Rand, and the ratio of backyard dwellings to formal houses was calculated at two backyard shacks for every house (35 000: 17 500).

In 1977 control of Thokoza was transferred to the Black Local Authorities (BLAs), who were responsible for the provision of housing and infrastructure. The BLAs were well known for their corruption and gang-like territorial systems of patronage and cronyism.

Partly in protest of the BLA, Thokoza residents staged a rent and services boycott. The riots intensified and by 1985 Kathorus was considered ungovernable and a State of Emergency was declared. The state responded

A Thokoza hostel room converted into a spaza shop.



by harassing, assaulting and arresting civic leaders, causing a lull in political activities in the area until the early 1990s.

Violence, faction fighting and a complicit state

By the early 1990s, the IFP's national marketing campaign found a great deal of support among Zulu hostel dwellers but sparked antagonism among non-Zulu residents. Tensions escalated and open warfare eventually broke out, resulting in a series of violent clashes and deaths throughout the Kathorus area, but focused on Thokoza. War raged for the next few years as both sides attacked and killed innocent township dwellers, burning houses and shacks and killing anyone seen as belonging to the opposition (Baskin, 1993). Throughout 1991 and 1992 the violence continued, fanned by the complicity of the SAPS which escorted and encouraged Zulu fighters and mercenaries in the area (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 out and Zulu warlords took over most hostels and many houses (Anonymous, 2008: Pers. Comm.). The ANC supporters responded by clearing the local informal settlements of all Zulu people. Zulu residents either sought sanctuary in the hostels and changed the profile of the hostels from bachelor to families, or returned home. By the mid-1990s, peace had returned to the township but the physical and emotional scars were still very much in evidence. Many residents also fell on economic hard times, making Thokoza one of the poorer communities in Ekurhuleni (Levintow, 1997).



Original Doornfontein house made secure against the criminality in the area.



Shacks in the informal settlement behind Thokoza's hostels.



Local residents picking over the rubbish at one of the old parks in Doornfontein.

Thokoza today

Informal settlements in Thokoza have seen further growth over the last few years as access is no longer dependent on IFP affiliation. In 2006, title deeds were handed over to beneficiaries in Thokoza through the Regularisation and Transfer of Ownership (Retro) scheme (GPG: 2006), in which households who had been paying rent and could prove it, or households who had been dispossessed of their property during the fighting were either offered their homes at a hugely discounted amount or were declared the owners (Edwards & Sagsamy, 2008: Pers Comm; Anonymous, 2008: Pers. Comm.). However, housing officials have mentioned that

transfer is still under way in some parts of Thokoza.

At the time of writing a number of housing projects was under way and the housing department was trying to process applications for houses from 1996 and 1997 before proceeding (Edwards & Sagsamy, 2008: Pers. Comm.). By contrast, the municipality has very little control of the hostels but does supply water and any major maintenance, which hostels dwellers generally feel to be insufficient. Other than this, the municipality is hardly involved in the administration of the hostels, even though plans are under way for their development (Anonymous, environmental health practitioner, 2008; Pers Comm.). The Thokosa land

use management department reported an “enormous” increase in the number of applications that range from requests for rezoning and changing of primary rights to requests to open businesses (Tshabalala, 2008: Pers. Comm.).

DOORNFONTEIN

One of the first townships

Doornfontein was one of the first townships to be declared after the founding of Johannesburg (Beavon, 2004). The large stands and the location of the area, 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 (Manoim, 2003). The attraction

A residential building and commercial premises in the Doornfontein precinct.



did not last long and by the 1900s and the outbreak of the Anglo-Boer War the extremely wealthy had moved over the next ridge to Parktown (Wentzel, 1975). Doornfontein, like the rest of Johannesburg and the rest of the country, did not have a town planning scheme as such (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).

Housing for black families in Johannesburg

By the first decade of the twentieth century, Doornfontein had a very middle class face, with a burgeoning Jewish community. It did, however, also have a rather different complexion. At the back of these middle-class homes, rooms, shacks, and yards were being rented to anyone who needed them and could pay (Parnell, 2003). These backyards and rooms hosted a vibrant political community and a number of early struggle activists from both the ANC and Communist Party lived and operated from the Doornfontein slums (Koch, 1983).

The slums of the 1920s

The previous 20 years had seen “enterprising” slum lords subdivide the once grand plots of Doornfontein (SA History Project, n.d.). By the 1920s, the “yards” of Doornfontein were home to thousands of black households who preferred the cramped conditions and “smell of beer ... combined with the stench of lavatories” to the alternative available in municipal compounds, mine hostels and locations (Koch, 1983). The Native Urban Areas Act of

1923 was passed by national government with Johannesburg in mind (Parnell, 2002). The Act’s intention was to 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 but had only about a 10% success rate as residents became skilled at avoiding the application of the Act (Parnell, 2002).

Proclaiming a “white Johannesburg”

In 1931, one of the first steps in a systematised land use management scheme took place; the Township and Town Planning Ordinance was passed (McConnachie, 1997). The ordinance was intended to regulate and control town planning and “all related matters” (McConnachie, 1997: 47). Life in the backyards continued, however, and the “marabi”, which described the way of life of the

people in the slums, “the way they earned a living, the class position they adopted, the music they played and the way they danced”, went on uninterrupted until 1934 (Koch, 1983: 109). At this point the government amended the old Eradication of Slums Act and the amendments now allowed whole areas to be declared slums and the resident populations removed (Koch, 1983). Doornfontein fell under this legislation and many of the original yards were cleared, resulting in some 43 000 residents being removed.

The changing face of Doornfontein

By the 1940s, the quality of the housing and the issues facing the slum dwellers encouraged many residents who could afford it, to leave Doornfontein and move further north. A lower-income community, many of whom were “poor whites” moved into the area and took over some of the

Informal traders outside Thokoza’s hostels.



original housing and new sub-economic units the Council had supplied after the slum clearances of the preceding years. 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 creation of the National Resource Development Council (NRDC), which was the first national planning instrument. The NRDC was given the authority to investigate optimal land use, prepare schemes, and coordinate planning for the whole country (McConnachie, 1997). But the effects of the policy went unnoticed in Doornfontein.

The industrialisation of 1950s and 1960s

The industrialisation of Doornfontein became evident by this time, and the reasons for this still remain slightly obscure, but seem to be mainly related to the area's declining property prices.

The attempt at upgrading in the 1970s

In the 1970s, the downward spiral that had begun in the preceding few decades recurred and the area reached its lowest ebb. Doornfontein had once again devolved into a "slum" with an impoverished population, but it also housed middle-income earners who owned land or worked in the surrounding

industries. A few attempts at regeneration were made, but they backfired and resulted in land speculators buying up cheap land and pushing property prices out of reach of the resident population.

A greying area

By the 1980s, the demographics of Doornfontein were far more mixed than the authorities would have liked or would have admitted to (Rule, 1989). Until about 1986 the local Council spent a great deal of time and money trying to expel "non-whites" from these inner city areas, which it attempted in terms of the Group Areas Act and other apartheid legislation. It was in this context that the local Council began buying what must have been increasingly cheap land. The Council planned to establish a technical university and the Ellis Park sports complex (Naidoo, 2008: Pers. Comm.). Both projects were intended to rejuvenate the greying area from which capital was leaving.

Crime and loss of control

In the late 1980s and early 1990s, Doornfontein was mostly industrial but had a vibrant retail community associated with the transport node in that part of the city (Naidoo, 2008: Pers. Comm.). Between 1989 and 1990 the "exodus" started and building owners began to leave and abandon their properties, as suppliers and customers refused to come into the area. This created yet another downward spiral, in which increasing numbers of formal businesses moved out and more people from the surrounding hostels, in particular, began to move into the abandoned buildings. The buildings taken over were mostly office blocks, old factory buildings and warehouses, neither designed for residential purposes nor equipped for the

numbers that flowed very quickly into the area (Naidoo, 2008: Pers. Comm.). The Council was caught off guard, was uncertain how to react to the violence and threats they were exposed to, and fled to protect their lives (Naidoo, 2008: Pers. Comm.).

Yet another attempt at regeneration

Both the private sector and the Council have reappeared in the area. The private sector is involved in housing provision and is converting a number of office blocks into housing (Mathinye, 2008: Pers. Comm.). However, the regeneration attempt has not received universal approval and the local Councillor feels that the area has been failed by " ... 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". The 2010 regeneration strategy is also helping to revitalise the area, as is the Urban Development Zone in which Doornfontein falls (Mathinye (2008: Pers. Comm.).

It is apparent that problems are now being taken more seriously and two respondents mentioned community meetings with residents, business owners and the police, yet grave challenges are still to be faced.

Many informal activities are taking place in the area, which include the operation of a well-established taxi rank, and its associated activities in the form of motor mechanics, panel beaters and welders who locate themselves on pavements, on open ground or rent old houses and shops. Numerous scrap-metal dealers, can and paper recyclers, informal hairdressers and hawkers who operate on the streets need to be considered and accommodated (Bisset, 2008: Pers. Comm.).

Young people gather in a park in Doornfontein.



CHAPTER 3:

A NEW FRAMEWORK FOR LAND USE MANAGEMENT

The precinct biographies have demonstrated the wide variety of land use management systems that have been, and are, in existence. These systems *co-exist* within the same times and spaces and interact in a variety of ways.

The conventional binary distinction between formal and informal land use management systems, or configurations of systems and rights, has obscured the hybrid versions of land use management and the vast experiences of formal land use managers in other categories than simply those described as “formal”.

This chapter introduces the most common categories of land use management that emerged in the urban land biographies. Then it provides a new approach

to bring these co-existing rights and processes into one framework to help to reveal the relationships between them. On the basis of the new framework, the research offers a means of moving land use management debates forward.

CATEGORIES OF LAND USE MANAGEMENT

Anarchy

This describes a situation in which there are no rules. Informality is often incorrectly

assumed to be anarchy. Anarchy is an “anything goes” scenario in which no one is in control and no generally accepted rules apply. Self preservation is primary and no authorities can be appealed to for help or to back up or defend a claim. The situation is one of high risk as the land users may at any moment be forced to fight, defend or flee their spaces. The scenario is very unstable, highly volatile, and subject to swift and unpredictable change. There is no “system” *per se*, just a number of individuals

Recycling, the operations of a motor mechanic and shack dwelling all take place in this Doornfontein yard.



Categories of land use and land use management	Examples of category	Control and authority	Value and meaning	Existing approach	Experiences of land users
Anarchy	<ul style="list-style-type: none"> • Heavy conflict in Thokoza 1990s • Hostels in Diepkloof from 1990s 	<ul style="list-style-type: none"> • No control • Authority absent • Generally no accepted rules 	<ul style="list-style-type: none"> • Generally limited • Highly individualised • Hard to determine 	<ul style="list-style-type: none"> • Establish law and order 	<ul style="list-style-type: none"> • Disorder • Degrees of conflict, and violence • Highly insecure
Mixed	<ul style="list-style-type: none"> • Doornfontein shops 2000s 	<ul style="list-style-type: none"> • Little control • Authority highly variable • Local or official rules, or a mix, but unpredictably applied 	<ul style="list-style-type: none"> • Dynamic/ in flux • Unstable • Highly variable 	<ul style="list-style-type: none"> • Different degrees of: <ul style="list-style-type: none"> - Formalise - Eradicate - Erase - Incorporate - Co-opt - Regularise 	<ul style="list-style-type: none"> • Adjust, adopt • Unstable • Unpredictable • Unclear
Informal	<ul style="list-style-type: none"> • “Hijacked” buildings in Doornfontein 2000s • Informal settlements in Thokoza 	<ul style="list-style-type: none"> • Control is rigid • Authority is local • Rules are locally based and driven • Rules are evident and enforced 	<ul style="list-style-type: none"> • Locally defined • Shared • Consistent • Social and financial 		<ul style="list-style-type: none"> • More predictable • Clarity • Limited external appeal • More exclusion
Formally based informal	<ul style="list-style-type: none"> • <i>Indunas</i> and blockmen in Thokoza hostels 1970s 	<ul style="list-style-type: none"> • Rules are derived from the official system of regulations. • They are managed by local figures or structures of authority 	<ul style="list-style-type: none"> • Locally negotiated • Socially legitimated • Based on formal • Social and financial 		<ul style="list-style-type: none"> • More inclusive • More predictable • Clarity
Informally based formal	<ul style="list-style-type: none"> • Informal enterprises in Diepkloof and Doornfontein shebeen code of conduct on Thokoza 2000s 	<ul style="list-style-type: none"> • Rules are derived from local practice and authority. • They are managed officially or more formally 	<ul style="list-style-type: none"> • Based on local practices • Officially legitimated to different degrees • Social and financial 		<ul style="list-style-type: none"> • More inclusive • More predictable • Clarity
Completely formal	<ul style="list-style-type: none"> • Layout and regulations for all three settlements, when they were originally developed. 	<ul style="list-style-type: none"> • Control is rigid • Authority is formal or official 	<ul style="list-style-type: none"> • Predominantly defined according to financial logic 		<ul style="list-style-type: none"> • Enforce • Regulate • Protect

Table 1: A device for new categorisation of land use and land use management

in close physical proximity all pursuing their own ends. As a result of the disorder, land has limited meaning and value. Meaning is constructed by social relationships and the rules of the “game”. In an anarchic situation very few rules and stable

relationships exist. The meaning of a space is dependent on the individual and how he or she relates to the land. In turn, there is no system of transaction as the meaning of land is so highly variable and value is almost impossible to determine.

Two examples from the study illustrate completely anarchic land systems. The first is the violent conflict that took place in Thokoza in the 1990s, where the hostilities forced each individual to focus primarily on mere survival. The

second example is the state of affairs in Diepkloof hostels in the late 1990s that currently persists. In this case, the old order has broken down and hostel dwellers can do as they wish. This example is illustrated fully in Chapter 4.

A mixed system

A mixed system is neither informal nor formal but where the rules are both socially and statutorily defined and *both* can be enforced. In some ways, a mixed system includes the logic of both systems but neither is in effect at all times. The actors, agents and authorities within this system select the rules and regulations that apply to them and their land use at any time. Anyone is able to change the rules by switching systems whenever they wish. Agents and authorities rely on whichever system best meets their needs or aims at the time.

If an appeal to one authority is not successful then another can be appealed to. Such a system is extremely unstable and ensures that the meaning and value of a space is constantly in flux as it is taken through formal and informal systems, depending on the circumstances at the time.

In contrast to anarchy, rules do exist and the actors and agents have to be flexible and conversant enough with these rules to achieve their desired outcomes. By way of illustration, a formal tenant with a lease agreement rents a shop in Doornfontein, but rents out the back rooms informally to a range of households. These households pay rent to the store-holder but not the owner, and have no lease agreements. When conflict arises, they in turn can turn to the owner, the rental tribunal or the store holder, depending on the situation and on what kind of outcome they might seek.



A "hijacked" building in Doornfontein in a state of disrepair and neglect.

A formal house in Diepkloof surrounded by backyard shacks.



A back yard dweller hangs up laundry in the shared yard.



Clean shoes drying on a fence in Diepkloof.



An informal system

An informal land use management system is one that is locally regulated and managed. The “rules of the game” are locally determined by the individuals, households and communities. The rules are very much in evidence and can be enforced by authorities within social groupings and community structures, who are the land use managers in these systems. Although the system of how land is used, traded and claimed does not follow any legislation or written regulation, it is adhered to by the land users, or they are punished or penalised. The system defines and constructs what rights and obligations exist between the various parties, which provides a basis for what the land and its uses may mean for the individual and the household. Meaning is communally defined and accepted so parties have a shared understanding of what the land means and, as a result, there is a consistent measure of how it is valued, not just financially but also socially and communally. When a locally regulated system comes up against an official system, often termed “the formal system”, it is usually a relationship of conflict, in which the local system is seen to be “wrong” and in need of correction.

Informal settlements are examples of informal systems in the biographies, such as those that exist within Thokoza or the “hijacked buildings” of Doornfontein. In some ways, an informal system is extremely rigid as the only meaning and value that can be assigned to land is that which is socially defined and accepted.

A formally based informally driven system

This is a common hybrid in the biographies. Such a system

is locally managed, based on official regulation. A hybridised system can result from a situation in which official (or formal) authority once existed but has now disappeared and left a system that borrows from or mimics aspects of it. Alternatively, it is an informal system that relies on the existence of an underlying, but dominant official system to function.

The rules of land use are socially defined and enforced by communal authorities who are empowered by the formal system but have also attained a high degree of social legitimacy through historical, cultural or other mechanisms. Who can and cannot do something or how it can or cannot be done is set out within a shared understanding of rights and obligations between people and the land itself. How land is given value and meaning, however, is driven by the formal system, which provides the actual basis for this system. But the land’s meaning, use, value and daily experience of this interaction is governed through the negotiated and socially accepted informal land management practice and process.

In terms of claims and how they are defended, it is the informal system that would either hold up a claim or pass judgement on it. For example, from the inception of the Thokoza hostels in the 1970s, the *izinduna*, blockmen and headmasters were relied on to control the hostels. The power of these figures was derived from the approval of rural authority links to the existing hierarchy of chiefs, but was also driven by the formal authorities. The authorities needed a way to control the hostel population and supported this informal method of control. When the formal system began to collapse,

it meant there was no basis for the informal system also, which started a slow decline.

An informally based formally driven system

This system is officially managed, based on local rules. Here, a local (or informal) system that has been socially controlled and defined, has been transformed or takes on characteristics of a formal system ruled and regulated by the official land use systems of the area.

Alternatively, the system may not be officially formalised, but adopts or mimics the trappings of a formal system. Here, the local underlying circumstances originally defined how the area operates. However, this has been superimposed by a system that recognises and, to some degree, incorporates the pre-existing system but now

draws its authority from the formal and official regulations. A contemporary example in Thokoza describes a situation in which an informal shebeen owner who, in order to deal with troublesome patrons, established a formal “code of conduct” to which all were to adhere, to continue to visit the establishment. So the rules were made more official with clearly defined penalties and punishments if they were ignored.

A completely formal system

This is the ideal to which most people working in formal institutions are encouraged to aspire. Land uses are officially regulated and managed. In this system, the roles, relationships and rights are formally defined through practices and techniques such as the cadastre,

land use schemes and zoning regulation, and these are strictly adhered to by the land users and land managers. The formal law courts and tribunals are the defenders of claims and are the first resort of those wanting to prove ownership of their unit or parcel recorded by the deeds registry. Control is rigid and the meaning and value of land are predominantly defined in terms of financial logic and the formal property market. None of the sites researched in the study was an example of a completely formal system throughout its history.

Land use management framework

An approach to land use management that only focuses on one understanding of what counts as land use management will unnecessarily restrict



An original Thokoza house with adjoining rented out backyard dwellings.



New commercial units in Thokoza alongside older shops that were burned down in the 1990s' political violence.

understandings of how poorer people *and managers* have adapted the system to make it more flexible and responsive in various contexts. Ignoring these adaptations would constrain land managers from finding solutions based on practice that could make land use management work better for poor people.

The findings suggest that it is important to develop a clearer understanding of

the relationship between the different processes to reveal the power relations that sustain them. When these are illuminated, it becomes possible to develop more informed decisions about whether some processes merit strengthening, adaptation or transformation in favour of a land management system that works better for poorer citizens.

The framework offered in this chapter attempts to bring

together the diversity of land use management practices described so far. The categories of land use management are the starting point. The purpose of the framework is to provide a means for beginning to understand how the different land use management practices relate to each other.

The framework, represented in Table 1 on page 19, seeks 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. It does not seek to account for the diversity of land use management systems and practices.

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 provide a means to evaluate what or who is included or excluded.

Most importantly, the table is not intended to be read as either a hierarchy or as a continuum. It is a descriptive schema intended to be used to encourage new thinking about land use and land use management systems. In this way, it is intended as a device for debating and thinking about how land use management practices shift from one state to another.

The table is not intended to impose a new categorisation, but to open up discussion about how land use management systems change and how “formal” land use managers move between the different forms of land use management.

CHAPTER 4:

EXAMPLES OF LAND USE MANAGEMENT SYSTEMS



**DIEPKLOOF'S HOSTELS:
a case of anarchy**

The Diepkloof hostels were developed to house migrant workers who were generally young black men from rural areas. The hostels were designed as dormitories in which up to 12 men shared a room, and many rooms shared cooking and bathroom facilities. These dwellings were originally administered by a formally based informally driven system – a formal system, run and controlled by the municipality and an informal system, run by “*izinduna*”. They were elected leaders and “blockmen”, so called as they each controlled one hostel block. Blockmen fell under the control of the *izinduna*. They were also responsible for the social welfare of the migrants, a sentiment supported by this respondent:

“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).

The hostel dwellers have endured many changes over the last few years. Figure 1 is a drawing by a long-time hostel dweller that shows some of these changes.

The dispute between the Council and the hostel dwellers has given rise to perhaps the biggest change, as hostel dwellers have refused to pay rent or for services since the mid-1990s, contending that the Council has not provided adequate services.

The end result has been the

Council’s withdrawal, an end to service delivery and a loss of control, leaving the hostels in a state of almost complete anarchy.

Because of their association with the Council, the formal hostel inhabitants were harassed, assaulted and driven out. The *izinduna* and blockmen have become ineffective and can no longer control any activities there. One hostel dweller even boasted that:

“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.”

Rooms and beds are accessed, traded and claimed on an *ad hoc* basis, largely depending

An informal trader’s wares outside of the unregulated Diepkloof hostel.

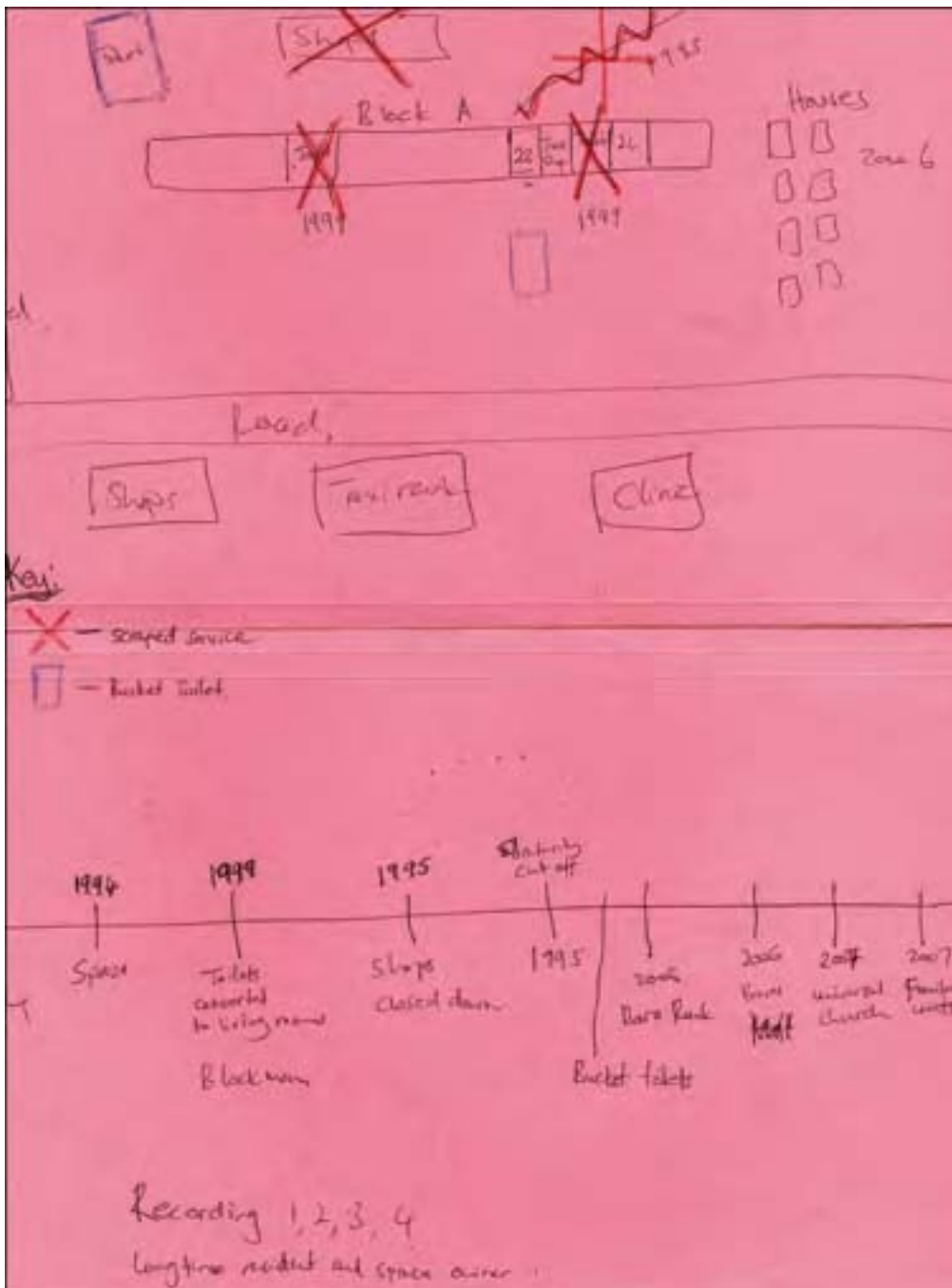


Figure 1 : Changes to the Diepkloof hostel over time, as depicted by a local resident.

on the specific room or bed in question. No system is in existence. It is luck of the draw that allows individuals and households to access rooms or houses and to keep them.

Another hostel dweller describes the situation as follows:

“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.”

The challenge of anarchy

With this scenario, everyone looks out for themselves. No protection of property or rights apply and any investment is a

risk as no one can defend their right to a place or appeal to a higher authority to help them to hold their home or business. Gaining access can also be very difficult as it relies on people knowing someone.

The absence of such social networking limits possibilities of access to either hostel bed or room. It is a system of very few rules, limited responsibilities and highly variable rights.

Official response

At the time of writing, the Council was involved in negotiations regarding the future of the hostels. A great deal of contention surrounded the family units under construction. Problems persist with the second phase of building these units and little consultation has taken place. For example, removing the old football field appears to have taken place by simply informing the hostel dwellers.

Mistrust is deep-seated, resentment has grown and to date the conditions in the hostel have not changed. Threats to the health and well-being of the hostel dwellers continue.

THOKOZA’S INFORMAL SETTLEMENT: a case of informal land use management

Thokoza exhibits a wide range of tenure types and housing typologies which include formal housing with individual title deeds, occupied rental accommodation and large informal settlements. The history of informal settlements in Thokoza is extremely uneven, with some informal dwellers having been accommodated by the Council, some forcibly removed, and on other occasions housed and provided with services. These responses have all been dependent on who was managing the area at the time

and their particular view on informal dwellers and their role within the township.

At the time of writing, the Ekurhuleni Municipality was relocating informal dwellers whom they considered to be on unsafe land and upgrading settlements *in situ* when they consider the areas to be safe. At present, a number of informal settlements have grown within the township. Some, such as the settlement located just behind the Khumalo Street hostel and the now upgraded Phola Park, were on the frontline during the violent IFP/ANC clashes of the 1990s and played a role as safe haven or enemy fortress at the time. It was during this period that certain relationships either developed or were entrenched. In the case of the informal settlement behind the hostel, the reliance on the hostel dwellers for water and electricity has continued.

One long-time resident remembers the relationship that existed between the hostel dwellers and others living in the township:

“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 ... If you wanted to bath you’d go to the hostel because at the hostel their water was always hot.”

Access to the hostels is controlled through a series of informal but highly regulated systems. Previously these were dependent on political affiliations and a female informal settlement dweller describes how when she first arrived in Thokoza, she asked for a space using her ID and IFP membership card. Another resident concurs and

says when he first arrived:

“He [the man in charge] said I must produce the organisation’s card, for the IFP. After some time they said that you don’t need an organisation’s card or anything to get a place here.”

Apparently the “owners” no longer require this proof even though to gain access to the settlement currently, applicants have to go to the women’s representative in the local IFP structure, who along with the local Councillor, decides whether to give a place or not. Areas within the settlement are also controlled informally, as a resident explains:

“[the person in charge] ... is the same izinduna with those for the hostel” and “if we have problems we go to izinduna. They will say we first go to Mr X and if he can’t solve it we take it to the police station.”

The challenge of informal systems

The informal system described previously is both functional and consistent, especially compared to “anarchy”, with which informal systems are often conflated, as mentioned previously. In the case of informal systems, the parties are aware of how to access a place, to whom they should go to defend a claim or obtain adjudication. At the same time, land is generally understood to have the same value for everyone concerned and the system of trading and transacting is quite legible to those engaged in informal land use.

However, the allocation of land and its management may be reliant on logics other than equity or fairness. This is compounded by the fact that the informal authorities are generally not monitored, with the

result that the systems may be exclusionary. Political affiliation and nationality are examples of alternative logics that emerged in the biographies. The dominant authorities also have the most say in how the systems function, what individuals’ rights are and who is obligated to whom.

The official response

By 2008, the Ekurhuleni Municipality was embarking on a process of relocation and *in situ* upgrading, driven by the policy intent of informal settlement eradication. The underlying presupposition is that the area should be formalised and aligned with the official land use management system either by incorporating the informal into the formal or by superseding and over-writing the current informal system.

DOORNFONTEIN’S MIXED SYSTEMS:

a case of schizophrenia

Doornfontein was originally a formally laid out and zoned township with a series of land parcels officially owned and rented for many purposes, including commercial, industrial and residential ones. The suburb has deteriorated over a long period and has had two notable periods in which slum conditions have prevailed.

Currently the area displays a heterogeneous profile in both its urban fabric, which consists of high-rise buildings, factories, flats and much older “left-over” houses and cottages. Many old buildings are no longer used for their intended purposes, factories have become sub-hostels, houses have become workshops and panels beaters, and parks have become taxi ranks. Currently there is substantial mixing of all descriptions, particularly of formal and informal land use management systems

A typical Thokoza formal dwelling.



throughout the neighbourhood. At the micro-scale the combination is even more obvious.

In a dilapidated corner stand along Davies Street, a long-time resident runs a formal food outlet, where he sells takeaways to passers-by from the front of the premises and rents out the backrooms to tenants. He and the property owner have a formal agreement in which he pays R800 a month for the premises that are without electricity but have running water. The shop owner has for the most part been left to his own devices. His only interaction with the authorities was when he moved some goods onto the pavement.

"I was putting it there [on the pavement] selling sweets and chips. Something that made me to come back in here was the Metro Police, because when I was selling cigarettes they would take it. So I spoke to them

[the police] that the Metro is troubling me they said I should operate from the shop."

The shop owner also rents out two of the rooms at the back of the shop, and states:

"I am the one who has been there since he [property owner] left. I used to charge the tenants R200 a month."

This helps to cover his expenses, especially since the area has declined and he does not have the customer base he once enjoyed.

Interestingly, the shop owner also stated that if he was approached by a prospective tenant, he would simply sublet the space in question without the approval of the landlord.

"He/she [the prospective tenant] comes here to me. It can happen that I will agree and we can share."

And yet the shop owner still felt he should ask the landlord's permission to make changes,

"For him to know, because let's say, he knows his door is facing this way and he find it another way it is not right."

The challenge of mixed systems

The shop owner, the landlord and tenants exist within a land use management system that has both formal and informal elements.

On the one hand, the shop owner has a formal lease agreement and pays rent monthly. He respects the fact that it is the landlord's property and that there are restrictions on the changes he can make. He also recognises that he is subject to the rules enforced, perhaps corruptly, by the police.

On the other hand, the shop owner informally sub-lets the back rooms of the property,

makes decisions about the tenants and collects the rent. He also believes he can choose whether or not to share his shop with another tenant.

There is clearly neither just an informal nor a formal system at work but a situation in which the landlord chooses when to institute formal rules and abide by them, a shop owner who obeys some formal rules and some informal rules and tenants that are at the whim of the landowner and the shop owner.

In these contexts the actors move in and out of various systems. There is no consistency as to precisely when they will choose one system over another and this appears haphazard and random. It also means that there is no system of appeal should something go wrong, which makes the defence of a claim both difficult and unlikely.

Official response

At the time of writing, the formal system was responding only to part of what was taking place. The Environmental Health Officers try to ensure that food storage and preparation meet the criteria demanded of them by the City by-laws, and the Metropolitan Police stop the shop owner from trading on the pavement. Furthermore, planners might be inclined to approve of the lease agreement between the shop owner and landlord and disapprove of the informal sub-letting arrangements, further entrenching the idea that “formal” is to be aspired to as the necessary end goal of urban land use management.

**THOKOZA’S HOSTELS:
a formally based informally
driven system**

Although a breakdown in the organisation of Thokoza’s hostels was observable during the research, historically a system of control and authority



Hostels in Thokoza showing signs of the lack of investment and poor infrastructure.

Doornfontein street scenes outside of a formal commercial enterprise with rented units at the back.



has been used effectively. This system entailed a strong informal element where control of the hostel dwellers' was through a hierarchy of "izinduna", blockmen and headmasters who ran much of the hostels' land administration, as described elsewhere in this booklet. The superintendents and their employees ran the official side of the hostel, providing the basic system of access, trade, and claim. However, layered on top of the authorised formal system was another unofficial, but legitimised, system of authority and control. The official system drove the unofficial but each system needed the other to operate, in a mutually dependent, possibly even mutually reinforcing, manner.

The official bureaucratic system operated in conjunction with the informal kin network in which family members could vouch for family members and pay for their permits, as was pointed by a hostel dweller who arrived in Thokoza in 1975:

"My big brother applied for a permit for me and he was paying it and then started working."

Another hostel dweller who arrived in 1983 recounts:

"I was looking for a place. Right, so my cousins took me to the municipal's offices, that's where I got the permission to stay here and they told me in which block and room number will I be staying in. They also asked me if I knew anyone there, and then I said yes and I told them in which block and room they were staying. Then after they checked if I'm telling the truth or not and also that is there a free bed there. That's how I manage to get a place here"

The two systems also worked hand in hand to maintain certain

regulations that aligned with both groups' separate ends. As one respondent recounts:

"Yah...especially there is this thing about where you from, if you are from Emahlabathini there's a block for the people who are from that place and there's also a block for people who are for Bergville. It's not like we are discriminating, just that they will appoint you to stay with people from your village or town, but you are not forced to stay with them. You can stay with other people from other villages or towns. It's just normally you'd like to stay with people from where you are from."

The apartheid officials aimed for tribal separatism and agreed to help maintain separate blocks, while the hostel dwellers and unofficial authorities recognised the strong sense of identity determined by origin that many migrants had and were equally content to support and enforce such a system.

The system of *izinduna* also kept control of the hostel and ensured that hostel dwellers did not get into any trouble with the authorities. They made sure that the hostel rules and the unofficial hostel regulations were maintained and implemented. As a long-time hostel dweller put it:

"Someone who is older than you and who has an experience about life in the hostels, so they are going to tell you the rules. Such as, since this is your home now, there is no sleeping out or around at home, seven o'clock must be at home, no fighting and if you have a problem with someone; tell us so that it can be solved and etc"

The challenge of formally based informally driven systems

Many of the problems associated

with informal systems are also true of formally based informal systems. Even though both the formal and the informal are present the unofficial system can still be arbitrary or prejudicial and can force people out of the system if they don't satisfy the criteria that are demanded. The unofficial system is also extremely powerful and can supersede the official authorities, as one hostel dweller put it:

"Unfortunately there's no one who don't know them [the rules], since if you don't obey them you must leave and go to the townships or somewhere else."

So even though another system is in existence the informal can dominate, with a similar set of consequences.

The official response:

At the time of writing, the municipality, in partnership with the province, was considering how to upgrade the hostels into Community Residential Units. These units are generally medium-density two or three storey walk-ups, which re-house families and households from the hostel rooms and beds. They are usually located on adjoining land or, where possible, the original hostels are demolished and the Community Residential Units built in their place. Although the exact nature of the Thokoza hostel re-development had yet to be finalised, it was clear that the existing system was not considered desirable and efforts were being made to formalise and regularise the hostel and its activities.

DIEPKLOOF AND DOORNFONTEIN'S INFORMAL ENTERPRISES:

cases of informally based formally driven systems

Here, an informal enterprise takes on the trappings of a

formal business. Alternatively, an activity changes or adapts to be incorporated into a more formal system, even if it is not entirely formalised. Within Diepkloof and Doornfontein a number of households are engaged in commercial activities that began informally but have over time become, for a range of reasons, more formal. Critically for this study, it was found that only in extreme cases were businesses officially registered.

The impetus for adapting to the official system, or taking on some formal characteristics, often lies in the unfavourable treatment to which informal traders are subjected. In Doornfontein, informal traders are harassed by the police, generally because they are a "soft" target. A woman who sells sweets outside a Doornfontein school states that:

"... when the Metro come they'll take your stuff or stock."

Another street trader concurs:

"... the Metro is abusing us, confiscating our stock."

The situation is quite similar in Diepkloof where home-based enterprises are raided by the authorities. A hostel dweller who runs a shop describes her experiences like this:

"But some time ago we came across with a similar problem. The police came and wanted to close us down, looking for liquor licence and taking our liquor. I tried to get the licence but it was hard for me as this place wasn't developed."

The environmental health practitioners in both areas repeatedly fine and punish informal traders who do not meet the required criteria. It is not, however, just the penalties



A boy collects water in Thokoza's informal settlement.



A spaza shop built on to an informal dwelling in Diepkloof.



A Thokoza bicycle repair shop.



The Community Residential Unit development juxtaposed with the old hostels in Diepkloof.

that drive traders to register. The Council tries to ensure that apparent benefits are to be had from satisfying the formal criteria. For example, becoming a crèche or food provider means traders can no longer be harassed by the police and have the right to operate outside of the Council and at other public events such as soccer games and political rallies, which increases the traders' turn over and incomes.

Many of these enterprises still operate to some extent in an unofficial or informal manner. Those who pay rent have no formal lease agreements, but rely on the recognition of the community to help protect their claims and defend their rights, as a spaza trader confirms:

"I don't have any proof; the proof is that I spoke to my

landlord so she is the one who can confirm that this place belongs to my brother and that I pay rent every month."

Although a formal lease does not exist, there is a consistent expectation that their rental agreements will be honoured from both sides and if there is a problem, arbitration will be sought in the rental tribunal or from a respected third party.

The challenge of informally based formally driven systems

Although such systems are responsive, they rely on the notion that formality is somehow better than the *status quo*. In cases where informality is driven to formality through penalties and punishments, a danger of antagonism exists and a situation could unfold in which the most marginalised people

are excluded as they cannot make the transition.

The official response:

The first kind of response comes from the Metropolitan Police who harass informal traders who are not registered or who are trading in areas that are not designated for trade. They confiscate the informal traders' goods and often force the traders to pack up shop every few hours. The traders often return after the police have swept the areas.

The second response is from the environmental health officers who try and register informal traders and to ensure that they fulfil the various criteria specified by the by-laws. It seems likely that these strategies will be reinforced as the city starts to intensify its efforts towards Global City status and the 2010 World Cup.

CHAPTER 5:

CO-EXISTING LAND USE MANAGEMENT SYSTEMS



CO-EXISTENCE IN DIEPKLOOF

A motor mechanic who runs his business from an open piece of land in Diepkloof works on taxis brought to him by local taxi drivers. An underlying official system is observable in this space, although it is all but inactive. It provides a space for a completely informal activity that simultaneously allows a formally driven informal practice to function successfully.

A formal system

The land on which the mechanic works is zoned as community space and is, according to the deeds registry, publicly owned land. It is uncertain what the intended use of the land is, as it has remained vacant for a number of years.

An informal system

The space has been taken over by taxi owners, who use it to park their vehicles and to control the space according to a system worked out between the taxi "bosses". There is no regulation in evidence and the taxi drivers are at the mercy of the Metro Police as they are infringing by-laws by using the space illegally.

A formally based informal system

The agreement between the taxi "bosses" and the mechanic mimics a formal system in many respects and the mechanic referred to the verbal agreement between the two parties as:

"[a]...contract with taxi bosses so that I can fix their taxis"

A quasi-employer/employee relationship is in place in which:

"They bring the cars to me and then at the end of the week they pay me as agreed"

He does, however, feel disempowered in this relationship:

"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"

Co-existence occurs across the precincts of the study and within the precincts, and across a variety of scales from the macro-level of Johannesburg to the more intimate spaces of households' parcels of land and

A shebeen is run from a private residence in Diepkloof.

An informal merchant trades in Doornfontein.



even within rooms or single shops.

Examples at a larger scale include Diepkloof respondents gaining municipal authorisation to build “garages” to be used informally for residential purposes, the state relocating respondents on the East Rand to formalised townships but turning a blind eye to informal settlement in other areas. Simultaneously, new land uses were informally emerging in the formal urban fabric of Doornfontein.

Examples at a smaller scale include the Thokoza pastor, pictured on this page, who employed a land surveyor to re-peg the official cadastral boundaries to the land parcel, although this has not been handed over to the municipal authorities. Simultaneously, he 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.

CO-EXISTENCE IN THOKOZA

Figure 2 on page 34 was drawn by a respondent living in Thokoza who had been on the stand since 1998. The stand is a mixture of land use, tenure types and housing, demonstrating how the wide variety of land use management systems discussed in previous chapters co-exist within the same space at the same time.

CO-EXISTENCE IN DOORNFONTEIN

A number of examples of co-existing systems exist in Doornfontein. One of the most significant is derived from the testimony of a resident who has lived in a backyard room in the heart of Doornfontein since 2001. Numerous systems are at work within the space he occupies and shares with a variety of people who perform a range of functions.

A formal rental system

The tenant describes how he moved into the room by contacting the caretaker who acts as the owner’s agent and being presented with a lease by saying rent is paid monthly to the caretaker who passes it on to the owner:

“We just signed when we got here.”

A mixed system

Although a lease has been signed, the tenants are not given receipts. Although they possess a lease, they rely on the social network to prove their claim to their spaces. When asked how he could prove he had a right to be there, the respondent said:

“Yes, it been a long time since I was here and no one can come here and contest that”

An informal system

Although the rooms are formally rented by the owner, a number of informal activities take place within the spaces. The courtyard is used by a scrap yard dealer to store his wares and the room itself is used by the respondent’s partner, who is self employed.

“She sells vetkoeks ... peanuts, like now as you can see she just got back from selling the vetkoeks and she is going to go again.”

The respondent operates as a part-time cobbler from his room. About 20 people live in the very small space consisting of a few rooms and a courtyard, many of whom also use the space to run businesses. A spirit of sharing and tolerance exists, which was emphasised in the focus group:

“Even the car parks here and no one has ever uttered a word about it.”

The Thokoza pastor in front of his church.



A shack dweller washes clothes in the church grounds.



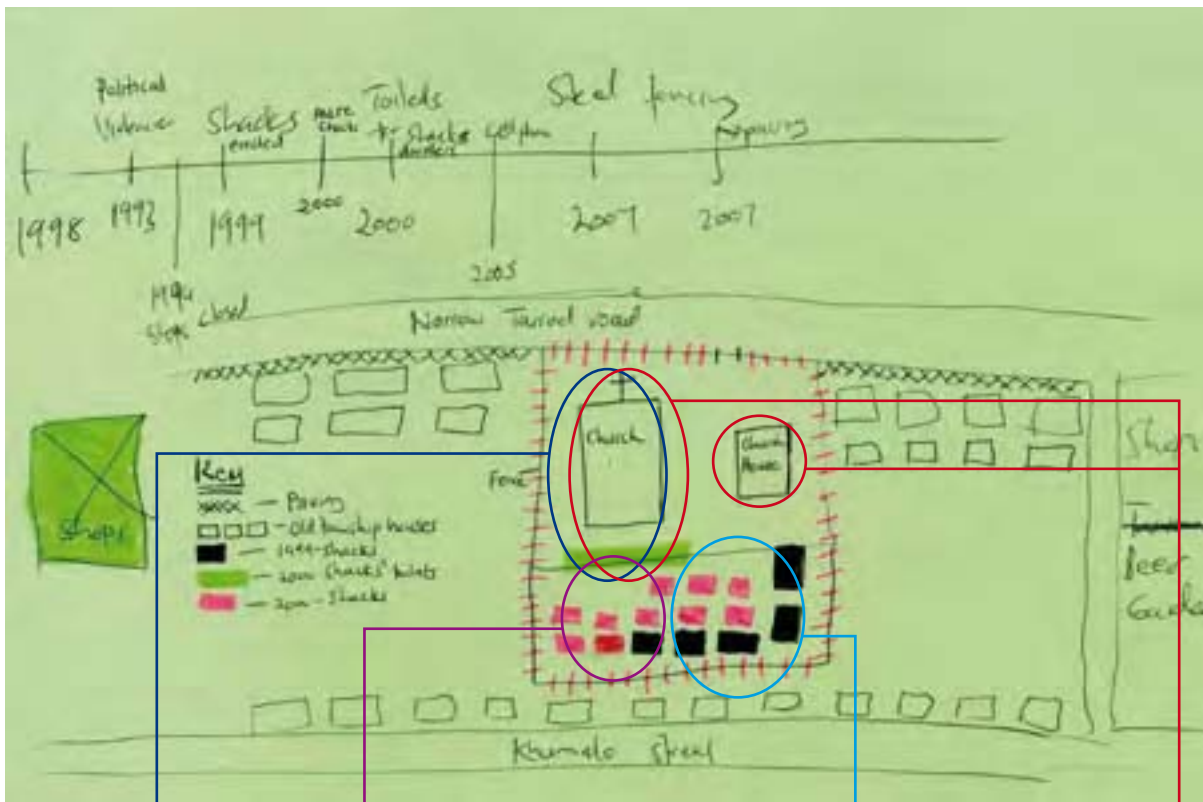


Figure 2: A Thokoza resident's drawing of living space and uses in the township

Formally driven informal system:

The church is a communal centre and the venue for the Passes Committee. *"People that are poor who cannot go to Home Affairs. We go make a list of them then we call Home Affairs to process ID documents. Then when their ID documents come back they come to us then we deliver them."*

In 2000 the pastor provided toilets for the shack dwellers and a community food garden in which the retired women work.

Completely informal system:

Many activities take place in these informal dwellings. *"And here I have women that are selling mealies, I have a boy that makes atchaar here, I have women that buy and slaughter chickens to sell them to get profit. I have women who wake up every morning and buy meaty bones and sell to people to cover up the cost of living."*

Formal system:

The Church of Nazareth was established on a plot zoned for church use, but by 1998 the pastor had left. The Faith Brethren Apostolic church pastor was later given permission to take over the property, in a formally concluded arrangement.

Completely informal system:

The pastor is also the landlord and rents out shacks on the property. He explains how this came about. *"Initially residents from around this township used to dump rubbish at the site where the shacks stand today. They also used to plant a lot of marijuana. So when some of them approached me asking for permission to occupy the place I did not hesitate to allow them to. When I am bored I can go to one of them and if there is a case then we discuss it because we don't want other person to be harassed"*

Mixed system:

If the entire parcel is analysed, it has clear elements of a mixed system as parts of it are governed by an informal system and parts by a formal system. However, they seem to be randomly chosen and the rules of each are applied at will.

CONCLUSIONS

LAND USE MANAGEMENT SYSTEMS CHANGE OVER TIME

The perception is widely held that a formally established land use management system is maintained in perpetuity. The reality drawn from the land biographies paints a different picture. A more nuanced reading of the three precincts under discussion demonstrates that at various points in the histories of these areas, different and divergent norms and practices have dominated, irrespective of what the official records reflect.

Figure 3 on page 36 depicts the land use management systems that were strongest during various decades of the biographies. Doornfontein, the longest data set, demonstrates particularly clearly that systems change over time.

Although dynamism is evident in the urban land biographies, it was not possible, within the tight parameters of the research, to explore more fully the factors underlying change, other than that it appears to be highly dependent on the context in which these systems operate.

EXISTING PRACTICE IS RESOURCE RICH

Existing practice is resource rich, in that it draws on knowledge and skills derived from both formal and informal reality. But what land use managers do, is constrained by the myth of formality. Most formal land use managers access a far wider range of resources regarding land use than is generally accepted. Existing practices do not only involve formal practices but planning officials are discouraged from acknowledging this.

Land use managers in the official system deal with the different categories of land use management systems that Table 1 on page 19 identifies. Many of them move between the various systems with both skill and dexterity. This is a rich resource upon which to draw for future land use management practices that might be more supportive of poor people's urban land needs.

The skills and abilities that land use managers demonstrate could be capitalised on by ensuring that the full range

of land use management is valued, appropriately used and responded to by institutions in the formal system.

LAND USE CATEGORIES AS A NEW WAY OF THINKING ABOUT PRACTICE

This study demonstrates that it is rare for just one system to exist at one time and in one space. Currently, there is very little recognition of existing practices nor is very much value attached to what these practices offer to those who use them. Unless a household, individual or community is participating in the official land use management system, they are excluded at a range of levels and from a variety of benefits. The law does not protect their rights, which are socially recognised. Neither does it defend their claims, for which they have negotiated and sometimes fought. The non-financial values that households attach to their land are neither noticed nor understood, and only financial value, formal land use management, and officially registered title deeds are

A woman rests in front of a Thokoza mud and wattle dwelling.



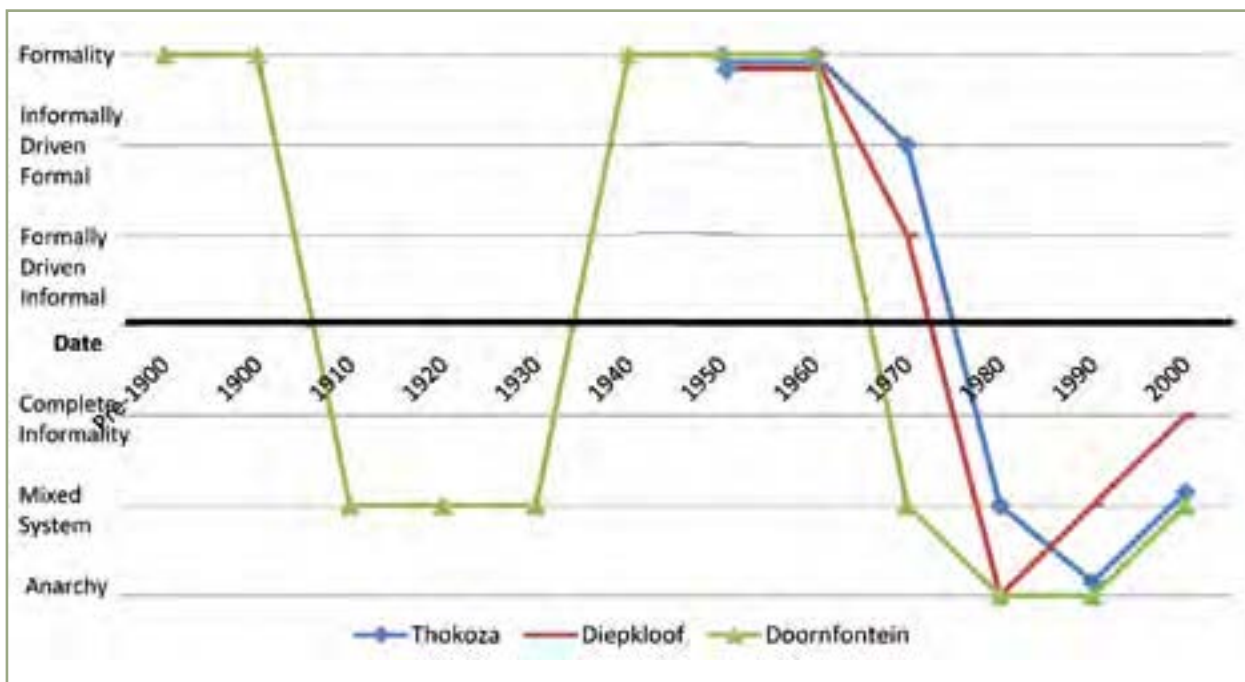


Figure 3: Changing land use management over time

recognised and supported.

The categories in Table 1 offer land use managers and others engaged with land use management a new way of thinking about land use management practices. The challenge is not to replace the existing stereotype of a differentiation between formal and informal with six new categories, but to use these categories to foreground how

activities on land move between different categories, and to demonstrate that the distinction between formal/informal or official/unofficial is a great deal more blurred and mutually reliant than is generally seen.

LAND USE MANAGEMENT – TOWARDS A NEW END

Land use management has a tarnished image as a result of its explicit service to apartheid and

has yet to successfully identify with a different social goal. The urban land biographies reveal an official land use management system that is an end in itself – land use management for its own sake. This research has explored and categorised the variety of land use management systems in operation. It has begun to identify what principles a more pro-poor official approach to land use management would serve.



Shacks in the Thokoza informal settlement.

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