LOCAL STATE CONSTRUCTIONS OF URBAN CITIZENSHIP:
INFORMAL SETTLEMENT AND HOUSING

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Local state constructions of urban citizenship: informal settlement and housing

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Dedicated to Johann Groenewald, Jeannette Groenewald, Jan Groenewald and Sally Ruiters, who made me a citizen and gave me my sense of home
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Liela
Declaration

I declare that the thesis for the degree, D Litt et Phil in Sociology hereby submitted to the University of Johannesburg, apart from the help recognised, is my own work and has not been submitted to any other university.

Verklaring

Ek verklaar hiermee dat die skripsie wat deur my aan die Universiteit van Johannesburg ingedien word vir die graad, D Litt et Phil in Sosiologie, benewens hulp wat erken is, my eie werk is en nie by enige ander universiteit ingedien is nie.
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Abstract

This study explores local state constructions of citizenship for the residents of informal settlements in urban South Africa during the first decade of local democracy, with a focus on the last electoral term of this period. While many studies in the social sciences have reported on citizenship experiences and self-help strategies of various categories of residents of post-apartheid South Africa, few have directed their gaze at the state, or studied up by investigating powerful respondents or sites and processes of power. Given that the state has its most direct dealings with the grassroots at local government level, and that compared to ordinary people it holds a disproportionate amount of power over citizenship, the character and strategies of the local state in South Africa are critical for a comprehensive understanding of post-apartheid urban citizenship. The study focuses on the policy area of housing as a key response to informal settlement.

A constrained developmental local state has emerged in the post-apartheid period in South Africa, exhibiting both Weberian and non-Weberian qualities in its political-administrative interface. While very little evidence of a skills shortage or limited capacity has surfaced in the policy area of housing in the metropolitan municipalities of Johannesburg and Tshwane, respondents in both sites reported that the available funds from the central state were vastly insufficient for addressing the identified housing need. This severely limited local state capacity to respond to the priorities identified by community consultation and systematic needs assessment and resulted in a perceived imperative to limit responsibility and supplement funds. Consequently, the two local authorities have managed their level of responsibility by changing definitions of informal settlement. In an attempt to lower dependence on the local state, they have also moved some responsibility for responding to informal settlement and housing need away from the local state.

Although the lack of funds was deplored in both cities, their specific strategies have differed in important ways. In the City of Johannesburg, the local state recognised that housing shortages and informal settlement could not be adequately addressed if categories of non-qualifiers such as foreigners were excluded from city programmes. Elected councillors therefore argued for a relaxation of the criteria in the national Housing Code. To access more funds, the local state has relied heavily on the private sector, but this is likely to push the poor out of the urban centre and to isolate them from economic opportunities, which reinforces the apartheid spatial distribution.

In order to reach a larger proportion of the population in need of assistance, the City of Tshwane preferred to focus its efforts on the provision of serviced sites rather than on housing. This strategy was implemented in addition to severe repression in the form of eviction and destruction of informal settlements as well as a policy of zero tolerance of new informal settlement, for which two related rationalisations were offered by respondents: the high portion of non-qualifiers who live in informal settlements and, in particular, the presence of foreigners, for whom they would not accept responsibility.

While the City of Johannesburg’s outsourcing of low-income housing serves to extend the disproportionate influence of the private sector over elements of urban citizenship, the City of Tshwane’s exclusion of non-qualifiers and its forced removal of informal settlements represent a unilateral approach to constructing citizenship. In both cases, the result is a degree of continuity with the early colonial administrations and the apartheid government. Both methods have also inflated the achievements of the cities. The overall result has been the construction of a narrow, shallow and punitive urban citizenship for residents of informal settlements in South Africa since the advent of local democracy in 2000.
Opsomming

Hierdie studie ondersoek die plaaslike owerheid se konstruksies van die aard en inhoud van burgerskap vir bewoners van informele nedersettings in stedelike Suid-Afrika gedurende die eerste dekade van plaaslike demokrasie, met die fokus op die laaste verkiesingstermy van hierdie periode. Hoewel heelwat sosiaalmenschaflikse studies oor die ervarings van burgerskap en self-help strategieë van verskillende kategorieë van inwoners van post-apartheid Suid-Afrika verslag doen, het min nog hul blik op die staat geric, of “boontoe” gekyk deur magtige respondente of magsvestings en magspraktyke te ondersoek. Aangesien die staat sy mees direkte gesprekke met gewone mense op plaaslike owerheidsvlak voer, en in vergelyking met gewone mense 'n disproporsionele hoeveelheid mag oor burgerskap het, is dit kenmerk deur strategieë van die plaaslike staat in Suid-Afrika noodsaaklik vir 'n omvattende begrip van post-apartheid stedelike burgerskap. Die studie fokus op die beleidsarea van behuising as 'n kernreaksie op informele nedersetting.

'n Beperkte plaaslike ontwikkelingstaat het in die post-apartheid periode in Suid-Afrika na vore gekom, met beide Weberiaanse en nie-Weberiaanse kwaliteite wat in die politiek administratiewe raakvlak voorkom. Hoewel daar baie min tekens van 'n tekort aan vaardighede of beperkte kapasiteit in die beleidsomgewing van behuising in die twee metropolitaanse munisipaliteite van Johannesburg en Tshwane, het respondente in albei navorsingsterreine bering dat die beskikbare fondse vanaf die sentrale staat verreweg onvoldoende was om die bekende behuisingsnood aan te spreek. Dit het die plaaslike staat se vermoë om gehoor te gee aan die prioriteite wat deur middel van beide gemeenskapskonsultasie en sistematiiese behoeftebepaling vasgestel is, uitermate beperk, en ook daartoe geleli dat druk deur respondente ervaar is om verantwoordelijkheid te beperk en fondse aan te vul. Gevolglik het die twee plaaslike owerhede die vlak van hulle vermoë om voldoende behuiingsnood aan te spreek. Dit het die plaaslike staat se vermoë om voldoende behuiingsnood aan te spreek. Dit het die plaaslike staat se vermoë om voldoende behuiingsnood aan te spreek. Dit het die plaaslike staat se vermoë om voldoende behuiingsnood aan te spreek. Dit het die plaaslike staat se vermoë om voldoende behuiingsnood aan te spreek. Dit het die plaaslike staat se vermoë om voldoende behuiingsnood aan te spreek. Dit het die plaaslike staat se vermoë om voldoende behuiingsnood aan te spreek.
1.1 Introduction

At the beginning of the twenty-first century, for the first time since the dawn of humankind, most people are living in a city (Bekker 2006: 3; Davis 2006: 1). In about twenty years, city dwellers are expected to constitute two thirds of the world’s population. Almost all of this projected urbanisation will occur in less developed regions, so that not a single local region where the majority is rural should remain by 2030 (United Nations Population Fund 2005: ¶41-43). By 2001, the UN estimated that nearly a third of the global urban population, numbering nearly a billion people, lived in slums (UN-Habitat 2003: xxv). Poor people constitute approximately half of the 7 billion people in the world (Population Reference Bureau 2011: ¶1). In less developed countries, where the population growth of about 76 million people per year is taking place, the proportion of people living in poverty is also escalating.

The world’s largest numbers of slum dwellers can be found on the continents of Asia, Africa and Latin America (UN Habitat 2003: xxv). Yet, slums are by no means limited to the contemporary developing world. They have been mentioned in the literature for as long as urbanisation has been a focus of sociological analyses. In his seminal 1845 rendition of The Condition of the Working Class in England, Friedrich Engels (1845: 28) describes a settlement of makeshift dwellings, which in physical terms corresponds to a layman’s understanding of contemporary informal settlements. While Engels’ (1845: 34) work is void of contemporary sensitivities to portraying working class areas as pathological places of dirt, crime, disease, and early death, it draws a direct link between the described living conditions and the official response in the form of occasional slum clearance. Although it is clear, then, that neither self-help, informal settlement nor repressive state responses are by any means new, or particular to the Southern African region, contemporary informal settlement takes place in the context of high levels of urbanisation, is concentrated in those parts of the world that have high levels of inequality, and is most prevalent in sub-Saharan Africa as compared to other regions (UN Habitat 2003: xxv). On the urban South African landscape, this is manifested in the visible concentration of poverty in informal settlements often found on the city edge.

Urban design may express values, manifest inequity, and mould power relations in many varied ways. Physical urban space may reinforce inequality, insularity, and their entrenchment, as has been demonstrated with respect to residential race segregation (Ruiters 2001: 97; Ford 1994: 1843-1845) and the way in which city forms promote gender
The profound impact of place of residence on the lives of urban domestic workers has also been demonstrated (Bénit & Morange 2006: 77-83). It is clear, therefore, that physical form has contributed to distressed conditions and affected urban citizenship. A reliance on physical definitions of informal settlements has however been criticised for obscuring risk and specifically insecurity of tenure (Huchzermeyer & Karam 2006: 3).

The UN-Habitat report (2003: xxxii) and scholarship (Huchzermeyer 2011: 29) locate the main causes of slums with states and their management of national economic and other affairs. In the South African case, the Constitutional Court has placed the onus on the state to seek a court order in advance of eviction and when such an order is granted, to provide equal or better shelter (Business Day 2011: 8). A recent case upheld this responsibility on the part of the local state in Johannesburg after an eviction had been sought by a private owner, leading Business Day (2011: 8) to caution that the burden on local authorities may eventually require them to engage in trade-offs between providing shelter and essential services.

The contemporary South African challenge has its roots in colonial and apartheid legislation, which has made a decisive contribution to the incidence, form and distribution across the landscape and population of informal housing. This includes a wide array of racial legislation pertaining to various sectors. But, as other research has indicated (Huchzermeyer & Karam 2006: 5-6; Robins 2002: 516-517), certain strategies of the post-1994 government have perpetuated and exacerbated the need for informal, self-help housing, including for example, the removal and - albeit temporary - relocation of residents of informal settlements in order to facilitate the development of formal housing.

An acknowledgement of the critical contribution of the state to the prevalence of informal settlement must be balanced by two counterarguments. Firstly, just as informal settlement is distributed across the developing and the developed world, it is also not isolated in capitalist countries, making it a challenge to pinpoint the characteristics of states that can be understood as causes of informal settlement. Moreover, the prevalence of self-help provision of low-income housing overshadows housing provision by the state in many developing countries (Bredenoord & Van Lindert 2010: 278). In this context, it is important to recognise the agency of those who erect informal housing to provide a solution to their own problems. It is often a lack of recognition on the part of the state of this role played by residents that leads to tensions between the state and various parties attempting to represent the interests of informal dwellers, as indicated by several court cases that residents have brought against the state.

This study sets out from a concern with urban power relations and the ability of the state to respond to informal settlement and shape the livelihoods of city residents in informal
settlements. The research is informed by the key sociological concern with structure and agency and how these concerns shape or reflect power relations. Although state allocation of citizenship comprises more than the provision of adequate housing, this element of the package of citizenship rights that is recognised by the South African state, has been presented as a critical response to informal settlement (see Sisulu 2006: ¶1-2).

Conscious of the rhetorical ideals of housing for all, this study explores the strategies of elected councillors and appointed officials who are responsible for the local state response to informal settlement and housing need. The research sites are the local municipalities of the cities of Johannesburg and Tshwane. For the duration of the project, these cities were two of only six metropolitan councils among the 284 newly demarcated South African municipalities, although the number of metropolitan councils increased to eight on the date of the 2011 local elections at the end of this study. While it will not be possible to generalise to local authorities more broadly, it should, however, be possible to suggest inferences from the results about the metropolitan municipalities of South Africa.

The study focuses on local state approaches to informal settlement in Johannesburg and Tshwane, as they have developed between the local elections held on 5 December 2000 and the local government elections held on 18 May 2011. Until 2000, the continued reliance on racially defined voting districts had extended white control at the local level, in what has been termed a “delayed transition at the local level” (Bekker et al 1997: 38-43). The period studied therefore represents the first decade of local democracy in South Africa, during which the character of the post-apartheid local state has emerged, together with the kinds of urban citizenship that it has constructed through its strategies.

The study investigates and considers how aspects of process and practice have developed and how this has helped to produce the power relations in which contemporary informal settlements are embedded. It specifically asks how councillors and officials responsible for housing in the local state have contributed to the construction of urban citizenship for the residents of informal settlements. This question will be approached by means of the following subquestions:

- How has the local state in Johannesburg and Tshwane interacted with the province of Gauteng and the South African national state to respond to informal settlement?
- How have those in positions of power with regard to housing in the two cities taken account of the voices and needs of residents of informal settlements?
- What strategies have elected councillors and appointed officials in the local state in these two cities employed to cope with the responsibility of responding to informal settlement and housing need?
- How have the policy and practice towards informal housing and informal settlements in these two cities developed since December 2000?
Were there any differences between the two local authorities in their construction of urban citizenship for the residents of informal settlements, and what factors may have contributed to such differences?

How have local state strategies promoted or impeded the ability of their residents to claim urban citizenship?

To introduce these questions, this chapter will review conceptual debates about urban citizenship and informal settlement. Finally, the structure of the thesis will be described.

1.2 Context and rationale

This study does not evaluate or analyse the quality or quantity of housing delivery. The focus is on local state practices, processes and strategies and their implication for the ability of residents of informal settlements to claim a Right to the City. Although significant historical factors are taken into account in the analysis, the local government elections in December 2000 have been selected as a turning point that represents the exit period of transitional local government as instituted under the apartheid regime and the beginning of the first decade of democratic local government across the country. This new regime operates in a very different context from that of its apartheid predecessor, whose policies both isolated it from the rest of the African continent and accorded the majority of the South African population the status of temporary city residents. Following the decline of the apartheid state in the late 1980s, however, several South African cities experienced a surge of in-migration, with both internal and cross-border migrants contributing to urban growth, which might have raised the question as to whether the massive need for housing and informal settlement might be set down to migration. While various factors may encourage a higher concentration of poor migrants in informal settlements, researchers have long warned against the misconception that informal settlements are populated by recent arrivals to the city (Crankshaw 1993: 51).

From the time of the emergence of the modern world system in the sixteenth century, migration between the colonising and colonised countries was common (Castles & Miller 2003: 50; Wallerstein 1974: 189, 253, 261). Castles and Miller (2003: 50) argue that written history has been characterised by a neglect of the role of human mobility and that notions of national homogeneity rely on the censoring of critical immigrant contributions to nation building. Migration into cities is estimated to account for forty per cent of urban growth compared to the larger contribution of internal growth (Kasarda & Crenshaw 1991: 474). Migration therefore does not present a sufficient explanation of informal settlement.

The long-term residence of non-citizen migrants within nation states has, however, been a key catalyst of a substantial body of literature on the possible rescaling of formal citizenship (see, for instance, Varsanyi 2006: 229-230). Although the majority of migrants move within their own countries and substantial numbers move between poorer countries, “[t]he
preoccupation has been with those who move internationally, and particularly with those who move from the developing to the developed world" (Skeldon 2008: 4). The pressures on European and North American public coffers from the late 1970s may have contributed to a growing concern about migration on the part of the richer North, which may in turn have been responsible for an increased awareness of the marginalisation of the global South by the turn of the century.

The resulting global concern with increasing polarisation and ever-harsher conditions of poverty has led to the adoption of eight Millennium Development Goals (MDGs) at the United Nations Millennium Summit held in New York City in 2000 (UNDPI, 2002: ¶1). The first and overarching MDG is the eradication of extreme poverty and hunger. The overall objective is for the eight MDGs to be achieved by a universal target date of 2015 (United Nations, 2000 (i): ¶1). The prolific public attention enjoyed by the MDGs has included contrasting assessments of progress, partly because of difficulties with measurement, but potentially because of the political need to demonstrate a commitment to and success with regard to the goals. Indeed, the housing plans of the South African government have been linked to Goal seven’s Target 11 on improving the lives of slum dwellers.

Ostensibly keen to uphold the South African government’s earlier assertion that it would be able to meet its MDGs in advance of the global deadline, the national Department of Housing has focused its policies and programmes squarely on the eradication of informal settlements by 2014. Former Housing Minister Lindiwe Sisulu emphasised this repeatedly in speeches until 2007, and even isolated it as the single clear task of the Director-General of housing during a media briefing following the 2006/2007 budget vote (Sisulu 2006: ¶1). While the 2008 budget vote speech again made reference to the MDGs and the 2014 deadline, success seemed unlikely in light of the Minister’s estimated budget shortfall of over R100 million to eradicate the housing backlog by 2014 (Sisulu 2008: ¶23). Yet, the goal of eradicating informal settlements by 2014 continued to inform housing programmes and approaches.

Social policy has come under fire from researchers despite the fact that South Africa has been labelled “the developing world’s largest and most generous welfare state” - a description that rests on dramatic increases in welfare spending and the reach of social grants since 1994, but which is contested, partly because social spending has not succeeded in turning the tide of sharpening inequality (Hassim 2008: 104). In light of the failure to counter poverty and inequality, one concern that is often raised is that of state capacity. However, while social policy in post-apartheid South Africa expanded the social safety net, this was done by means of “mechanisms for ‘the poor’ as ‘other’ ”, rather than by redistributive strategies based on broader, cross-class solidarity, of which one example is the state’s failure to build a functional health care system (Hassim 2008: 109, 115). Since
such failures rely on the ability to exploit women’s unpaid labour in particular, equality seems to be constrained by “the conservative normative underpinnings of social policy” far more than by economic limitations (Hassim 2008: 116). Questions about the rationale and practicalities of social policies and programmes are therefore critical concerns that lie at the heart of the stubborn inequality persisting in post-apartheid South Africa.

Nevertheless, the unfolding story of the MDG number seven is also pertinent to the broader contradictions of unequal globalisation and debates about the rescaling of citizenship that resonate worldwide. While questions on social welfare have been debated as questions of national policy and citizenship (Natass & Seekings 1997: 453-4), economic and political pressures have together stimulated resistance to state-provided social welfare, particularly in Europe from the 1970s onwards (Natass & Seekings 1997: 455). The challenges of global inequality lead to questions concerning state processes and the appropriate level and location of responsibility for social welfare. Since housing programmes benefit the poor, including the unemployed, substantially more than they benefit higher income groups (Natass & Seekings 1997: 471), a focus on housing delivery as a response to informal settlement is a lens through which to read state responses to inequality and poverty and to engage with social policy and state practices that structure and operationalise citizenship.

1.3 Urban citizenship and informal settlement

Informality and citizenship are broad ideas that are difficult to pin down. Partly because informal settlement occurs in plural forms across the world, it is a hotly contested and questioned concept, whereas urban citizenship has often been used rather loosely. The approach to informal settlement employed here has gained depth from collaboration with colleagues in the Groupement de Recherche Internationale (GDRI) on Cities in Africa, while the notion of urban citizenship developed here has benefited both from the GDRI and from collaboration with colleagues in the Citizenship and Social Capital research project (see Uys & Patel 2012).

In South Africa, the growth of informal settlement as defined by the South African Cities Network has persisted in three geographical areas, namely the former so-called ‘homelands’, the City of Cape Town, and the metropolitan areas in Gauteng, which include the research sites selected for the present study (SACN 2011: 50). Over the course of the nineteenth century, cycles of growth and retraction of informal settlement have been triggered by economic shifts and state action (Groenewald et al forthcoming). Although a small number of families had erected shacks outside of the backyards of formal townships on the Witwatersrand from the 1960s, these shacks numbered fewer than three hundred by 1986 (Crankshaw 1993: 31-33). After the abolition of influx control legislation in 1986, however, the number of shacks in the area tripled within a year and new settlements began
to arise (Crankshaw 1993: 31-33). This trend has continued after the end of apartheid. Without providing a clear definition of informality, the South African Cities Network estimates that the proportion of households in the metropolitan areas of Gauteng living in informal dwellings increased between 2002 and 2009, with nearly a quarter of all households eventually living in informal dwellings, despite the provision of more than 0.7 million state-subsidised houses in the province since 1994 (SACN 2011: 50). The post-apartheid growth of informality in cities of Gauteng is attributed to internal growth combined with a reduction in household size (SACN 2011: 50).

Together with a growing international interest in slums, the growth of the South African informal sector in the last decade of the twentieth century has given rise to an extended literature on informal housing and land tenure, informal trade and labour, informal politics, informal security, and informal sovereignty, all of which occur in both rural and urban contexts. Hilary Sapire (1992: 670-9) makes several useful distinctions with respect to informal housing. While she distinguishes various categories of urban housing that are evident in black South African housing outside of formal township housing estates, namely hostels, shanty-towns and “thousands of African men and women in diffusely scattered shacks across the peri-urban smallholdings of the region”, she contrasts the general use of the term “squatting” to refer to the illegal occupation of both buildings and land, with the more common South African use of the term which refers to both legal and illegal shack settlements and juxtaposes shack settlements against backyard housing, for which rental costs are usually incurred. Yet, these distinctions focus exclusively on physical elements, thereby obscuring the varying degrees of tenure security prevalent within corrugated iron shack settlements (see Huchzermeyer and Karam 2006: 3).

Modern citizenship has been widely understood to consist of rights, responsibilities and belonging or community (Faulks 2000: 1-21). Can cities give substance to this trio? While the question has been addressed philosophically and ideologically, little empirical evidence has been advanced. This study begins to close the gap by making explicit the ways in which the practices of appointed and elected actors in the democratic South African state have structured urban citizenship.

As inadequate or exclusionary systems for political participation can present barriers to policy inputs by the poor (Mohamed 2006: 45), the responsibility that informal or self-help housing places on city administrations has been accompanied by an increasing emphasis on the need for inclusivity at city level and a conceptualisation of city government as the arm of the state that structures daily experiences of citizenship. Along with basic service delivery strategies, legislation that obliges local authorities to consult their constituent communities (Republic of South Africa 2000b: 30) has accompanied the relative maturation of democracy in South Africa.
Despite this advancement, shortcomings of the system have been identified. One response to the failure of formal consultation to empower poor communities has been to interrogate the different options for participation. Friedman (2007: 2-8) compares three archetypal consultation models, specifically, “The Voice of the Community”, “The Voices of Civil Society” and “Our Own Words and Deeds: Active Citizenship”. Despite the substantial popularity of a community participation approach among policy-makers, Friedman criticises the approach “because it treats as aberrations the differences within communities”. While he acknowledges that the civil society approach may avoid the pitfall of simply reinforcing the dominant voices in various communities, Friedman (2007: 4-5) is in favour of active citizenship, because it treats agency as an asset rather than a threat, but he recognises that, in order to be effective and representative, such an approach would have to be combined with strategies that enable the oppressed or otherwise disabled to choose among different means of having their voices heard and universal franchise.

The ability of individuals or communities to participate in formal consultation fora has proved to be particularly constrained by residence in informal settlements. The work on informality often leads to normative or policy recommendations. Among writers who view informality as a problem, some describe it as illegality which needs to be suppressed or prevented (reviewed in Mohamed 2006: 35), while others see it as desperation that needs to be alleviated (Guillaume & Houssay-Holzschuch 2002:88-93). Therefore, it is worthwhile to consider contradictory perspectives on informality.

A divide seems to exist between writers who equate informality with illegality, and those who argue that informality should be understood as workers’ agency (Barchiesi 2007: 13, 26; Mohamed 2006: 35-36). Barchiesi (2007: 6-7) argues that there may be continuities between conscious, empowering livelihood strategies on the rest of the African continent and South African informality, as “working class life strategies through which informalized employees negotiate the social collapse of wage labour” under conditions of capitalist restructuring in post-apartheid South Africa. This represents a significant departure from an understanding of informality as a problem or as crime, since it views informality as integrated with the mainstream or formal social and economic fabric of society. This allows the voices of residents of informal settlements to be recognised as just as legitimate as those of workers, property owners and ward committee members. However, formal recognition of legitimacy does not automatically translate into the realisation of rights.

Disagreement also persists between those authors (Parnell 2007: 604) who point out that legibility – understood as an ability to identify shack dwellers - is a prerequisite for formal consultation and targeted service delivery, and others (Alexander 2007) who view legibility as problematic for the poor because it perpetuates their vulnerability. For instance, once the state has an identifiable physical address to which water and perhaps electricity can be
delivered, poor people are opened up to prosecution in the event that they do not pay. Their
defencelessness is further increased because legibility would enable the state to compile a
register of unlawful occupations, which could be used for evictions. Therefore, the
possibility that the active destruction of belonging that is implied in treating informality as
illegality or as a problem, may contribute to an imposed rather than chosen disconnection,
should not be dismissed.

Interpreting informality as workers’ agency, instead of a problem to be suppressed or a
slight irritation to be tolerated, recognises the existence of multiple voices and value
systems that are not merely tolerated, but to some degree encouraged. It exposes worker
insecurity not as something in a separate economy, but as interconnected with the top-end
of the money economy. The implication is that the poor and the well-off should share the
responsibility to consider and debate the broad spectrum of implications of the same
policies, rather than to be consulted in isolation from one another. The resulting radical,
deliberative model of democracy is consistent with a socialist ethic. Although this
combination of traditions has occurred more explicitly in the literature conceiving of supra-
or transnational citizenship (McGrew 2003: 505-506) than urban citizenship, several
authors (Patel 2006: 34, Castells 2003: 484) have argued that cities are better able to give
substance to rights than nation states or higher levels of government are, and that the
formal recognition of rights is unlikely to manifest in material improvement if government is
so far removed from the grassroots.

Although the active citizenship model superficially opens the way to far greater inclusion, it
is unrealistic to expect that legitimisation by the state alone will encourage those in informal
housing to participate in local deliberations, especially in the limited context of middle-class
participation described by Bekker and Leildé (2003: 144). Several analyses, including
Steven Friedman’s (2007: 2-19), suggest participation fora may systematically detract from
the ability of poorer or informal communities and community members to participate. In
addition, a preference for enabled, but self-initiated or -invented participation over invited
participation is apparent within the active citizenship model (see Friedman 2007: 5, in
reference to Miraftab). This would require city governments to address socio-economic
inequality aggressively, which in turn would require their relative sovereignty from national
government, in contrast to the modern, liberal understanding of cities, in which belonging to
the nation state precedes belonging to the city.

While formal rights must be legally guaranteed in order to allow excluded or marginalised
peoples to lay claim to conditions necessary not only for stable livelihoods, but also for
richer lives, subsidiarity would seem to be a prerequisite for responsiveness to such claims.
Yet, South African cities have on occasion been seen to react more oppressively than the
South African national state to illegal land tenure. The existing literature fails to explain this
contradiction. A careful analysis of the local level and its interaction with other levels or spheres of the state, will facilitate such an explanation.

1.4 Methodology and structure of the thesis

While many studies in the social sciences have reported on the citizenship experiences and self-help strategies of various categories of residents of post-apartheid South Africa, few have directed their gaze at the state, or studied up. Since a severe over-representation of downward studies leads to particular biases, social science benefits from research that studies up. Given the disproportionate amount of power held by the state compared to ordinary people, the character and strategies of the local state in South Africa are critical for a balanced understanding of post-apartheid urban citizenship. The post-apartheid period refers to the period from the South African transition to democracy in 1994.

Improving the lives of the urban poor remains out of reach in the South for as long as the debate is “[c]aught between radical analyses that fail to engage city specificities and off the shelf managerialist solutions”, argues Susan Parnell (2007: 2). How can scholarship and activism be balanced in a field that is so politicised? Many researchers working on or in informal settlements have opted for research methodologies that include intervention, whether to reward “the generosity of the movements and communities that have invested so much time” in research projects, as in the case of Alexander and Pithouse (2006: viii), or to “promote agency and empowerment” on the part of respondents, as in the case of Ferreira (2006:11). In this study, the gaze is directed upward, as the research subject is the state. While there is no apparent need to promote empowerment among respondents, the appropriate dissemination of results holds the possibility of prompting state action. Results of the study will therefore not only inform academic journal articles, but will also be used to provide feedback directly to the respondents in the local state. The emphasis of this thesis is, however, on the interpretation of the data gathered during fieldwork and an analysis of the implications of the data for the subject literature and specifically for theories of the state and citizenship.

The study’s central focus is on the analysis of processes and practices of state actors with regard to housing provision as a key state response to informal settlement. A second concern is the possibilities of urban citizenship for realising subaltern agency as contained in the theoretical construct of a Right to the City. The objectives are to describe and characterise the approaches of local state councillors and officials towards informal settlement as reflected in their own responses, to explore the ways in which those in power take account of the voices of residents of informal settlements, to identify and explain differences between the two cities and between the local state and other levels or spheres of state, and to explore the impact of particular national-level frameworks on the two cities.
as well as the resulting downwards construction of urban citizenship for those in informal settlements.

Respondents in this study were appointed officials and elected councillors responsible for housing in the cities of Johannesburg and Tshwane. In-depth, qualitative interviews were conducted with the respondents with the aid of a pre-developed interview schedule. Housing decision-makers in these two cities were sampled in 2008 and 2010, but given the position of the local state in power relations within the broader state apparatus, respondents at the provincial and national level were also approached for interviews. The cities of Johannesburg and Tshwane are located close together in the economic hub of a single country and were two of only six metropolitan councils in South Africa. It was possible to interrogate specificities of the approaches of the two cities as well as of the different levels of state.

Mindful of the risk of reifying the discourse and rationalisations of a powerful state elite, the study uses the utopian ideal of a Right to the City, as well as the literature on the contributions of residents of informal settlements to their own urban citizenship as indices against which to evaluate the urban citizenship constructed for residents of informal settlements.

The study makes use of qualitative methodology to straddle interpretivist and critical traditions of social science. Yuri Kazepov (2005: 19-20) emphasises the tendency for global economic changes to exacerbate certain pre-existing conditions, so that historical context, and in particular institutional arrangements at local level and beyond, are fundamentally consequential. In this context, each city offers a unique vantage point from which certain aspects may come to the fore in certain contexts, much like the non-essentialist social identity of people, as also suggested by Gervais-Lambony (2006: 54). In line with this approach, an analytical, structure-oriented approach was preferred over a narrative, event-oriented one (as distinguished by Fairburn 1999: 2).

The study is being reported in a traditionally structured thesis of which two chapters engage the literature. The manuscript has seven chapters. Chapter 2 provides an in-depth discussion of the theoretical literature pertaining to the key concepts of the state, bureaucracy, citizenship, and informal settlement as they occur in classical texts, as well as the literature on post-colonial states and the developing world more broadly, in order to develop the concepts as tools to be used in the analysis. With the exception of specific discussions of post-colonial theory, the term ‘post-colonial’ is used throughout this thesis as an adjective to refer to independent states that are former colonies, and not to particular traits or to a particular historical period. Chapter 3 examines the state bureaucracy, urban citizenship and informal settlement in the historical and contemporary South African context. After briefly considering the specific contribution and challenges involved in
"studying up" by looking at powerful respondents or at sites, processes or practices of power, as in this study, rather than studying down by looking at informal settlement communities, the methodological choices that have been made in this study are motivated in Chapter 4. The next chapter is dedicated to the presentation of data: Chapter 5 presents the findings on state processes and practices regarding informal settlement and considers differences between the two selected cities. Chapter 6 shows how the data responds to three key questions, while Chapter 7 interprets the findings and their significance in relation to the literature.

1.5 Conclusion
Existing urban theory relies heavily on evidence gathered in cities of the West with its familiar pattern of industrialisation and urbanisation. In this regard, urban Africa is under-explored. Studies of South African cities are not only critical, but hold great potential for increasing our current understanding. Moreover, informal settlement was considered by Nelson Mandela to have been “catalytic” in the twentieth century struggle against minority rule in South Africa and in shifting the centre of resistance against minority rule from rural to urban South Africa (Mamdani 1996: 98). Approaches to informal settlement therefore provide one enduring measure of the mode of rule adopted by the local state across different historical periods. By investigating the policy and practices of the local state in two metropolitan municipalities towards informal settlement, the study combines concerns of political and urban sociology respectively. It aims to make three central contributions.

Firstly, claims about the exclusion of residents in informal settlements from the mainstream democratic dispensation rely heavily on their sustained informality as evidence. This study provides empirical evidence of strategies employed by those in power in their approaches to informal settlements, through which residents of informal settlements gain or lose bargaining power.

Secondly, while a key component of recent citizenship debates has been an emphasis on participation, citizens’ views are often canvassed in formal consultation processes. These environments have been interpreted as restricted and exclusive of marginalised people, and in particular of those living in informal settlements. This study brings to the fore the degree to which the voices of residents of informal settlements are taken into account.

Together, these accounts provide a perspective of the kind of an urban citizenship that has been conceived by the local state for those living in informal settlements. The concrete local implications of distinct approaches to citizenship at the local level are also considered.
Finally, a comparison of these power relations and policy processes in two cities provides evidence of the degree to which local, national, and broader trends and concerns shape the lives and chances of those in informal settlements.
Chapter 2
Local state constructions of urban citizenship for residents of informal settlements: A theoretical framework

2.1 Introduction
This study investigates how the local state constructs urban citizenship for the residents of informal settlements in two South African cities in the period of local democracy. In order to be able to interpret interview data and evaluate local state constructions of urban citizenship for the residents of informal settlements, these constructions must be measured against a yardstick or vision, and the findings must engage the theoretical literature relevant to the key components of the question. This chapter therefore reviews theoretical approaches to the state, its bureaucracy or apparatus, the state in the developing world and its key challenges of urbanisation and informal settlement. The utility of various theoretical approaches for the present study and its urban research sites are evaluated. The specific ways in which the state bureaucracy and urban citizenship have been operationalised in South African cities, however, are discussed in the next chapter.

Based on an understanding of the state as a social institution, social and historical context matters. The classical sociological theories of the modern state and its apparatus, the bureaucracy, were recorded nearly three centuries ago, when colonisation had contributed to the resources and rationale for the formation of competing European nation states (Modelski 2003: 58). State bureaucracy was exported to many colonies, and the resulting satellite state administrations often provided employment to the growing numbers of European graduates (Modelski 2003: 57). While their official aims might have been to maintain law and order, they facilitated the exploitation of natural resources and business opportunities in the colonies, contributing to their underdevelopment (Wallis 1989: 8). It is only during living memory, however, that indigenous sovereign states become a reality in Africa (Wallis 1989: 4-5, 20). Decolonisation is no instant achievement on the continent; it proceeds incrementally through the decades from the 1950s. For the postcolonies, the project of building state bureaucracies from the often barren remains of the colonial landscape and its outpost administrations is a fraught and contradictory process. A dependence on former colonial powers for the resources for development - including capital and expertise – keeps these countries vulnerable to policy dictates from donors and lenders such as the Bretton Woods institutions (Wallis 1989: 17). African postcolonies share these challenges with other postcolonies as well as other developing countries and Third World countries (Wallis 1989: 1). Given the recent hold of colonial power over Africa, however, building independent state bureaucracies is a contemporary project for African countries.
The significance of this project lies in its implications for the way in which citizenship is constructed for ordinary people.

Citizenship is conceived in different ways at different times, in different places, and for different categories of people. Practices of citizenship draw and endorse the boundaries of the particular community to which citizens belong. While the state is the key institution that produces and reproduces these kinds of differentiation, the very act of mentioning the state explicitly characterises its power over citizenship not as absolute, but as open both to collusion and contestation on the part of subjects. The sets of agents who influence state-society relations include classes and categories of citizens, elected politicians and the appointed officials who staff state bureaucracies. In addition to the actions of these agents, this study will show, the processes and power relations between citizens and the state, and between different organs and bureaucracies of the state, make their own contributions to the character and extent of citizenship that can be claimed within the territory of a particular state. Nevertheless, power relations are skewed in favour of the state, which remains the key social institution with regard to the construction of citizenship. An attempt to reconfigure the extent or content of citizenship that fails to recognise the power – as opposed to the legitimacy – of the state, is therefore likely to have limited impact. Moreover, Mahmoud Mamdani (1996: 296) argues that “the mode of rule is not deducible from the mode of livelihood” and that it is therefore critical to scrutinise the state.

Since a significant trend towards decentralisation was consolidated by fast-paced urbanisation during the last decades of the twentieth century, the local state has substantial power over early twenty-first century experiences of citizenship. Informality has emerged as a key self-help strategy for the poor, but it is also associated with exclusion from the full realisation of citizenship rights, with different perspectives of informality responding to the problem in contradictory ways.

It is for these reasons that local state constructions of urban citizenship for the residents of informal settlements are being investigated. Rather than to legitimise the particular ways in which particular local states approach this question, the local state is therefore recognised as an increasingly important social institution, with the residents of informal settlements located at the other end of the spectrum of power and privilege. In order to assess the constructions of urban citizenship that are found in the field, they must be measured against some or other yardstick, a purpose for which Henri Lefebvre’s (1968) idea of the Right to the City is well suited.
2.2 The Right to the City as index

The sociological imagination (Simmel 1908: 144; Mills 1959: 5) links the immediately apparent situation to more complex processes; social life to historical context. The challenge of conducting research in a way that does not merely describe the status quo and identify its shortcomings, but contributes to change, has therefore been central to the sociological agenda. Karl Marx (1845: ¶15) concluded his Theses on Feuerbach with the well-cited words, “The philosophers have only interpreted the world, in various ways; the point is to change it”. Epistemological debates may juxtapose positivist and constructivist paradigms, contrast normative or prescriptive and empiricist theories, and compare the value of pure or basic as opposed to applied research. Lefebvre (1968: 167) argues, “Possibilities relate to a double examination: the scientific (project and projection, variations of projects, predictions) and the imaginary (at the limit, science fiction). Why should the imaginary enter only outside the real instead of nurturing reality? When there is a loss of thought in and by the imaginary, it is being manipulated. The imaginary is also a social fact.” Erik Olin Wright (2009) sets the task of “envisioning real Utopias”; Wilson Akpan (2010) calls the question of how research can conceive of and reference not only that which is, but also that which is possible, “the challenge of referentialism”, whereas Bourdieu (1989: 1) formulates the transformative task of sociology simply as that of denaturalising the social and mental structures that entrench and reproduce power relations and privilege, a project succinctly captured by the deflation of taxonomies in the works of William Kentridge (2011) and François Sarhan (2011). While these debates are set to continue, the sociological tradition, therefore, demands a critical consideration of the appropriate tension between rigour, reproduction, reflexivity and renewal in research. In this regard, the idea of Right to the City (Lefebvre 1968; Harvey 2008) serves as a useful index according to which conceptions of urban citizenship can be categorised.

The critical characteristic of the urban, for Lefebvre (1968: 148), is that it is a work in progress which is determined by those who live in the city; that it is in the process of changing. The history of the city may be written and read in many different ways, and Lefebvre’s (1968: 117) reading is of the city as subversive of the status quo: “This urban life tends to turn against themselves the messages, orders and constraints coming from above. It attempts to appropriate time and space by foiling dominations, by diverting them from their goal, by deceit. It also intervenes more or less at the level of the city and the way of inhabiting. In this way the urban is more or less the oeuvre of its citizens instead of imposing itself upon them as a system, as an already closed book”.

Against this interpretation of the urban as lived dynamic, relationships to space, time and to the city centre are differentiated according to class (Lefebvre 1968: 162). The ruling classes control their own relationship to time and space, while carefully measured parcels of space
in suburbs are all that are available to most ordinary people in order for them to meet the requirements of the state and industry. Time is not available to ordinary people to use as a resource, while members of the powerful classes control their own time and space in urban society. As the industrial classes master the city, the city is its product and its place of exchange, both alienated from and alienating of the producers (Lefebvre 1968: 158-162). The tendency of the rich and powerful to splurge on symbols of status, from public buildings to festivals, represents an expression of fear of this alien city; a rationalising of their advantage in it, argues Lefebvre (1968: 67). As a result, highly authoritarian societies have given rise to beautiful, vibrant cities. For Lefebvre (1968: 67), the key difference between these pre-modern cities and the urban society produced by the urbanisation of capitalist industry, is that urban spaces are not produced to be used and creatively interpreted by the masses of ordinary people, but as products for the purpose of exchange. "When exploitation replaces oppression, creative capacity disappears", argues Lefebvre, "city and urban reality are related to use value. Exchange value and the generalization of commodities by industrialization tend to destroy it by subordinating the city and urban reality which are refuges of use value, the origins of a virtual predominance and revalorization of use."

The alien city that is produced by class strategy gives rise to the need to escape and as a result, the claim of a right to nature, which the powerful classes realise by spending time in the country as a separate space of leisure. The Right to the City, however, goes much deeper than this, since it does not refer to a right of visitation or return, but to "a transformed and renewed right to urban life"; since the powerful classes already participate in the production of the city, have the use of time and space, and since their rights are generally recognised, the Right to the City can be realised only by the working class (Lefebvre 1968: 158, 179).

What exactly is the content of Lefebvre's Right to the City? Since simultaneity and encounter are tenets of the urban form (Lefebvre 1968: 137-8), centrality is a feature of urban life. Where the Hellenic agora, the Roman Forum, and other pre-industrial city centres offered an empty space where ordinary people could practise a direct form of simultaneity and encounter, the Medieval City already offered a commercial centre which persisted in urban development planning (Lefebvre 1968: 169). In modern cities, however, a concentration of decision-making and technology serves to produce a centre of power alongside the commercial centre (Lefebvre 1968: 73). Formal political participation and planning, however, do not suffice to make the city a work in progress of its inhabitants. Lefebvre (1968: 171) also emphasises the importance of play, illustrating its importance for the working class as the embodiment of needs beyond the bare necessities for survival, as assigning symbolic value to places and thereby appropriating space, as making the urban...
alive by facilitating the prioritisation of time over space (Lefebvre 1968: 47, 171-2, 195). While Lefebvre (1968: 179) mentions particular social rights that have the potential to "change reality if they entered into social practice: right to work, to training and education, to health, housing, leisure, to life", his concept of the Right to the City explicitly incorporates rights which are progressively accepted as rights before they are made law and are therefore tied to the right to effect change. Lefebvre (1968: 173-174) summarises the Right to the City as follows: "The right to the city manifests itself as a superior form of rights: right to freedom, to individualization in socialization, to habitat and to inhabit. The right to the oeuvre, to participation and appropriation (clearly distinct from the right to property), are implied in the right to the city."

Three elements can therefore be identified in Lefebvre's conception of the Right to the City: Firstly, it includes the right of ordinary people to urban life, to simultaneity and encounter, which means that they are entitled to be in the city and to seek and fashion a unique place in urban society. Secondly, it includes the freedom to aspire to individual realisation by participating directly in decision-making about, and the use of city space, whether for exchange or play, the exercise of agency. Thirdly, it includes a claim on the institutions of the city to ensure that rights are progressively realised and basic needs are met. The combination of these three elements amounts to the right to produce the city, constituting the city as a work in progress of its citizens. The Right to the City therefore revolutionises urban society; it is dynamic and responsive to the agency of a changing community of inhabitants, rather than static and specific.

Although conservatives were in power in France following the Second World War, it was one of the very first European countries to have introduced wide-ranging social insurance, and Lefebvre was writing on the eve of the 1968 worldwide sharp increase in political and student protest. Social change must have seemed not only urgent, but inevitable and imminent. Lefebvre's Right to the City is nuanced and expansive. Taking into account different kinds of cities and urban histories, it embraces the urban as lived reality, but also relies on the interplay between structure and agency, between both individual participation and the on-going social or collective production of urban society. While Lefebvre and Harvey both work within a Marxist tradition and emphasise the relations of production over other aspects of urban life, both accounts also conceive of urbanism as lived change and see the city as significant for the realisation of reciprocal social production. However, the conceptions of the Right to the City differ in the degree to which they take account of individual agency and life beyond the economic. Various economic and institutional developments during the intermediate thirty years, including but not limited to the recent economic recession triggered by the subprime mortgage crisis in the United States of
America, may explain Harvey's sacrifice of much of the optimism embodied in Lefebvre's earlier articulation of the Right to the City.

Simultaneity and encounter are inverted in Harvey's 2008 account, written in the USA but referring also to Britain and the developing world. Since urbanisation rests on surplus production and absorption, it is those who control the deployment of the surplus who shape cities, who enjoy the Right to the City (Harvey 2008: 328-329). The economic elite has been successful in maintaining this control. It has entangled itself in the state apparatus to the degree that the public share has been prevented from expanding at all since the 1970s (Harvey 2008: 329). Beyond constraining the share of the surplus that the state is able to acquire through taxation, a neoliberal ethic has made it more and more difficult to increase the public share in the period since then; and secondly, finance and corporate interests have managed to build alliances with local authorities to help ensure that when public funds are spent, this is done to the advantage of business and the powerful classes in general (Harvey 2008: 329). It is difficult to uphold urban citizenship ideals in the context of city production by an alliance of "finance, corporate capital, and increasingly entrepreneurially minded local state apparatus", argues Harvey (2008: 324). Elite class power is carved into this contemporary urban landscape in the proliferation of security surrounding the residential spaces of the privileged classes and the privatisation and surveillance of public spaces (Harvey 2008: 323-324).

The two critical changes that are required in order to begin to realise the Right to the City, are therefore, "greater democratic control over the production and utilization of the surplus" and bringing the state back under democratic rather than elite control (Harvey 2008: 324, 328-329). Since these changes depend on the exercise of collective power, Harvey sees a unification of urban social movements behind these demands as critical (Harvey 2008: 328, 331). While the three elements of Lefebvre's Right to the City may seem to be reduced to one in Harvey's account, he insists that the Right to the City is not limited to accessing resources, but is about shaping ourselves and our cities, "... one of the most precious yet most neglected of our human rights" (Harvey 2008: 329).

The three elements of Lefebvre's conception of the Right to the City correspond closely to TH Marshall's citizenship as consisting of three elements, namely civil, political and social. Marshall (1963: 294) considers the civil element to consist of rights necessary for individual freedom and justice, the political element of the right to participate in political decision-making, and the social element the right to economic welfare and security. Like Marshall, Lefebvre rejects the option of invoking pre-modern city states on the basis of critical differences in context linked to the relational position of cities compared to other institutions or levels of state. The key distinctions that remain between Marshall's citizenship and Lefebvre's Right to the City - both systems intended to undermine inequality and promote
egalitarianism - is that the former is national by definition, is established by a formal, codified system, and is consequently more measurable, whereas the latter is urban by definition: subversive, revolutionary and productive. As a result, the Right to the City is inclusive and responsive, but it remains utopian. The Right to the City therefore holds the possibility of providing a dynamic and changing index against which the urban citizenship of a constantly growing and transforming urban population may be appraised, and is likely to differ from and present a challenge to urban citizenship as constructed by the state.

2.3 The modern state and bureaucracy

Textbook accounts of the state often centre on the interests represented by the state. Consensus theories interpret the modern state as a social institution that acts in the interest of society by promoting social cohesion. Specifically, in Émile Durkheim's (1893: 99, 219-221) organic societies, cohesion is maintained by means of an elaborate and contractual division of labour that entrenches interdependence, while Talcott Parsons (1963: 236-241) views state power as legitimate in western democracies, since it protects fundamental freedoms for all citizens by limiting the options available to citizens and social groups. This subscription to a variable sum concept of power distinguishes consensus theories from all other approaches. In contrast, conflict theories emphasise conflicts of interest among social groups, so that social cohesion serves particular interests. These explanations employ a constant or zero sum concept of power in which each social group holds power at the expense of another.

Spearheading the conflict tradition, Karl Marx and Friedrich Engels conceive of the state as a modern form of political and economic organisation that develops to hold class antagonisms in check and requires force to maintain social order under conditions of inequality (Engels 1884: 4, 92-4). Marx (1867: 915) renders the state as the culmination, in institutional form, of the most brutal and exploitative strategies employed during European expansion. While Marxist and neo-Marxist theorists build on Marx and Engels’ interpretation of the political structure as determined by the economic infrastructure, they differ about the way in which these processes work and the degree to which structure and infrastructure determine one another. Antonio Gramsci’s rejection of economic determinism in favour of an account of the state as a coercive power upheld by hegemony, implies that counter-hegemony must also be possible, and that intellectuals are a key group who are in a position to disrupt a naturalised worldview (Ritzer 2005: 343).

In contrast, the pluralist approach essentially views the state as legitimate, but recognises a range of different interests. This approach is exemplified by Robert Dahl’s (1961) seminal Who Governs?, which identifies various sources of power in New Haven, Connecticut, where resources to influence officials may be unequally distributed, but where particular
resources, such as status, wealth, or control over media, provide influence that pertains to particular areas of decision-making, while other resources, such as working class support, provide influence over other areas, so that no single group dominates all spheres. Pluralism has been criticised for neglecting less visible forms of power (Marshall 1998: 99-100, 499), but it has recognised a broad range of ways in which both state policy and citizen sentiment can be influenced in order to shift the dynamics of power relations.

Elite theory, on the other hand, emphasises the ability of a ruling minority to bias political processes in their own favour by means of their superior organisation, which allows them to act as a cohesive political force (Marshall 1998: 187). Elites can include “the upper class, the top ranks of military hierarchies, senior tenured professors […], chief executive officers of corporations, leaders of […] religion, top party officials in a political oligarchy, or technical experts” (Johnson 2000: 101). Such an inextricable link between the political and economic is a central point of contention between a Marxist approach to the state, and the Weberian tradition, which, in defining the state, gives preference to the tools used by the state over the interests that it serves.

According to the popular formulation by Max Weber (1918: 1), the state is a set of institutions that has a monopoly on legitimate violence within a specific territory. Yet, Weber (1918: 1) argues that a state cannot be defined in terms of its ends, since other institutions or classes share those same ends. Consistent with this approach, the development of bureaucracy is considered to be “at the root of the modern Western state” (Weber 1922: 223). Given the nature of bureaucracy, control over the state apparatus is acquired and exercised by officials with technical knowledge, who have the authority to apply rules, but who also gain technical knowledge with the contrary outcome of increasing their own influence in comparison with that of the general population (Weber 1922: 225). A set of rules govern the internal operation of Weber’s (1922: 220) ideal bureaucracy: it is a hierarchical organisation with a clear division of labour and responsibility, staffed by educated officials who become experts in their areas of work and are promoted to higher positions on the basis of these qualifications during the course of their civil service career. Since the administrators derive their authority from their occupation of an official position and do not own the means of administration, they apply rules without fear or favour (Weber 1922: 220, 225). Once a bureaucratic state administration has been consolidated, it allows the state to control the population by means of superior technical knowledge (Weber 1922: 225). Owing to its superior precision, stability, discipline, reliability, efficiency, and capacity the bureaucracy’s inevitable entrenchment can eventually threaten citizens’ rights and liberties (Weber 1922: 223, 226, 1401-1403).

Weber’s approach is therefore distinguished from Marxist theories by the centrality that he accords to the means of the state, which also enables him to recognise the dangers of the
bureaucracy. Nevertheless, the prevalence of bureaucracy as a mode of control by the modern state has led a number of critics to fault Weber for insufficient attention to these threats (Wallis 1989: 20). Diverging logics operate in this respect, with some authors classifying appointed officials and elected politicians as segments of a single class of state elites.

Robert Merton (1940: 562-563), for example, sees the tendency for bureaucrats to become trapped in a system of rules as a pronounced characteristic of bureaucracy that overwhelms its potential good, in that a severely strict adherence to rules can prevent the spirit of public service from being actualised. Merton (1940: 564) argues that this characteristic is a prerequisite for the necessary dispassion of bureaucrats, and is thus inherent to bureaucracy.

A second category of critique emphasises the emergence of state officials as a class of people with independent interests, a possibility about which Weber had also warned. These approaches include Gordon Tullock’s (1974) conception of the bureaucracy as having a vested interest in expanding the state apparatus and Michael Lipsky’s (1980) identification of street-level bureaucrats as a class of bureaucrats. Street-level bureaucrats - all those appointed officials who deal directly with members of the public and take decisions about their eligibility for state programmes - effectively make policy by developing simplifying mechanisms in their collective attempts to cope with having to take quick, life-changing decisions with limited information in a context of scarce resources (Lipsky 1980: 3, 18).

The strategies that street-level bureaucrats use to manage overwhelming workloads include rationing services by limiting access and demand, for example by increasing the cost of seeking assistance such as the waiting time that citizens have to be willing to spend in a queue, a lack of privacy when applying for assistance, or the amount of documentation required to qualify for benefits (Lipsky 1980: 81-116). These mechanisms pit street-level bureaucrats against their managers, who want their bureaucracies to achieve broader policy goals (Lipsky 1980: 19). This divergence is difficult to address because of the contradictions internal to the aims of state bureaucracies, such as the tension between the aim of attending to as many cases as possible, and attending to specific cases as well as possible; and the tension between the service-related aims and the need to limit spending to the allocated budget (Lipsky 1980: 40-45). For these reasons, Lipsky (1980: 48-49) argues that “the definition of adequate performance is highly politicized”. Because of the difficulty of measuring performance against ambiguous political goals, bureaucracies tend to adopt proxy performance indicators, which in turn cause employees’ to moderate their behaviour in the direction of that which is evaluated, and which is often problematically related to overarching goals (Lipsky 1980: 50-51). Despite these shortcomings, Lipsky (1980: 53-57) considers performance management as critical in order to ensure that the
poorest citizens are not systematically disadvantaged in the state social support system by means of the informal decision-making mechanisms collectively employed by bureaucrats.

While discredited by Harry Braverman (1974) for facilitating Taylorist exploitation, Elton Mayo’s (1930: 174-176) suggestion that productivity and service levels could be managed has been responsible for the widespread popularity of performance management as a means of improving organisational efficiency, including that of state bureaucracies (Alvesson 1982: 120-122). Early performance management strategies in the US public sector had been aimed primarily at cost reduction and process improvement (Heinrich 2002: 712). An increase in the use of intergovernmental grants from the late 1970s contributed to the expansion of the local state and informed a shift to outcomes-based performance management linked to financial incentives for managers (Heinrich 2002: 712). While the rationale was to avoid the need for an expensive monitoring system, critics fear a mismatch between individualised performance management and collective programme outcomes (Heinrich 2002: 712-713). Nevertheless, decentralisation informed a particular focus on local government performance management (Kloot & Martin 2000: 231).

Another attempt to moderate against bias resulting from the informal mechanisms employed in the bureaucracy has been a call for bureaucracies to be representative of the demographic composition of the populations that they serve. While this may have a positive effect on public perception at street level, diversity at the level of top political appointees is more likely to affect decision-making (Ricucci & Saidel 1997: 424). Political appointees, however, tend to display loyalty to their appointers over the goals of their organisations (Ricucci & Saidel 1997: 429). It is this political character of state bureaucracy that sharply distinguishes it from private sector administration (Wallis 1989: 40).

Combining elements of Weber’s theory of bureaucracy and of elite theory, C Wright Mills condemns the control of decision-making by an unaccountable power elite consisting of the leaders of the three key institutions, the state apparatus, the military and powerful corporations, who are linked together by similar schooling and backgrounds and by the exchange of influential positions among themselves (Marshall 1998: 521). Mills had annoyed Marxists by claiming that the term, ‘the ruling class’ was a simplistic shortcut for economically determinist theory that had yet to be empirically proven (Barrow 2007: 405). But scholars working within the broad Marxist tradition also differ among themselves about the degree of emphasis that should be placed respectively on the economic infrastructure and on the strategies employed by members of the ruling class in determining and maintaining power relations in favour of capital.

Instrumentalist Marxists in the tradition of Ralph Miliband (1969) see the state as a direct tool of the ruling class, whereas structuralist Marxists like Nicos Poulantzas (1972) see the individuals who populate the state apparatus as insignificant, since state power serves
social stability and cohesion by means of relative autonomy from the ruling class, which gives it the ability to take decisions against sections of the ruling class when this is necessary in order to serve the overarching interests of the ruling class as a whole. The question of how to approach the state has therefore been an enduring dispute among Marxist scholars.

Structural Marxism negates the need for a study of the state apparatus. If the state of necessity reflects the relations of production, then the social structure of power relations has been explained; the state is therefore not a worthwhile research subject. Yet, if we accept the structuralist propositions that members of the state bureaucracy are not free agents, and that it is clear why they are not free agents, then other valid questions remain. What is it that constrains state officials? How and why do these constraints vary? How different are the roles of appointed and elected officials? These are the kinds of questions defended by Miliband (1969: 1), who identifies a systematic investigation into the nature of the state as a gap in scholarship, including Marxist scholarship. While the tenets and conclusions of the leading theorists have not been significantly altered since this quarrel (see Barrow 2007: 401-402), a line of Marxist scholars have sustained a concern with the character of the state bureaucracy.

One set of constraints on the actors who populate state administrations is the formal structure of the bureaucracy. The different institutions that constitute the state apparatus have different roles: while the formal obligation of the administrative and coercive apparatus of government is to serve the state, and judges defend the rights and liberties of the members of society, the lower levels of government both extend and challenge central control (Miliband 1969: 52-53). It is the “interrelationship” between the different arms that “shapes the form of the state system”, argues Miliband (1969: 54).

While the concept of the state cannot be reduced to the government of the day or the state apparatus, a government does speak on behalf of the state and demand adherence to its rules. As a result, Miliband (1969: 50-51) argues that in practise the bureaucracy is never the puppet of the political executive. The influence that many other institutions, including political parties, pressure groups, religious institutions and media exert on the political system, and the status and power of the heads of these institutions, are substantial, Miliband (1969: 54) acknowledges, but the members of the state elite are the “actual repositories of state power”.

While starkly structural theories may provide a useful framework for studies of the broad power relations in society, Miliband (1969: 57-60) goes on to demonstrate ubiquitous links between the state elite and the business class and argues that their shared class backgrounds secure their access to elite educational institutions and the training necessary for appointment to key positions in the state administration. Contrary to Weber’s idea that
bureaucracy could eliminate class privilege, Miliband (1969: 63-65) holds that unequal educational opportunity has taken the place of pre-industrial nepotism as a mechanism to sustain ruling class control.

An early foundation for countering this control was provided by Gramsci’s attempts to pay careful attention to the role of intellectuals and ideas (Ritzer 2005: 343). Mutual reinforcement also replaces the unidirectional conception of the influence of institutions over individual actors in the account of Michel Foucault (1975: 27-28), who attributes the extension of state power to the production of new kinds of knowledge. Foucault (1975: 26, 69) demonstrates that the production of specialist knowledge is one technique employed by the state in order to control the population. Yet, by making knowledge a prerequisite for exercising power, the state also cedes power to those who have the necessary technical knowledge (Foucault 1975: 22).

In complex late capitalist societies, elite educational institutions have taken over the legitimising role of the church, so that it is no longer economic capital alone that shapes life chances and social relations, but also cultural capital, including qualifications (Bourdieu 1989: 30-41, 52, x). For Pierre Bourdieu (1989: 376, xvii), the state is “the central bank of symbolic credit” that endorses the categories on which all social divisions within its territory are founded. It valorises academic qualifications as access passes to positions of privilege, portrayed as rightful dues, while elite education actually converts class credentials into merited accomplishments (Bourdieu 1989: 5, 52, 116-117, 123). The portrayal of these qualifications as the result of individual ability and merit obscures the fact that cultural capital is largely secured and inherited through the family and helps to legitimise privilege sustained across generations in democratic society (Bourdieu 1989: 292, 308-314, xiii). If this is accepted as the object of an elite degree, it can be read not as a rite of passage that distinguishes between the status of an individual before and after the award, but rather as a distinction between classes of citizens (Bourdieu 1989: x). Therefore, the academic qualifications that form a basis for the division of labour in contemporary states serve particular class interests (Bourdieu 1989: xviii). While the relative autonomy of symbolic power creates an opportunity and obligation for the social sciences to produce knowledge about the rationalisation of knowledge, it is not reconcilable with Weber’s conception of academic qualifications (Bourdieu 1989: 1, 6, 375-376, xix) as credentials earned purely on merit and is likely to discourage bias on the part of the state bureaucracy. The contemporary state’s violence is not restricted to the subaltern, criminal and ill, but is indiscriminate, since everyone reads and constructs the social world from each moment to the next according to the taxonomies inscribed by education (Bourdieu 1989: 5, 53, 116-118, xviii). Yet, since social strategies result from a continuous encounter between social
and mental structures unilaterally determined by neither structure nor agent, neither one can be exempted from accountability (Bourdieu 1989: 2-4, xvi).

The reciprocity between structure and agent, as in the analyses of Foucault and Bourdieu, is an insight that these two authors share with feminist and post-colonial theories. Feminist theorists argue that women are not born, but made through a process that “entails learning ideas and practices not necessarily conducive to women’s well-being” (Ritzer 2005: 268). Feminism also identifies continuities between state violence and the violent experience of being a woman (Ritzer 2005: 483). Similarly, post-colonial analyses have argued that colonisation “operates both externally and internally” (Ritzer 2005: 577). For example, Frantz Fanon (1963: 29-84, 122, 200-250) argues that the colonial subject becomes the dehumanised native which is constructed by the coloniser. These theories could be extended to the experiences of politicians and bureaucrats within the state whose class background clashes with those interests that are furthered by means of their work. In Fanon’s account, as in Bourdieu’s, accountability rests with dominant agents, but the dominated allow themselves to be trapped in complicity. The idea of shared accountability can be traced back to Georg Simmel’s (1908: 30, 135) emphasis on “sociologically decisive interaction” as the reciprocal determination of relationships of domination and subordination that involves both the spontaneity and the complicity of subordinated subjects. Post-colonial approaches extend these insights by seeking explanations for the various dimensions of this relationship in order that the pathologised ‘self’ may be freed from the tyranny of the ‘other’ (Ritzer 2005: 577). Their pessimism is therefore balanced by an ethical obligation to search for new ways of reading both context and act.

The recognition of reciprocity that is gleaned from problems experienced by the state in the developing world during decolonisation is reflected in an analytical shift involving the explicit acknowledgement of state-society relations in a body of literature that arises in the 1980s and early 1990s from a series of studies of states in postcolonies. It is clear, therefore, that state structure has implications for citizenship. These implications are, however, difficult to untangle if the state is viewed as a fixed institution whose interests and role are predetermined. Three developments contributed to a more differentiated view of the state and more detailed attention both to the structure of the state apparatus and to state society relations during the 1980s.

First, the Cold War, a conflict of world views between the free market fundamentalism of the United States and the scorning of market economies as hedonistic and exploitative by the Soviet Union, was prevented from culminating in direct conflict between the two superpowers by the threat of their nuclear weapons (Clark 2003: 179; Giddens 2003: 64). Yet, the two key states in the Cold War each expected absolute loyalty from states that were aligned to their economic world view and produced a discourse about the other’s drive
for domination (Van Creveld 1999: 348). The opposing ideologies informed protracted conflicts elsewhere in the world, including liberation struggles in southern Africa (Van Creveld 1999: 310, 325; O’Neill & Munslow 1990-1991: 81-82, 86). The propaganda that propped up these wars hardened attitudes in the West against state intervention (Ritzer 2005: 748). In addition, it informed the classification of countries as First World countries, aligned to the USA and capitalism, Second World countries, aligned to the Soviet bloc and communism, and Third World countries, whose states did not align themselves to either superpower (Marshall 1998: 667). Many Third World countries had been colonised during the era of European expansion and were also considered to be ‘developing countries’.

Secondly, the economic recession during the 1970s, which saw the first occasion of simultaneous low economic growth and high inflation (The Economist 1990: 84-85), was a second factor that influenced shifting perspectives of the state. Since inflation and recession had been considered to be mutually exclusive by Keynesian economists, stagflation allowed pressure groups to discredit Keynesian interventionism and lobby support for neoliberal economic policies (The Economist 1990: 84-85). While the oil crisis of 1973 worsened the economic downturn, the more important development with regard to economic policy, was the end of the Bretton Woods system, which had been implemented in 1959 to encourage open international markets. The system included international institutions like the International Monetary Fund and the World Bank set up to administer international cooperation on money matters and help avoid future economic depression, although their role as lenders to states placed them in a position to prescribe what they regarded as best practice or good governance (Stiglitz 2003: 477-478).

The end of this substantial system of international market intervention gave greater freedom to fund managers and international corporations to employ the exchange system to the benefit of their own bottom line (Stiglitz 2003: 480). These global economic changes provided the foundation for a period of highly uneven accelerated economic globalisation (Stiglitz 2003: 481). These trends weakened the state, even though they were paralleled by simultaneous trends that strengthened the state (Mann 2003: 146). Nevertheless, they informed a series of negative assessments of state power and performance, including those of James Rosenau (1988), Susan Strange (1995) and Martin Van Creveld (1999).

The recession also contributed to a trend towards decentralisation, implemented with varying degrees of fruitfulness (Hankla 2008: 632). In the case of the US, decentralisation caused the intergovernmental system to emerge as an important forum for local state leaders and changed the relationship between cities and other levels of state as well as the private sector (Agranoff & McGuire 1998: 150).

A final factor that complicated perspectives on the state was the significant number of former European colonies that gained their sovereignty, albeit after a long wait. With the
exception of Liberians and Ethiopians who were colonised for shorter periods, all Africans who are over sixty years old today, and many who are younger, were born subjects of a European sovereign power. In 1951, Libya was the first African country to receive full sovereignty from a colonial power (Zeleza 2009: 110). Independence arrived in unhurried incremental instalments over the course of the next three decades. Zimbabwe’s right to govern itself was officially recognised only in 1980 (Danserau 2000: 151). By the 1970s, the number of postcolonies that were engaging in the process of late sovereign state-building passed fifty.

2.4 State-building in the developing world

It soon became apparent that nineteenth century European power relations and trajectories of state-building were not simply replicated in postcolonies, which now presented a sufficiently large and dispersed set of research sites to give rise to a burgeoning literature on developing states. By this time, the reputation of the state had, however, been substantially tarnished. In the sociological imagination, the realisation that classical state theory could not exhaustively explain post-colonial state-building processes was followed by the construction of a caricature class of Third World state officials characterised by the simultaneous impotence of their development strategy and potency of their self-interest (Barkey & Parikh 1991: 540-541; Evans 1989: 561-562). These developing world accounts are contrasted to textbook European histories of the state (Barkey & Parikh 1991: 531). In post-colonial parts of the world with their high levels of inequality, the picture is more complicated than extreme case accounts of state power and apparatus would suggest.

While war, internal crisis and the development and employment of national cultural communities had driven European state-building, post-colonial states began this task in a markedly different context (Barkey & Parikh 1991: 527-532). First, war was an unlikely instigator of new states, as non-intervention was the favoured approach in international relations. Second, the weakest state bureaucracies of European state-building had simply been allowed to disintegrate, while frail states were fostered by the postwar international system (Barkey & Parikh 1991: 531). But the most significant difference was that state-building and capitalist development had each advanced the other in Europe, while both external and structural disadvantages were instead handed down to post-colonial states. On the one hand, they were heirs to a peripheral position in the capitalist world system, and on the other, to boundaries and bureaucracies preordained by colonial powers (Barkey & Parikh 1991: 532).

A series of studies of the state during the 1980s recognised the state as a key institution and shifted their focus to the role of the state apparatus in extracting resources, exercising control and maintaining social cohesion (Barkey & Parikh 1991: 524). Three ideal types of
state are conceived, including the strong, autonomous state with interests that are independent of society and the capacity to pursue them, secondly, the strong state that is embedded in its social, economic and cultural context and acts in relation to this, and finally, the state whose central role is the outcome of its contestation with various forces in society (Barkey & Parikh 1991: 525). While each approach operationalises the state in terms of a specific actor or institution, depending on the country context, the benefit of “cutting across the standard developed / developing dichotomy that characterizes comparative research” is limited to the last, balanced approach, which tolerates both strong states and those subdued by their social context (Barkey & Parikh 1991: 525).

States as actors would be less significant if they were unable to articulate goals that are independent of particular interests in society, argues Skocpol (1985: 9). It is to this ability that the term “state autonomy” refers. The source of such goals could lie in the international interaction of state officials or in their need to maintain control (Skocpol 1985: 9). State officials inhabit structures that provide them with a degree of insulation and coherence, factors that in turn facilitate their collective action (Skocpol 1985: 9). The capacity of a state to act on its goals, however, commonly differs from one policy area to another, so that the outcomes of its actions are disparate across sectors (Skocpol 1985: 17-18).

Research on the state was often motivated by a perceived need for state-planned and -controlled economic development in the developing world (Barkey & Parikh 1991: 553). While this perception among benefactors compelled many Third World states to take on the challenges of central development planning, two alternatives were decentralisation and changing the degree of state intervention (Wallis 1989: 57-58). Neo-utilitarian theorists of the 1980s are, however, accused of considering all state intervention in the economy as likely to have perverse effects, which in turn makes it unclear whether “‘efficient’ state organization is superior to a bumbling and inept one” (Evans 1989: 566). This aspect of neo-utilitarian accounts aligns them to those of structural Marxists such as Poulantzas, as both interpretations view the state as relatively autonomous, “constrained by the requirements of capital accumulation without being closely connected to or dependent on specific private elites” (Evans 1989: 566). While these explanations lead to the expectation of developmentally negative results, they fail to pinpoint structural differences between developmental states, the ostensible ideal, and predatory states, perceived as the status quo in Third World countries in the 1980s (Evans 1989: 566). The coupling of a strong state apparatus that is both competent and keen to implement policy with the necessary political will to drive development in a democratic manner is explicitly named as the prerequisite for positive developmental outcomes in more recent accounts like that of Omono Edigheji (2010: 2-4).
Given the conjecture, in the literature, of an effective state apparatus as a prerequisite for industrialisation, Third World states present a problem to theories of relative autonomy: while the ideal type Weberian bureaucrat is insulated from the particular interests of individuals, groups or classes in society, the capacity of Third World states may be insufficient to drive development at the scale that is required without private sector alliances (Evans 1989: 566-569). Autonomy, conceptualised as the state’s ability to formulate its interests independently, and capacity, conceived as the ability to implement policies to achieve these goals, do not merely result from the state’s organisation and resources - state society relations powerfully influence them (Barkey & Parikh 1991: 526). In the developing world context, the relationship between state autonomy and capacity is reversed, as an embedded state is a prerequisite for capacity (Evans 1989: 566-569). In addition, colonialism was often responsible for introducing the state bureaucracy (Wallis 1989: 20). While the internal organisation of an effective state is therefore available for application to Third World states, questions about state society relations remain unresolved (Evans 1989: 569; Wallis 1989: 20).

This theoretical argument is borne out by the case of a “predatory state”, where “it is not bureaucracy that impedes development so much as the lack of capacity to behave like a bureaucracy” (Evans 1989: 571). In Zaire, now the Democratic Republic of the Congo, embodiment of the neo-utilitarian caricature, almost all decisions were swayed by the highest bidder. Yet no interest group with resources maintains a long-term interest in government programmes, so that no coherent action exists to serve any particular group other than state bureaucrats who benefit from employment (Evans 1989: 571).

New states in East Asia, on the other hand, achieved striking success with the help of state intervention in the economy, giving rise to the term “developmental states”, even though they also engaged in corruption and at certain stages “appeared more predatory than developmental” (Evans 1989: 571-572). Key to market expansion was the readiness of these states to accept financial risk in order to bolster industry (Evans 1989: 572). In contrast to the Zairian administration, bureaucrats in Japan, for instance, advanced strictly based on individual merit (Evans 1989: 572). Despite this, state efficiency in Japan is widely interpreted to rest on informal networks and in particular the alumni organisations of elite educational institutions, which contribute internal coherence, ties to industry and opportunities for consensus building (Evans 1989: 573). Embedded autonomy is therefore essential to the successful developmental state: “It depends on the ability to construct an apparently contradictory combination of Weberian bureaucratic insulation with intense immersion in the surrounding social structure” (Evans 1989: 574). Beyond this, embedded autonomy requires both a coherent business class that provides information and assists in
the implementation of state programmes and an established and experienced bureaucracy (Evans 1989: 575).

In this context, Peter Evans (1995: 12) defines the developmental state in terms of its structural distinctions from the ideal type at the opposite continuum, that of a predatory state. A developmental state, then, manages to prevent bureaucrats from organising state action for their personal gain by means of a bureaucracy that approximates the Weberian ideal type in terms of its merit-based and long-term careers, and the resulting corporate coherence which gives it its autonomy. Successful developmental states, however, rely on embedded autonomy, in Evans' (1995: 12) conception:

> They are not [...] insulated from society as Weber suggested they should be. To the contrary, they are embedded in a concrete set of social ties that binds the state to society and provides institutionalized channels for the continual negotiation and re-negotiation of goals and policies. [...] Only when embeddedness and autonomy are joined together, can a state be called developmental.

While embedded autonomy is therefore a prerequisite for the successful developmental state, it often instigates the self-destruction of the state bureaucracy, since success at stimulating industrial development has on the one hand tended to reduce the reliance of private capital on the state, which in turn has moderated state hegemony and led top graduates to prefer more lucrative employment than that of the state bureaucracy, and on the other, it has prompted popular demand for political and material gains that have proved difficult to deliver, argues Evans (1989: 575). The poor or “non-elite social actors” may experience as a benefit neither an insulated state apparatus nor a state bureaucracy with close ties to an elite minority (Evans 1989: 575). Indeed, Connell (2007: 153) argues that the ascent of neoliberalism in many Latin America countries during the 1980s not only meant an end to the welfare and development planning projects of the earlier part of the century, but also broke the connection between social science and social change, requiring a substantial “scaling-down of ambition” by both social science and social movements.

This ambition is to some degree reclaimed in more recent work on developmental state-building. In the light of effective state interventions in countries ranging from Botswana to Singapore, Firoz Khan (2010: 287) argues that a relegation of the state to the “margins of our imaginations” would be premature. Also responding to the widespread dismissal of modernist social welfare ambitions, Omano Edighie (2010: 15) celebrates the potential of developmental states engaging in state-building in the twenty first century to draw lessons from the challenges experienced during the later twentieth century specifically with regard to state-society relations. While developmental states must be continuously reflexive and innovative, these traits must therefore be demonstrated not only in pursuit of development, but also in pursuit of democracy, in particular by means of putting in place the necessary
systems and resources to support participative qualities and strong social welfare policies on the part of the state (Edigheji 2010: 10-18). Such democratic developmental states can be defined as states that exhibit the capacity to “act authoritatively, credibly, legitimately and in a binding manner to formulate and implement [their] policies and programmes” (Edigheji 2010: 4).

Historically, developing states most often fall somewhere on the continuum between the most developmentally successful embedded autonomy and the predatory postcolony, rather than to conform to either extreme, and offices and administrations that form part of the same state often differ among themselves (Evans 1989: 576). Such an intermediary case was provided by Brazil, where merit had little bearing on recruitment at the time of the field studies on which Evans relies (Evans 1989: 576-577). While politicians succeeded in creating pockets of efficiency amid widespread clientelism, these pockets relied on individual leaders to protect them (Evans 1989: 578). Such politicised appointments provide none of the stability and experience identified as prerequisites for embedded autonomy that drives development. Furthermore, state capacity in Brazil was dependent on the cooperation of conservative, rural landowners with interests contrary to those both of the rural poor and of transnational capital (Evans 1989: 578-579). Brazil and other intermediary states neither conform to the consistently predatory caricature, nor do they possess the coherent capacity of the ideal type developmental state (Evans 1989: 581).

Differences in the structure of the state apparatus and its links to other actors or institutions therefore explain the contrasting accomplishments of Third World states, where success usually rests on the establishment of sound bureaucratic structures that have strong, apparent ties to the private sector, whereas failure to achieve development on the other hand has resulted from weaker administrations more vulnerable to market forces (Evans 1989: 581). While Weberian bureaucracy and recruitment based on merit are therefore critical ingredients in developmental state-building, they are insufficient on their own, and must be complemented by external bases for organisational cohesion and salaries comparable to what accomplished administrators would earn in the private sector (Evans 1989: 581-582). While appointments influenced by nepotism or political considerations have “been to the detriment of effective administration”, and merit-based recruitment is a precondition for successful developmental states, it is clear that state-building recipes from the global North cannot simply be imposed on the developing world (Wallis 1989: 168-169, 197).

The valorisation of development, however, informed a series of such imposed strategies aimed at stimulating and sustaining industrial economies, each of which involved a particular treatment of the state bureaucracy, later labelled structural adjustment. Among the strategies that were exhausted were debureaucratisation, calls for “a radically different
kind of civil service”, localisation and training, circumvention of the state administration by means of public enterprises and privatisation, culminating in “some acknowledgement that the anti-state emphasis of the structural adjustment era may have gone too far, and the call is for the more effective bureaucracies to be accountable” (Hirschmann 1999: 287). Privatisation had been particularly devastating of the state bureaucracy and had proved inappropriate for providing vital services, with a balance between accountability and independence in management emerging as a central concern (Wallis 1989: 121). Given the obstacles presented by the developing world in comparison to the North, state administrators cannot be held exclusively responsible for success or failures of programmes, argues Wallis (1989: 197).

Neo-utilitarian policies such as wage cuts and fewer staff development opportunities are most dangerous for the bulk of states that fall somewhere between the extreme cases, since such measures encourage bureaucrats to act out of self-interest and shift the state apparatus away from, rather than towards, the ideal of successful developmental states, warns Evans (1989: 583). Strengthening of the state apparatus is therefore a crucial component of state-building equal to that of focusing the work of the state on strategic priorities, Evans (1989: 583) argues. On the other hand, successful developmental states have arisen from their particular historical and class context, which policies cannot replicate (Barkey & Parikh 1991: 531; Evans 1989: 583).

By the 1990s, neither the tactics of early development management nor of structural adjustment had succeeded in ridding the developing world of its problems. A growing group of analysts joined the minority of scholars, who, together with developing world bureaucrats, had maintained their support for bureaucratic reform as a superior option at least to throwing in the towel. But by this time, the Bretton Woods institutions had paradoxically morphed into the trail blasers for unfettered free trade (Stiglitz 2003: 477-478) and neoliberal economic values had gained the support of a powerful portion of the international community (Harvey 2008: 323-324). It was time for New Public Management. The bureaucracy was advised to be more accountable and run itself like a business. Hirschmann (1999: 301-302) acknowledges the centrality of the state while arguing that the public sector should adopt reforms such as greater flexibility in resource allocation and performance management, rather than to shed responsibility to the private sector, which is disinterested in the provision of welfare to the poor majority of the population in developing countries. Given the substantial decline in bureaucratic salaries, morale and ethics and along with these, public trust in the state apparatus, the production of a capable state bureaucracy is once again a key challenge for states in the developing world in the twenty-first century. For Hirschmann (1999: 302-303), resources, incentives, public service and
legitimacy underpin such a renovated state bureaucracy which must participate as “an active partner and agent” in setting and assessing strategies of the state.

Several factors that contribute to the emerging character of a state during state-building are therefore identified in the literature. The contribution of state-society relations during state-building is critical (Barkey & Parikh 1991: 528-529). While political and economic relations between states also influence the strength of post-colonial states, their impact is secondary to that of the particular nature of the preceding colonial government, with examples indicating that colonial strategies of fragmentation can lead to weak post-colonial states, while colonial strategies of consolidation can lead to strong post-colonial states (Barkey & Parikh 1991: 532). In addition, race or religious identity may trump class organisation and present challenges to social cohesion in countries where industry is less developed, while states that derive their capacity from an established economy have more autonomy with regard to social and economic strategies (Barkey & Parikh 1991: 540-541). The manipulation of race identity is not restricted to colonial government, and state engagement with traditional ethnic elites may undercut the emergence of more radical opposition to the state (Barkey & Parikh 1991: 544). State officials can also exert contradictory influence depending on their location in the state apparatus and on the influence of social movements (Barkey & Parikh 1991: 545). The ability of the state to attract the “best and brightest” graduates in a country is therefore considered to be critical for developmental state-building (Edigheji 2010: 7).

One factor that has proved to be an obstacle to development has been a high degree of centralisation (Wallis 1989: 140). For fear of losing both political ground and fragile financial control, developing world states have sometimes sustained centralisation while paying lip service to decentralisation and citizen participation at the local level (Wallis 1989: 140-141). The need for inclusive, democratic governance at city level has been given increasing attention in recent literature and policy debates, which often takes for granted a contribution from city governments to fostering social cohesion, realising citizenship rights, and extracting responsibilities from citizens. Since the focus of this study is on urban citizenship, the next section will consider how citizenship has been interpreted by the state at the local level.

### 2.5 Locating citizenship: the rise of the local state

Work within the field of citizenship in general draws on three major traditions, namely, republican, liberal and socialist or welfare citizenship. While these conceptions of citizenship share an emphasis on community membership, rights and obligations, the appropriate balance between these three aspects of citizenship is contested, as are the implications of each. In pre-modern, republican, exclusive incarnations of citizenship in the
ancient Athenian polis or in the Roman Empire, the extensive obligations of citizens were stressed (Faulks 2000: 162-163). From the seventeenth century onwards, a shift in emphasis to the rights and freedoms of individuals contributed to the development of a more inclusive, liberal concept of citizenship (Faulks 2000: 163-164). In response to liberalism, socialism recognised the “political, economic and social barriers that prevent the rights and responsibilities of citizenship from being fairly distributed” (Faulks 2000 163-164).

Citizenship, therefore, on the one hand, designates involvement in civil society; on the other hand, the term refers to legal standing allocated by the state (Ritzer 2005: 93-94). This leads radical pluralists to point out that citizenship separates insiders from outsiders (Ritzer 2005: 96). The concept of citizenship as membership is often interpreted to recognise the agency and participation of citizens in contributing to and shaping their lived reality and the character of state-society relations, while the concept of citizenship as status, is often dismissed as a passive interpretation of a construct with so much more potential to reinforce agency (Ritzer 2005: 95).

Critique of the citizenship paradigm includes concerns that the extent, content and deepness or thickness of citizenship is a matter of struggle, that it may “be imbued with a capitalist logic” since it tends to protect private property, that it obscures class and gender difference (Faulks 2000: 2, 7), and that it therefore assumes the existence of an all-transcending “common good” (Lister 1997: 34). Citizenship has been characterised as both passé and unprogressive (Castles & Davidson 2000: 1; Kymlicka & Norman 1994: 352). Although these difficulties have not been resolved, a significant stream of contemporary scholarship in Africa and elsewhere attempts to articulate more inclusive incarnations of citizenship, rather than to abandon it (Friedman 2007: 20; Inclusive Cities conference 2007; Hassim 1999: 14-16; Lister 1997: 42).

Marshall's (1963: 294) conception of social citizenship represented one attempt to extend the limits of liberal citizenship by going beyond purely political rights to add civil and social rights to the citizenship package. While Marshall has been criticised (Pateman 2004: 96; Klausen 1995: 251-252, 266) for conceptualising a top-down or imposed citizenship and for paying insufficient attention to productive, reproductive and redistributive rights, Nina Yuval-Davis (1997: 5) interprets Marshall’s formal linking of citizenship to community membership rather than the state to provide the very enabling building blocks for conceiving a contested citizenship over which absolute power is not conceded to the state, and that can be construed for territories with boundaries other than those of the national state. In addition, state structures play an important role in encouraging the formation of particular interest groups and help shape the capacities of particular dominant groups to mobilise policy in their favour (Skocpol 1985: 26).
Variations on the three traditions of citizenship occur in interpretations of citizenship of transnational scope (Held & McGrew 2003: 500-506). Citizenship conceived without a clear link to geographic location or territory, such as the theoretical notion of transnational citizenship, has also been criticised for not incorporating the possibility of self-government (Bauböck 2003: 141). In modern, generally liberal, interpretations of citizenship, cities tend to be seen as constitutive units of nation states, according to which cities have delegated powers that may be withdrawn by a higher level, such as provinces or the national government (Bauböck 2003: 140-141). The assumption that the national level of state has a monopoly over the content of citizenship is, however, no longer unanimous in the literature. Several social developments have contributed to the fact that the issue of ‘citizenship’, despite having been characterised by some as both passé and unprogressive (Castles & Davidson 2000: 1; Kymlicka & Norman 1994: 352), has become a key focus of recent debates on cities (see for instance Booyse 2007; Inclusive Cities Conference 2007; Mohamed 2006; Bauböck 2003; Bekker & Leildé 2003). First, deindustrialisation and the resulting growing unemployment had dampened popular support for European welfare capitalism in the late 1970s (Kazepov 2005: 22). While the national level of European states generally support the unemployed, those who are unable to re-enter the labour market after a certain period of time shift to social assistance schemes that are administered by cities (Kazepov 2005: 22). The high levels of unemployment of the 1970s therefore increased the pressure on urban coffers, leading European cities to participate more actively in policy development and gain political autonomy (Kazepov 2005: 22; 26).

Secondly, a substantial body of literature considers the possible rescaling of formal citizenship from national to supranational, cosmopolitan or transnational citizenship in response to a growing schism between de jure citizenship policies which link a person’s citizenship to membership and presence in a territorial nation-state, and the growing de facto long-term residence of noncitizens within those same territorial nation states (Varsanyi 2006: 229-230). Documented status is a prerequisite for access to formal work, health care and education. Consequently, no mass rejection of legibility occurs. Yet, legibility, while allowing people to benefit from services, simultaneously renders them vulnerable to law enforcement, from eviction to deportation. Migrants are not only vulnerable to prejudice and violence, but struggle to access services, achieve security and make a living without the protection of citizenship (Landau 2004: 3). The 1996 Paris uprising by undocumented migrants (O’Connell 1996: ¶11-12) underscores this. This line of debate has converged with the challenges faced by the welfare state to spark interest in the idea of urban citizenship.

Finally, rapid urbanisation, the growing burden on city administrations and the activism of urban social movements have been accompanied by an increasing emphasis on inclusive city governance. Doreen Atkinson (2002: 3) is one analyst who supports the location of
democratic government’s most regular and intensive engagement with citizens at local government level. Commenting in the context of European unification, Manuel Castells (2003: 479) reflects that alongside the shift of certain major decision-making processes to the international arena, “the role of regions and cities as locuses of autonomy and political decision” is being renewed. He therefore places city government at the forefront of managing new city challenges based on the inadequacy of nation states both in their ability to control the global economy, and to be “flexible enough to deal specifically with the problems generated in a given local society” (Castells 2003: 484).

This relative confidence in city administrations may stem partly from a preoccupation with the comparatively comfortable conditions of much of urban Europe. Positive openings for community-driven service delivery and claiming of citizenship can certainly occur at the local level, but there is also the threat of outsourcing of service delivery to the private sector, for which cost recovery is a greater concern than accountability or expansion of delivery to the poor. Premised on Indian experiences more appropriate to the developing world, Patel (2006: 34) comes to the conclusion that “city-space remains the node where multiple identities and modernities emerge, are contested and refashioned in context to the way citizenship has been defined and organized”.

It should be noted that some analysts (Curtis 1999: 260) have pointed out that sharply increasing demand for housing, water and other basic needs may, partly as a consequence of city growth, outpace the delivery capacity of city administrations. The more important question for the realisation of socio-economic inclusion is therefore not whether cities should, but whether cities can give substance to the citizenship trio of belonging, rights and obligations. Both questions of capacity and autonomy are important to consider.

Since there are arguments for and against decentralisation, Hankla (2008: 633) argues that its implementation may be evaluated against the targets of efficient and reliable provision of public goods and services, amelioration of regional inequality and separatism and the protection of macroeconomic stability. While sweeping generalisations about best practice are therefore unwise, Hankla (2008: 637) argues that “smoother intergovernmental relations and better performance outcomes” are likely to result if states take note of nine lessons. In this regard, Hankla (2008: 636-646) recommends that states that want to decentralise, particularly in the developing world, should allocate to subnational levels of state specific and substantial responsibilities along with the authority over expenditure and administration of these capacities, should use a system of unconditional grant transfers to capacitate these state organisations on the one hand, along with grants to promote core national priorities on the other, that subnational levels of state should be democratically elected and should be designed to encourage the provision of public goods and to protect minorities, but that the central state should protect macroeconomic stability.
Unconditional grants are also supported by Roger Faith (1979: 317), who argues that local fiscal crises may be stimulated by a grant policy based on need, while Alan Mabin (2002: 46-47) is rather more sceptical, pointing out that decentralisation has tended to concentrate resources unevenly in a new set of planning institutions. As cities are the main contributors to the national fiscus, a remedy for this concern could be posed by drawing city boundaries to include their social and economic peripheries, as advocated by Bauböck (2003: 141). The approach of incorporating a city or town and its surroundings into a single polity balances the principle of subsidiarity - locating decision-making as close as possible to the citizen or grassroots - with a strategy to avoid the taxation of more affluent urban residents for their own benefit alone, while the rural or peri-urban poor are left to their own devices. Such a subsidiarity has the potential to facilitate more equitable resource distribution. Malcolm Wallis (1989: 76) cautions that a comprehensive and detailed survey of country specific circumstances should dictate financial arrangements. Yet the debate on urban citizenship has also led to a renewed interest in the local state.

Several problems that afflict the local state make an account of municipal institutions crucial for research on cities, argues Henri Lefebvre (1968: 128). Lemon (2002: 26) lists low voter turnout, franchise qualifications, the class character of wards, the ratio of councillors to the electorate, the length of a term in office, and the structuring of local politics in terms of party politics rather than interest groups as factors that can affect the link between citizens’ interests and local state policies and practices. The tendency for global economic changes to exacerbate certain pre-existing conditions, so that historical context, and in particular institutional arrangements at local level and beyond, are important to consider, is further emphasised by Yuri Kazepov (2005: 19-20).

Higher classes tend to influence these structures to implement urban renewal programmes which beautify or adapt particular areas, while the same overcrowded working class conditions arise in a different neighbourhood, a point on which Harvey (1973: 142-143) agrees with Engels. While the working class in Engels’ (1845) Manchester experienced a concentration of environmental factors that induce ill health, Harvey (1973: 142-143) argues that the problems in contemporary urban America are social pathologies such as crime. For Harvey, the academic project is therefore clear (Harvey 1973: 144-145):

Let me say first what it does not entail. It does not entail yet another empirical investigation of the social conditions in the ghettos. In fact, mapping even more evidence of man’s patent inhumanity to man is counter-revolutionary in the sense that it allows the bleeding-heart liberal in us to pretend we are contributing to a solution when in fact we are not. This kind of empiricism is irrelevant. Our task does not lie here. Nor does it lie in what can only be termed ‘moral masturbation’ of the sort which accompanies the masochistic assemblage of some huge dossier on the daily injustices to the populace of the ghetto, over which we beat our breasts and commiserate with each other before retiring to our fireside comforts. This, too, is counter-
revolutionary for it merely serves to expiate guilt without our ever being forced to face the fundamental issues, let alone do anything about them. Nor is it a solution to indulge in that emotional tourism which attracts us to live and work with the poor ‘for a while’ in the hope that we can really help them improve their lot. This, too, is counter-revolutionary – so what if we help a community win a playground in one summer of work to find that the school deteriorates in the fall? These are the paths we should not take. They merely serve to divert us from the essential task at hand.

This immediate task is nothing more nor less than the self-conscious and aware construction of a new paradigm for social geographic thought through a deep and profound critique of our existing analytical constructs. This is what we are best equipped to do. We are academics, after all, working with the tools of the academic trade. As such, our task is to mobilize our powers of thought to formulate concepts and categories, theories and arguments, which we can apply to the task of bringing about a humanizing social change. These concepts and categories cannot be formulated in abstraction. They must be forged realistically with respect to the events and actions as they unfold around us. Empirical evidence, the already assembled dossiers, and the experiences gained in the community can and must be used here. But all of those experiences and all of that information means little unless we synthesize it into powerful patterns of thought.

Along with Harvey, Mahmoud Mamdani (1996: 289-291) and a series of scholars drawing on different theoretical paradigms, have defended a place on the research agenda for state institutions and the local state in particular. As a sociological enquiry, this project cannot be divorced from questions about state power and the role of the state in mediating or maintaining positions of privilege and power relations more broadly.

The testy relationship between the central and local state in most countries could potentially be attributed to a greater emphasis on legitimation at the local level; but, while the local state may not be allocated the resources necessary to provide the public goods for which it is assigned responsibility, on the other hand, the local state may blame the central state for failures that are due to poor performance at the local level, Lemon (2002: 20-21) argues. However, local government is often less well developed and less well resourced in developing countries. Miliband (1969: 52) is one of the first to recognise this:

In one of its aspects, sub-central government constitutes an extension of central government and administration, the latter’s antennae or tentacles. In some political systems it has indeed practically no other function. In the countries of advanced capitalism, on the other hand, sub-central government is rather more than an administrative device. In addition to being agents of the state these units of government have also traditionally performed another function. They have not only been the channels of communication and administration from the centre to the periphery, but also the voice of the periphery, or of particular interests at the periphery; they have been a means of overcoming local particularities, but also platforms for their expression, instruments of central control and obstacles to it. For all the centralisation of power, which is a
major feature of government in these countries, sub-central organs of government, notably in federal systems such as that of the United States, have remained power structures in their own right, and therefore able to affect very markedly the lives of the populations they have governed.

Perspectives of the local state can, therefore, be categorised into liberal and conservative theories that are both mainly concerned with the efficiency of service delivery by local government on the one hand, and on the other, Marxist and radical theories that consider the local state as an integral part of the state that protects and legitimises the interests of capital, and are therefore interested in the relationship between the local and central state (Lemon 2002: 18-19).

These structures and relations vary from state to state. While all states require at least one level or tier below the central government, intergovernmental arrangements differ from state to state and the variety ranges from those where the national level of state overrides all decision-making to those where the local state is but a puppet of the central state (Hankla 2008: 632; Lemon 2002: 18). Often, national government provides direction and local authorities have little power, but some national constitutions allocate particular competencies to lower levels of the state (Hankla 2008: 632). Decentralisation can, however, be identified as an international trend based on the increasing portion of public spending undertaken by arms of the state apparatus other than the central state since the 1970s (Hankla 2008: 632). From a systematic evaluation of the literature, Hankla (2008: 636-637) gleams that decentralisation holds great potential to improve both social service provision and stability, but that a range of factors including the specific local details of each instance of decentralisation, determine its effects.

The ability of local authorities to be responsive to citizens is influenced not only by capacity and resources, but also by autonomy. The tension that is generally prevalent between the central and local state means that decision-making at the local level is prone to pressure from a range of different sources including the needs and interests of ordinary inhabitants and workers, but also other interest groups and the private sector. The local state is an administrative necessity in the vast majority of countries, but it can also facilitate acceptance of the state when it has a degree of local autonomy, argues Anthony Lemon (2002: 18).

In the West, increasing state intervention in the area of labour reproduction as a result of both economic-structural developments and class struggle, led to the growth of collective consumption of services provided by the state (Jensen & Simonsen 1981: 279-280). The effects of this trend included a foundation for collective action based on shared experiences, politicisation of services, and the structuring of the local state as the executive level (Jensen & Simonsen 1981: 281). For this reason, municipal governance is the most common manifestation of the need to partition the state into local political systems in order
to allow it to accommodate conflicting interests (Jensen & Simonsen 1981: 282). In Jensen and Simonsen’s (1981: 282) view, the role of the local state is therefore to sustain industry and wealth creation by providing infrastructure, planning land use, and consuming private sector services; to assist in the reproduction of labour power by means of providing social, education, health and housing services; and to maintain social order and cohesion by means of socialisation, legitimation, subjugation and maintenance of a reserve labour force. All of these tasks can be performed by the same local authority if it effectively employs ideologies such as local self-determination and participatory planning, although these same strategies can provide a foundation for citizen action, they (Jensen & Simonsen 1981: 282-284) argue. All of this explains the local focus of social movements concerned with struggles in the arena of reproduction (Jensen & Simonsen 1981: 288; Lemon 2002: 18). Cutbacks in state services can therefore be used to increase central control over local authorities and over social movements within their territory, which may in turn lead to the assertion of local autonomy (Jensen & Simonsen 1981: 284).

While decentralisation therefore presents an opportunity for increased, dual accountability resting on pressures both from above or the supply side, and from below or the demand side, reform measures often fail to give effect to this potential because they neglect either the vigilance of citizens or political oversight, or because of a lack of integration of fiscal, administrative and political features (Yilmaz et al. 2010: 259-260). A profusion of social movements, such as the Anti-Privatisation Forum and Soweto Electricity Crisis Committee in Soweto, does not eliminate this concern. Since the “absence of effective channels for social change” is the very source of urban movements, they can in Castells’ (1983: 326-328) pessimistic view, only be reactive, and are, moreover, all incapable of realising their Utopia, since they inevitably lose their identity as they become institutionalised as part of the political bargaining routine.

Furthermore, while the scale of local authorities makes them easier to govern well, developing countries are mistaken if they believe that decentralisation guarantees economic growth, and development may instead be responsible for encouraging decentralisation (Schragger 2010: 1837, 1908-1909). In the context of the unprecedented pace of urbanisation experienced in the developing world, decentralisation has, to some degree, relieved the pressure on primary cities when infrastructure development has served to attract some migrants to secondary cities (Gwebu 2006: 418).

Still, the challenges that cities in the developing world face in their attempts to operationalise citizenship for their residents, are substantial, leading UN-Habitat (2010: 1) to warn,

Not a single African government can afford to ignore the ongoing rapid urban transition. Cities must become priority areas for public policies, with investment to build adequate governance
capacities, equitable services delivery, affordable housing provision and better wealth
distribution. If cities are to meet these needs, municipal finance must be strengthened with more
fiscal freedom and own-source funding.

Given the projected rates of urbanisation and population growth for Africa between now and
2030, the bulk of African citizens will need to access work, shelter and services in cities in
only thirty years, when the urban population is expected to exceed the current total
population of the continent (UN-Habitat 2010: 1). Authors on this topic (Friedman 2007: 6;
Von Lieres 2005: 30) have contended that citizenship models should not aim to achieve a
definitive, lasting solution, but remain self-conscious in acknowledging that just as social
problems and populations change, systems and solutions that hope to address them, must
also be responsive. The majority experience of citizenship in Africa, as in the rest of the
world, is therefore now the encounter of poor people with urban citizenship. The next
section will therefore consider state responses to urbanisation, informal settlement and
housing need.

2.6 Urbanisation, informal settlement and public policy
Despite significant differences in the context and texture of urban life, the need for
comparison across countries has led to the widespread use of the UN definition of urban
areas as those areas with more than twenty thousand inhabitants within its boundaries and
of cities as those with more than a million inhabitants (Kasarda & Crenshaw 1991: 470).
Given the population dynamics discussed at the outset of this thesis, the unprecedented
pace of urbanisation and a concentration of informal settlement may be interpreted as the
key challenges facing the local state in the developing world today. The pace of
urbanisation is both new and unique to the developing world, but the process or
urbanisation fits patterns of economic and social change that occurred in the West during
its earlier period of industrialisation (Kasarda & Crenshaw 1991: 467-468). This leads to
explanations of urbanisation that consider earlier urbanisation in the West and later
urbanisation in the developing world as continuities of the single historical process of
capitalist expansion (Kasarda & Crenshaw 1991: 482-483). Dependency or world systems
interpretations, on the one hand, consider underdevelopment as the outcome of “plunder
and exploitation of peripheral economies by … core areas”, whereas interdependency
theories regard urbanisation as the result of capitalism, which encourages the concentration
of resources, infrastructure and production (Clark 1998: 88). Alternative explanations of
urbanisation include modernisation theories, which consider industrialisation rather than
capitalism to be the main driver of urbanisation in the developing world, and urban bias
theories, which consider powerful political elites to be reliant on urban resources, leading
them to implement policies that promote cities and neglect rural areas (Kasarda & Crenshaw 1991: 483-484).

Urbanisation has also seen a concentration of poor people in informal settlements, often called slums. Although the terminology of ‘informal settlement’ is new, academic concern with the phenomenon is not. Already in his 1845 account of English industrialisation and urbanisation, where he links the phenomenon of informal settlement to relationships of production (Engels 1845: 5), Engels describes one settlement as follows (Engels 1845: 28):

Passing along a rough bank, among stakes and washing-lines, one penetrates into this chaos of small one-storied, one-roomed huts, in most of which there is no artificial floor; kitchen, living and sleeping-room all in one. In such a hole, scarcely five feet long by six broad, I found two beds -- and such bedsteads and beds! -- which, with a staircase and chimney-place, exactly filled the room. In several others I found absolutely nothing, while the door stood open, and the inhabitants leaned against it. Everywhere before the doors refuse and offal; that any sort of pavement lay underneath could not be seen but only felt, here and there, with the feet. This whole collection of cattle-sheds for human beings was surrounded on two sides by houses and a factory, and on the third by the river, and besides the narrow stair up the bank, a narrow doorway alone led out into another almost equally ill-built, ill-kept labyrinth of dwellings. … The whole side of the Irk is built in this way, a planless, knotted chaos of houses, more or less on the verge of uninhabitableness, whose unclean interiors fully correspond with their filthy external surroundings. And how could the people be clean with no proper opportunity for satisfying the most natural and ordinary wants? Privies are so rare here that they are either filled up every day, or are too remote for most of the inhabitants to use.

Engels (1845: 34, 159-198) criticises the slum-clearing response of the local state for failing to provide a solution, but appears unconcerned about painting working class areas as areas of dirt, crime, disease, and early death. His description represents an early instance of the tendency to understand informal settlement from the perspective of its physical structures, social shortcomings, and deviance from a mainstream norm. It should be noted that even during these earliest recorded cases of urbanisation linked to capitalist industrialisation, informal settlement emerges as a salient concern closely linked to access to the city and to urban livelihoods for members of a growing urban population who are then met with repression by the local state, in other words, as a key issue in state-society relations in the city, or otherwise put, of urban citizenship.

By half a century later, Simmel (1908: 440), who considers a lack of shelter to represent the most extreme kind of poverty, argues that the homeless Penner who find shelter for the night in seasonal haystacks in the Berlin area are pushed into hiding because their original communities cannot bear the sight of poverty, so that these individuals become a new community bound together primarily by poverty and first containing the potential for class consciousness.
Contemporary authors also seek alternatives to definitions of informality that pathologise both informal settlement as a practice and the residents of informal settlements. As discussed above, these settlements often represent something very different to residents from what it represents to outsiders. While the phrase ‘informal settlement’ is often used by South African authors, the term ‘slums’ is more common in the international literature. The two do not overlap exactly, and both are plagued by conceptual difficulties. Older scholarship commonly referred to freestanding informal settlements as “shantytowns”, as in the work of Owen Crankshaw (1993: 31, 50), who considers this form of housing to be one manifestation of homelessness. Such an interpretation may be sympathetic to the desperate plight of residents of informal settlements, but raises problems because it obscures the gains that these settlements represent to residents, including a foothold that gives them access to cities and which can easily be ripped out from under them by insensitive government policies. This problem persists in the definition of the term ‘slum’ under the Millennium Development Goals in 2005 as “any area that met the following six criteria: lack of basic services, inadequate building structures, overcrowding, unhealthy and hazardous conditions, insecure tenure, and poverty and exclusion” (Huchzermeyer & Karam 2006: 2). For this reason, Huchzermeyer and Karam (2006: 3) argue that the central, defining characteristic of informal settlements is that of tenure insecurity, even as they acknowledge that this insecurity may be exacerbated by a range of other hazards.

Despite broad similarities between contemporary urbanisation in the developing world and the urbanisation of the West from the mid-nineteenth century, important differences have also been identified. Greater degrees of development, access to more natural resources, and a context of far less competitive economic production had eased the difficulties associated with urbanisation at the time of industrialisation in the West (Kasarda & Crenshaw 1991: 467-468). In addition to this, urbanisation in the developing world is not uniform, and different types of cities offer varying income levels and living opportunities (Roberts 1989: 672-675).

The exponential increase of the urban population has resulted in the attainment of megacity status by some cities in the developing world, including Lagos, Nigeria and Dar es Salaam, Tanzania in Africa (Kasarda & Crenshaw 1991: 471-472). Cases where the population size of a single city or a small number of cities differs substantially from that of other urban places in an urban system, have given rise to concerns about urban primacy. Such a deviation indicates weak economic, political and social integration, and is often associated with economic and demographic distortions, underinvestment, and ethnic uniformity and political volatility in rural areas (Kasarda & Crenshaw 1991: 468, 491). Some scholars view these anomaly cities as facilitating development of which the benefits can trickle down to other parts of a country, while others view them as a barrier to development or worse,
interpret them to facilitate the transfer of profits from the periphery to core countries (Kasarda & Crenshaw 1991: 472-473).

Two factors contributing to the developing world’s average urban growth rate of approximately double that experienced during European industrialisation, are its inability to “export its surplus population” to the colonies as Europe did, coupled with the higher natural population increase, which was estimated during the 1990s at roughly double the rate experienced by industrialising European cities (Kasarda & Crenshaw 1991: 477, 468). On average, natural growth accounts for approximately sixty per cent of urban growth, while boundary changes have at times contributed as much as a fifth of the growth rate of cities in the developing world (Kasarda & Crenshaw 1991: 474). While migration is therefore not the major contributor to urban growth, Kasarda and Crenshaw (1991: 475) argue that migration has attracted disproportionate attention in the literature because of the greater likelihood of national policy influence over migration than over natural increase, and because of the belief that migrants present cities with additional challenges in respect of labour absorption and social cohesion. In 1991, Kasarda and Crenshaw (1991: 475) still considered migration the “prime engine driving city growth” in Africa with its then lower urbanisation levels compared to elsewhere in the developing world, however, the contribution of migration was already declining as a result of the higher rates of migration required to match the contribution of the growing urban population and of the contribution of recent migrants to internal growth. A further consequence of this change is that migration is more likely to happen between urban areas, than from rural to urban areas (Roberts 1989: 677). According to current population projections, Africa’s level of urbanisation is anticipated to pass the fifty per cent mark around 2030 (UN-Habitat 2010: 1).

Urban governments in developing countries have expressed concerns about the difficulties of providing the necessary infrastructure and social services to their fast-growing populations (Linn 1982: 627-8). While the per capita expenditure by the local state may be higher in urban areas, however, Linn argues that certain capital investments in urban areas, such as transport terminals, benefit the broader population, and that the subsidisation of urban services often increases demand, while there is no reason to anticipate that the costs associated with rapidly increasing urban populations and industrialisation would be offset by slowing down urbanisation per se (Linn 1982: 627-632, 646-648). Nevertheless, city growth in the developing world has contributed to the fact that the demand for state services, including housing or shelter, has grown beyond what the local state has the capacity to provide (Qomfo 2005: 6; Smith 2000: 4; Curtis 1999: 260). Economic changes have also informed the rationalisation of urban subsidies or grants, which has changed state society relations over time (Roberts 1989: 672-675).
The inadequacy of state-provided services has resulted in conflict between citizens and the state (Roberts 1989: 672-673). “The main enemy is often the state through its failure to provide adequate housing and other urban infrastructure”, argues Roberts (1989: 684). While cities in the developing world do not foster the kind of class politics that emerged during European urbanisation, urban development is contributing to the extension of citizenship (Roberts 1989: 686-687). On the one hand, public participation has been institutionalised as part of political processes, but on the other hand, citizens of the developing world have also played an active role “in shaping urban space” as they secure amenities by means of self-help and reciprocity rather than to rely on the state (Roberts 1989: 686-687, 672-673).

Informal work and informal settlement are two significant self-help strategies that are employed by poor city residents. In the face of exponential population growth, informal work has generated substantial interest due to its potential role in labour absorption and job creation (Kasarda & Crenshaw 1991: 477). The considerable contribution of informal settlement in meeting the need for shelter has also been recognised (Kasarda & Crenshaw 1991: 477). A substantial difficulty in studying the informal sector has been the difficulty of defining informality and drawing the boundaries of the informal sector (Kasarda & Crenshaw 1991: 477-479). Common mistakes have been to assume a concentration of recent migrants in informal work or in informal settlements and to assume an overlap between those who make a living by means of informal economic activity and those who live in informal settlements (Kasarda & Crenshaw 1991: 478-480; Castells 1983: 181). For UN-Habitat, it will take time and concerted effort to turn the tide of informal settlement in sub-Saharan Africa (UN-Habitat 2010: 2). For many academics and analysts, if population and urbanisation projections are anywhere near correct, then the growth of informal settlement is inescapable (Kasarda & Crenshaw 1991: 480; UN-Habitat 2008: xiii).

It has become clear that informal settlements represent different things to their residents and to those who look in on them from the outside. Rather than viewing informal settlement as a “last resort”, residents gain privacy, autonomy, informal ownership, and integration into “vital, if oftentimes poor, communities” by moving from “squalid rental quarters or alternative living arrangements” to informal settlements even though their access to public health facilities, transport, and security of tenure remains limited (Kasarda & Crenshaw 1991: 480). A significant portion of urban residents rely on informal housing because they are unable to afford formal residential stock (Bredenoord & van Lindert 2010: 278, 286). As a result, only remedial schemes such as site-and-service programmes are likely to ameliorate the shortage of shelter (Kasarda & Crenshaw 1991: 480).

Public policy responses have often seemed oblivious to this aspect of informal settlement. Based on a comparison of state responses to informal settlement in Brazil and South Africa,
Huchzermeyer (2002: 90, 98) identifies two possible founding interpretations that drive state responses to informal settlement. The first sees informal settlement as a result of class relations and seeks to support mobilisation, participatory intervention and pressure for broad-ranging policy changes, while the second sees informal settlement as a threat to conservative, middle-class interests and pursues relocation of informal settlement residents to segregated developments (Huchzermeyer 2002: 98-99).

Apart from their lack of affordability for the poor, another problem with large-scale formal housing projects is their location at the periphery of urban areas where development is most affordable for states, thereby exacerbating residents’ struggles to access employment, public transport and social services. Alongside residents, states also experienced problems with the peripheral concentration of low-cost housing: the cost of providing basic services increased with distance from the centre; states were obliged to include core housing units from where residents could begin the construction of their dwellings; and infrastructure development was associated with an increase in self-help informal housing at the urban periphery (Bredenoord & van Lindert 2010: 279-280). From the 1960s, formal “turn-key” housing as an exclusive mode of state support for access to shelter was convincingly critiqued by several authors, including Charles Abrahams, William Mangin and John Turner, which led a number of states to develop small-scale programmes to assist those practicing informal settlement from the 1970s onwards (Bredenoord & van Lindert 2010: 279).

A tendency to ignore self-help assistance as a policy option has, however, plagued the “broadened habitat approach” more recently furthered by international research and policy agendas, argue Bredenoord and van Lindert (2010: 278). Self-help strategies were marginalised while states often did not manage to implement the various legs of a comprehensive settlement approach at the same time, leaving poor city residents vulnerable, instead of providing support by means of innovative measures such as building advice offices (Bredenoord & van Lindert 2010: 281, 285).

The insecure position of informal settlements in comparison to the residents and government of the formal, planned city has caused Oren Yiftachel (2009: 90) to name these power relations “colonial”, arguing that the term can be used to characterise city management that enables confiscation and annexation, and institutionalises in the urban political economy a code for expanding dominant spatial and other interests, exploiting marginalised groups, essentialising identities as “different and unequal”, and for involuntary, hierarchical segregation. This description is apt in the light of the colonial construction of xenophobia.

Since pre-colonial approaches to land rights in Africa made no strict distinction between individual and communal land rights, the notion of a “proprietary and exclusive” community right to land was largely a colonial construction imported from colonies elsewhere in order
to assist in the construction of a fragmented population of several cultural minorities, rather than a unified colonised majority, argues Mamdani (1996: 139-140). By pushing black people out of the land market and contributing to ethnic differentiation and tension, this strategy revealed itself as complementary to those that relied on force for achieving domination (Mamdani 1996: 144). Mamdani (1996: 218, 292) claims that strangers had commonly been welcome in rural Africa, where status was often linked to the number of dependents prior to the colonial construction of customary land rights. In Africa, tensions between insiders and outsiders have therefore been shaped and incited significantly by colonial strategy (Mamdani 1996: 139-140, 266).

Up until the second world war, the colonial strategy gleaned from experiences on other continents was that of “indirect rule” by means of ethnically defined native local authorities that had very little political clout, but had the right to extract taxes from the local population for any purpose that they deemed appropriate and to impose punitive measures if locals failed to adhere to their dictates (Mamdani 1996: 24-70). After independence, conservative states continued this “decentralized despotism”, whereas radical states preferred centralisation, which was equally undemocratic but even more unstable (Mamdani 1996: 137, 170, 291). For Mamdani (296-298), the reform of the rural local state is therefore as critical to contemporary democratic development as the urban:

In the conservative states, which reproduced Native Authorities as the locus of decentralized despotism, the prototype subject was stamped with an ethnic identity. In the radical states, which detribalized Native Authorities but where reform degenerated into a centralized despotism – most dramatically illustrated when the central state branded poor and unemployed urban residents as vagrants and forcibly repatriated them to their ‘home areas’ in the countryside – the prototype subject was simply a poor inhabitant in the rural areas, a peasant.

In the twenty-first century, the United Nations (UN) Millennium Project has placed slums and the ways in which their residents may be supported squarely on the international development agenda for the new century. A global concern with an increasing gap between the rich and the poor and ever-harsher conditions of poverty led to the adoption of eight MDGs at the UN Millennium Summit in New York City in 2000 (UNDPI 2002: ¶1). The overall objective is for the MDGs to be achieved by a universal target date of 2015 (United Nations 2000: ¶11).

As mentioned earlier, the first and overarching Millennium Development Goal (MDG) is the eradication of extreme poverty and hunger. In response to key global development challenges and calls from civil society organisations, the eight goals seek to reduce poverty, promote education, health and equality, and combat child mortality and diseases. The goals are fleshed out into 18 targets and 48 technical indicators (UN Millennium Project undated). Goal 7, that of ensuring environmental sustainability, includes Target 11, to have
significantly improved the lives of at least 100 million slum dwellers by 2020 (UN Millennium Project undated: ¶55-56).

Despite their broad appeal, however, criticism has been levelled against the MDGs on various grounds. Patrick Bond (2006: 339–345) points out their remoteness from grassroots struggles for social justice, the inadequacy of resources allocated to their pursuit, the slow progress towards the goals, and the modesty of certain targets in proportion to the problems that they address. Devarajan et al (2002: 6–21) note the ‘ambitiousness’ of certain targets in relation to the problems that they address, and the difficulty of calculating the funding required to achieve the goals, since countries vary, for instance, in their ability to use aid effectively. As regards the problem of measuring progress towards the goals, Devarajan et al (2002: 6–21) observe that certain goals and targets have not been quantified, that it is difficult to measure certain indicators, and that comparable data across countries is lacking, and Bond (2006: 341) notes a focus on national averages and a resulting failure to reach vulnerable groups.

Adding to this body of criticism, James (2006: 456) argues that the MDGs fail to distinguish between actual and potential results. One underlying problem is that the goals, such as achieving universal primary education, assume a consistent relationship between certain means, such as primary education, and their unarticulated ends, such as basic literacy; however, given the disparities not only between developed and developing countries but also within developing regions, achieving universal primary education ‘is entirely consistent with sizeable variations in actual learning achievements’ (James 2006: 447). A second concern is that certain interventions, such as providing infant formula, assume the availability of other resources such as clean water, which may be readily available in developed but not developing countries, so that the interventions can fail entirely or create new problems.

The impact of achieving goals and targets, therefore, hinges on the conversion of potential into actual results, for instance converting primary education into literacy or access to infant formula into freedom from illness. Consequently, the precise numerical terms in which most targets are formulated – the macro-policy targets under Goal 8 being exceptions – constitute a poor measure of the degree to which desired benefits have been achieved, with implications for resource allocation. Although it is not known whether the MDGs were articulated for their fundamental desirability, their likelihood of producing consistent outcomes, or their measurability, it is important to note that they differ in this regard, that a number of the goals are hardly quantifiable and that some goals are less likely than others to guarantee specific results (James 2006: 443–456).

While Goal 7, Target 11 is quantified in terms of a proportion of slum dwellers, it ‘lacks a well specified target’ (Devarajan et al 2002: 11). To begin with, ‘slum’ is a contested and
‘dangerous’ term (Gilbert 2007: 697–713). To make matters worse, the broad aim of significant improvement, which may be achieved in one of five areas of inadequacy, whether water, sanitation, structural quality, overcrowding or security of tenure (see Huchzermeyer 2010: 134), has been left entirely unquantified. The goal and target therefore fail to provide practical guidance.

Despite the difficulties that contested definitions, the legal status of slum dwellers and the fluidity and vulnerability of poor livelihoods present to the enumerating of slums and their residents, the high profile of the MDGs and the target of improving the lives of 100 million slum dwellers have led to demand for more information about slums. UN-Habitat (2003: xxv) has ventured estimates confirming that in the early twenty first century, informal settlement is concentrated in the developing world and in particular in sub-Saharan Africa. In particular, Africa was estimated to be home to 187 million slum dwellers or a fifth of global slum dwellers, while it was estimated that nearly 72 per cent of city residents in sub-Saharan Africa lived in slums (UN-Habitat 2003: xxv). Given the UN’s broad definition of slums, however, these figures are at best indicative of the distribution and population of slums. Interventions to secure sufficient access to shelter and improved quality of life of the existing residents of informal settlements in the cities of the developing world is a significant problem both for researchers and for the state (Bredenoord & van Lindert 2010: 279). Informality has therefore transpired as a key factor with regard to inclusion in citizenship and access to its benefits.

2.7 Conclusion

Eager perhaps to shift the boundaries of theories of the state, late twentieth century thinkers wrote all but its obituary. One the one hand, technological advancement and the expanding transnational footprint of industry and finance informed an analysis of the proceeding demise of the state, the decline in its ability to effect social and economic outcomes and a resulting “vacuum” of responsibility and authority (Strange 2003: 149, 154) or of bureaucracy and infrastructure (Van Creveld 1999: 418). The consolidation of broad-ranging privatisation made the boundaries of the world’s strongest states less palpable after gaining momentum in the Thatcherist 1980s (Ritzer 2005: 354, 789; Johnson 2000: 103). Pushed to the periphery of the formal market economy by these policies, poor communities in Africa, Asia, the Americas, and Europe developed and relied on a self-help approach to a range of social needs (Swithinbank 1997: 45; Ward & Peters 2007: 206-209, 216; White 1993: 787; Holmquist 1984: 73-75). In the last decade of the twentieth century, global publishing and communication were largely consolidated in the hands of only eight corporate entities, starkly swaying manufactured consent in favour of capital (McChesney 1999: 112). On the other hand, new social movements created the impression of broad
dissent and a proliferation of forms of belonging and authority on the part of organised and growing communities of interest (Mann 2003: 143-144). Postmodernism alleged “the disintegration of modernist symbolic orders”, including the state, on the grounds that “the referential categories of modernity … are no longer appropriate to the description of disorganized capitalism” because of a vast plurality of all phenomena (Marshall 1998: 512). The modern state’s monopoly on power and economy, including welfare, seemed under threat.

But such examples present a one-sided picture, since trends that strengthen the state can also be distinguished, as argued by Michael Mann (2003: 146) and Foucault (1975: 22). State surveillance of internet usage is growing increasingly common, as the governments of China, the USA and other countries hone their monitoring, control and penalising of a range of online activities (Francis & Ratnam 2011: ¶1-12; Rushe 2011: ¶1, 4-6). When recession hit in the first decade of the twenty first century, seemingly invincible corporate giants such as General Motors were forced to turn to national states, hat in hand (Gow 2009: ¶1-3; Mufson 2009: ¶4, 8-9). From below, citizens have also turned to the state. Alongside self-help strategies that display a degree of indifference to the state, another everyday approach to the state persists. Social groups continue to rely on state institutions to realise their rights, and in particular when they consider their rights under threat, most often demanding more rather than less intervention and regulation by the state (Mann 2003: 144). This practice serves to assert their identity as members of a community of citizens and to enlist the practices and processes of state institutions to the task of operationalising and realising citizenship. Rejecting the notion of citizenship as status may do justice to the notion of the shared accountability of structure and agent described earlier, but it fails to recognise the substantial role of the state elite in practising the daily tasks that together give effect and content to citizenship. In the twenty first century, the state has been relatively hard-wearing, withstanding both corporate and citizen challenges by means of a range of tactics on the continuum from oppressive to progressive.

This chapter has examined theoretical approaches to the state bureaucracy, citizenship and informal settlement and assessed their utility for the present project. Classical theories of the modern state and bureaucracy have been considered, as well as the ways in which state-building in the developing world diverged from European experiences. The chapter has discussed a broad trend towards decentralisation and the resulting significance of local state constructions of citizenship, in particular in the context of fast-paced urbanisation in the developing world.

The broad spectrum of theoretical approaches to the state and informal settlement provide no easy solutions to citizenship ideals in the urban areas of the contemporary developing world. Based on a variable sum concept of power, consensus theories have interpreted the
democratic state as a mediator of the various interests in society that ultimately promotes social cohesion in the common interest. Government, in this view, is based on consent. Consensus theories fly in the face of the plight endured by the impoverished majority of the urban population of present-day sub-Saharan Africa. Cities in Africa achieve the highest Gini coefficients on the planet (UN-Habitat 2008: xiii), indicating vulgar contrasts in standard of living. The gradual policy and power fluctuations of a pluralist democratic system offer only a crassly inadequate response to the welfare needs experienced urgently and constantly by the poorest residents of these cities.

Despite the inadequate attention that the functionalist perspective pays to conflicts of interest, its distinction between the functional and dysfunctional outcomes of a single event exposes a need to understand the continuities between everyday practices and oppressive or violent actions, an insight that is critical for effecting social change (Johnson 2000: 129). Durkheim locates modern social cohesion in a functional division of labour; thus the division of labour in state institutions could be examined in order to identify functional or legitimate state practices and dysfunctional outcomes or instances of violent repression by the state. Parsons’ work raises the question of whether cooperative approaches to state practice and decision-making yield results that are more broadly beneficial than in other cases. To this question, Archon Fung and Erik Olin Wright (2001: 33-34) venture a negative answer in view of the disarming influence that participation in deliberative processes has on radical associations, and because of the ability of dominant groups to bias decision-making in their favour, find other avenues to promote their own interests, and exclude certain issues.

In contrast, conflict theorists have defined the state as a coercive institution that protects positions of privilege, whether as a direct instrument of the ruling class, a bureaucracy that reproduces technical experts and a demand for their skills, or as a necessary reflection of the relations of production. Although a Weberian definition of the state as the social institution with a monopoly on the legitimate use of physical violence has been popular, more recent work indicates that the means by which the state controls the population has multiplied. One of the ways in which the modern state exercises control is by means of its bureaucracy.

While structural theorists have rejected a narrow focus on the state bureaucracy as irrelevant to questions of power relations and the reproduction of the ruling class, Mills, Miliband and Bourdieu expose the shared background and class interests of the elite and point to the importance of socialising institutions outside of the state on the one hand, and intergovernmental relations on the other. The importance of both elite schooling and expert knowledge is reinforced by Bourdieu and Foucault. Reaching beyond this insight, their elaboration of the collusion between structures and agents confirms the need, identified by feminist and post-colonial theorists, to discover ways of escaping imposed taxonomies and
ways of reading the world, a point that is most pertinent to the colonial treatment of residents of informal settlements by states.

While conflict theories may therefore resonate to a greater degree with the lived realities of residents of the cities of sub-Saharan Africa, their recognition of the clash of interests between ordinary people and elites have informed an outright rejection of any cooperation between the state and the private sector among scholars working in the conflict tradition. Given the benefits of embedded autonomy for developmental states exposed by the empirical work of Evans and others, as discussed above, a refusal of structured cooperation with the private sector whatsoever, may lock states in the developing world in a position of impotence. Utilitarian interpretations of the state bureaucracy in developing countries can therefore easily become self-fulfilling prophecies.

Even in New Haven, one of the poorest cities in the United States, Robert Dahl’s take on the balance of power seems optimistic. Certainly in the exceedingly unequal cities of the developing world, the most impoverished citizens are not able to exert the same influence on the state as economic elites whose capital and expertise the state requires in order to build its own capacity for development. Nevertheless, it is clear from pluralist work that the influence of different political parties and interest groups does not balance out in the same way in every local area. Pluralism therefore does raise the question of whether state power operates in the same way in all cities and towns, whether the same local particularities that sway the balance of power between different political parties also influence the way in which state power operates, and what structures state power in particular local areas.

Despite the constraints on the state, in particular in the developing world, Weber’s account of state bureaucracy raises the problem of the disproportionate power of appointed officials relative to the general population. On the one hand, this relationship offers an explanation for gaps between policy and practice or outcomes, but on the other, a particular Catch 22 situation arises from the separation of legislative and executive roles. If the bureaucracy is an independent meritocracy as in the Weberian ideal type, then citizens cannot withdraw power from bureaucrats in the same way that Parsons believes they can withdraw it from elected politicians. After all, bureaucrats are not political appointees in this model and expect a stable and predictable career. Citizens, therefore, exercise no direct control over the influence of the bureaucracy as a distinct interest group of its own accord. The problem persists when Weber characterises the state bureaucracy as a single, dehumanised entity against which the population becomes powerless.

Not all of the accounts of the state elite separate elected politicians and appointed officials quite so starkly. Like Miliband, Tullock and Lipsky focus on appointed officials, but, like Poulantzas, Mills and Bourdieu consider senior bureaucrats to be a segment of the ruling class and regard their distinction from elected politicians as less important than their
distinction from ordinary people. As a result, these accounts also vary with regard to
weight they accord to performance management. In contrast to Mills and Bourdieu, Tullock
and Lipsky view performance management as crucial. In effect, they lobby for performance
management, although their rationale differs from that of the human relations school, since
they write as advocates of those who rely on state services and their theories are
concerned with the ways in which bureaucrats’ interests diverge from that of the public.

Based on the work of both Mills and Miliband, the class and educational background of the
state elite and the operation of intergovernmental relations can be identified as areas of
interest in an investigation of state bureaucracy. Bourdieu’s work directs our gaze from the
state apparatus back to the sites and mechanisms of reproduction of the state nobility,
shifting the emphasis from explanations of individual power to explanations of the
reproduction of power relations in society, but reinforces the educational background of
state officials as an important area of interest.

Finally, post-colonial and feminist theories regard as the task of the researcher to discover
and explain not only the reciprocity between subject and object, but also the possible
pathways out of this collusion (Ritzer 2005: 268, 577). Bourdieu’s (1986) elaboration of the
concepts of economic, cultural, symbolic, and social capital provides one theory of the
reproduction of the ruling class, access to resources, and the ways in which individuals can
draw on their networks in order to gain power. These categories of capital are ultimately
employed to explain how class relations are reproduced, with no explicit focus on state
power or how it is reproduced. This neglected area is the subject of a separate discussion
of what Bourdieu (1989) terms “the state nobility”, where a tension is sustained between the
active interest of members of the state nobility in the reproduction of state power and the
structural constraints on members of state apparatus. The latter account therefore attempts
an explanation of the relationship between state and society that has a more direct bearing
on the current project than the former attempt to explain the sources of power on which
individuals draw to reproduce the class structure of society.

While the project of an official rescaling of citizenship seems diluted for the moment,
constructions and experiences of urban citizenship seem underexplored. Everyday lived
reality in cities provides the site where citizenship is interpreted and measured both by the
general population and the local state. The majority experience of citizenship in the twenty
first century is that of urban citizenship, and the state that citizens encounter most
commonly is the local state. The local state structures and operationalises citizenship in a
constant give and take with citizens who contribute to the construction of citizenship from
below.

From the multiple, opposing definitions and explanations of the modern state and the
citizenship that it constructs, a broad-ranging research agenda may be distilled. This study
responds to particular aspects of that agenda, asking questions about the inner workings of the local state and how it shapes urban citizenship for those living in informal settlements in South African cities during the period of local democracy. The task of the next chapter is therefore to examine these questions in the South African context.
Chapter 3
The South African context

3.1 Introduction
The political change of the central South African state in 1994 created the globally popular notion of a miracle transition from authoritarian minority rule to peaceful democracy in the land of one of the best-loved living leaders, Nelson Mandela. Under apartheid, South Africa was the world’s laboratory of the effects of legally enforced race separation and discrimination. The challenges faced by the post-apartheid South African state include high levels of inequality, poverty and unemployment, and fast urban growth. While a series of exhilarating events beginning with the release of political prisoners have been the focus of media and popular attention, the rather mundane “re-invention of South Africa as a more-or-less ordinary society” can inform more fundamental examinations of racial capitalism and post-colonial state building in the context of globalisation, argues Gay Seidman (1999: 420).

This study asks how the local state has constructed urban citizenship for residents of informal settlements in the first decade of local democracy. In this chapter, the construction of urban citizenship in South Africa is considered against the backdrop of the historical development of the state and its apparatus. Local authorities are best understood within the context of the broader state of which they form part and of their relationship with overarching national and provincial structures, both political and administrative. The upper echelons of local authorities are populated by appointed and elected members of the state elite who are responsible for various functional areas or portfolios, including housing. These politicians and officials interact with officials in other sections of the state apparatus and their power relations are shaped by the structure of the state. It is therefore necessary to consider how the local state relates to its context.

Industrialisation as a result of mining and the resulting development of the labour regime have played a critical part in shaping the South African political economy and the exclusion of the majority black population from full participation in South African urban life. However, since the focus here is on the specific contribution of the local state to the development of urban citizenship and on housing policy in particular, the details of industrial relations and development fall outside the scope of the study. Instead, the development of the central state and central citizenship policies are considered as part of the broad background to the question of local state constructions of urban citizenship.

The chapter therefore considers the process of state building from the initial establishment of a colonial state bureaucracy up until the contemporary project of building a post-apartheid developmental state. The objectives are to expose the foundations of the
contemporary South African state bureaucracy and of contemporary urban citizenship as represented by the historical shape of the state and its citizenship policies.

In addition, since the capacity of states to act on their goals often differs from policy area to policy area, the most “fruitful” studies of state capacity focus on a particular policy area, argues Skocpol (1985: 17). The policy area of housing as a response to informal settlement was selected as the focus of this study. Since the prevalence of informal settlement is widely interpreted as an indicator of the performance of the state in various sectors of the economy, governments are concerned about the visibility of informal settlements (Huchzeremeyer et al 2006: 20). As a result, the provision of housing has often been the most direct and prominent response to informal settlement. The chapter also discusses the historical development of policy approaches to informal settlement and housing in South Africa. Finally, the chapter considers bottom-up contestations over urban citizenship during the period of local democracy.

3.2 A short history of the state and citizenship in South Africa

This section considers the origins of the state and of formal citizenship within the South African territory, in order to facilitate an assessment of continuities and differences between the colonial, apartheid and democratic mode of rule in Chapters 6 and 7. Except where otherwise specified, the following overview is based on the most recently published comprehensive history of South Africa, edited by Herman Giliomee and Bernard Mbenga (2007).

Early South African history is not known in detail. Although it is known that San ancestors had established themselves across Southern Africa by 14 000 years ago, very little is known about the cultures, languages and religions of people who inhabited the area prior to 1200 (Giliomee & Mbenga 2007: 6-53). During the Iron Age, a series of Nguni, Sesotho and SeTswana settlements, probably with East African origins, were established across the area of the present-day South Africa. These groups established villages, trade routes, and agriculture, domesticated animals, and mined gold, copper and iron. By the seventeenth century, the San and Khoi-Khoi were established as the dominant of South Africa’s first nations, bound together by common spiritual beliefs, but no organised religion or state. It was the most densely settled Khoi group of the contemporary South Western Cape who faced the first colonisers. By 1670, Khoi attempts to resist the occupation of their land were defeated and any Khoi kraals were built only on the outskirts of the Table Bay settlement (Worden 1999: 75). After the loss of cultivatable land to the colonial administration, and a series of cattle raids, the Khoi-Khoi’s near extinction was consummated by a pox epidemic in 1713. Access to well-located land has therefore shaped power relations and determined survival for centuries.
Differentiation among the political groups in the area was the outcome of a gradual process of segmentation among the Nguni- and Bantu-speaking population (Giliomee & Mbenga 2007: 34-39). A number of chiefs derived authority over spiritual affairs, agricultural land, economic affairs and social relations from the loyalty of the heads of settlements – usually the eldest men from each of these settlements that were stratified by age and gender. Although the chiefs demanded labour and surplus contributions from their subjects, they relied on voluntary loyalty, which limited their exploits. From the mid eighteenth century, however, increased competition for resources and places to settle led the population to seek the protection of chiefs and increased their power.

The beginnings of colonial rule were haphazard, but relatively quickly led to the consolidation of rule over larger territories that form part of the present-day South Africa (Giliomee & Mbenga 2007: 40-91). After earlier landings at the Cape by Portuguese and British seafarers, officials of “what may be called the world’s first multinational company”, the Vereenigde Oostindische Compagnie (VOC), established a midway port for Dutch ships and sailors en route to India and other Asian trading area in 1652. As the Dutch population at the Cape quickly expanded, an administrative bureaucracy and agricultural holdings were established, while an active trade in West African, Madagascar, Indian, Indonesian, and Khoi-Khoi slaves was used to support these activities until the 1830s, when slavery was abolished. The relative fluidity of Dutch social structure - in comparison to the sharp class distinctions that reigned elsewhere in Europe – had given rise to a view of the Dutch as “citizens first, homo economicus second” (Giliomee & Mbenga 2007: 43). This view is reinforced by inventories of deceased estates recorded in the early 1700s, which lack evidence of strict spatial segregation between burghers, servants and slaves, but indicate growing “separation and distinction” from the late 1730s (Malan 2007: 45, 48, 71). Former company employees, several of whom were freed to establish farms in the area surrounding the fort, therefore expected to be treated as equals by the company administration (Giliomee & Mbenga 2007: 43).

The VOC’s mode of rule, however, stemmed from the strong reciprocal relationships between colonial states and the private sector that typified the mercantile era and often created confusion between public and private enterprise (Giliomee & Mbenga 2007: 87, 96). Thus, the company officials at the Cape readily accepted several simultaneous but irreconcilable appointments, charged fees for their services, collected taxes and then used these funds to allocated substantial loans, contracts and business rights to themselves. In addition to supporting slavery, the VOC tolerated the oppression of the Khoisan and paid little attention to education and development. Although it was a multinational company and not a state, the VOC therefore acted as the first state at the Cape, using violence to
maintain order and submission within the territory to which it had laid claim and providing limited public services.

Following British occupation in 1795, the 20,000 settlers, 25,754 slaves, 1,700 free black people, and the as yet uncounted indigenous groups within the Cape Colony were all declared to be British subjects (Giliomee & Mbenga 2007: 72-89). The Cape formally became a British colony in 1814. While this move was all but welcomed by the new British subjects, it integrated the Cape into global trade networks, stimulating the economy and greatly increasing the demand for labour. When the British Tory government needed to demonstrate that it cared about rising unemployment at home in 1820, an additional 4,000 settlers were exported to the Cape, contributing to key structural changes. Many of these settlers were relatively well-off and respected individuals who quickly built new trade networks, changing the economic constitution of the colony and contributing to its integration in the global economy. In addition, the settlers were accustomed to certain democratic rights, which led them to lay formal complaints about the tendency of the small economic and political elite of the Cape to run public affairs only in its own interest.

The court cases and bad press resulting from the 1820 settlers’ regular complaints led to the inclusion of the Cape in a commission of enquiry on three new British colonies, which culminated in the institution of a more efficient and independent civil service, an independent legal system, development, a free market economy and the beginning of the end of slavery, as the Khoi Khoi were exempted from involuntary labour (Giliomee & Mbenga 2007: 88-89). All of this was in reaction to the fragmented system of state income from rental monies, taxes, licences, concessions, monopoly business rights and local taxation that had been the outcome of VOC administration. From the mid-nineteenth century, the expansion first of the merchant class and later of the working class, as well as British sensibilities relating to privacy, led to increased and more visible spatial class distinctions (Jackson 2005: 42-43).

Reacting to the now exclusively English administration, several groups of trek farmers settled further and further away from Cape Town. The trekker Andries Pretorius and his group settled at Pretoria at the site of the present-day City of Tshwane in 1848, and within a year received a mandate from several trekker groups to negotiate with Britain on their behalf (Giliomee & Mbenga 2007: 151). Having grown weary of the unstable political territory in the Highveld area, Britain granted the Transvaal Afrikaners the right to govern themselves, and the Zuid-Afrikaansche Republiek (ZAR) was founded in 1852. Since the republic’s economy rested entirely on subsistence farming, towns and markets developed slowly and citizens were in no position to pay taxes. Civil servants were therefore remunerated by means of goods rather than salaries, and often received farming land at a
cost well below the market value as compensation for their work. As a result, competition for key positions in the public administration was fierce.

A series of territorial and civil wars between black people, the boers and the British continued (Giliomee & Mbenga 2007: 77-84). The most significant of these was the turn-of-the-century South African War, which followed the 1886 discovery of gold at the Witwatersrand in the boer republics that had been established north of the Cape (Giliomee & Mbenga 2007: 200-217). While historians are divided over the most important causes of the war, gold mining was certainly responsible for the unplanned explosion and sustained growth of the now century-old city of Johannesburg that developed on the Rand in the present-day province of Gauteng, the country's economic hub. The War wreaked havoc and nearly 75 000 deaths had been recorded on the Highveld by the time that the Empire could claim victory through a negotiated end to the fighting.

Following the War, the Milner administration responded to a swell of black urbanisation by promoting segregated locations for those black workers who were permitted in town (Davenport 1991: 1-2). British rule of the territories paved the way for unification, which in turn set the stage for the long-term consolidation of an intricate web of laws and regulations used to enshrine race discrimination (Giliomee & Mbenga 2007: 229-324). In 1910, the Union of South Africa was established as the first single state encompassing the present-day territory of the Republic of South Africa, still under the colonial authority of the British crown. The Union was established despite the opposition of prominent black political leaders, who were wary of the consequences that unification potentially held for them. Indeed, the Union Constitution of 1909 set the scene for the treatment of black people for the rest of the century, together with the devastating Native Land Act of 1913, which allocated for occupation by the black population less than eight per cent of the land within the union, all located in reserves and other areas outside urban areas (Giliomee & Mbenga 2007: 232). The implementation of the Act involved a surge of violent, forced removals (Mamdani 1996: 143-144).

During the accelerated industrialisation of the 1920s, the ambition for an efficient and coherent central civil service began to be pursued (Posel 1991b: 102). The First World War had changed the composition of the labour force. Afrikaners constituted the bulk of white underground workers, who were entirely alienated from government by the absorption of the mining company-supported United Party into the South African Party (Giliomee & Mbenga 2007: 245, 310). Under the leadership of Jan Smuts, the government proceeded to brutally suppress workers during the Rand Revolt. In addition to this, the disruption caused by participation in the Second World War and experiences of discrimination against Afrikaner applicants by the English-dominated civil service further alienated many Afrikaners from the United Party. In the elections of 1948, the National Party was elected as
the governing party. Hall and Kros (1994: 15), interpret the multiplication of the apartheid bureaucracy as a strategy to “prolong the life of white supremacy”. But, since the explicit pursuit of a more active, expanded state administration was in line with international trends, the “ballooning” of the state bureaucracy that followed the 1948 elections might have proceeded even if the National Party had not been the victor (Posel 1991b: 102).

The early apartheid state benefited from post-war economic growth, which however, accelerated urbanisation and racial integration (Giliomee & Mbenga 2007: 314-356). By building alliances with traditional leaders rather than black urban elites, the state hoped to strengthen the ethnic reservations earlier invented by the British colonial administration, and so redirect migration streams. Influx control had been implemented by the union government in 1923 and expanded in 1937 and again by the National Party government in 1952. An upsurge of unrest at the turn of the decade was only met with intensified repression (Posel 1991: 28).

The Union government had also established two state corporations to try and solve the problem of poor white people, but in their struggle to gain access to foreign-dominated markets, the companies soon turned to the labour practices that had been established by mining companies, in the sense that they relied on a small white elite workforce complemented by their use of a large pool of cheap black workers (Terreblanche 2002: 343). Having inherited these corporations, the apartheid government now used them, and additional state corporations, to increase Afrikaner capital and to boost both entrepreneurship and employment among the Afrikaner working and middle classes (Terreblanche 2002: 343-344). Their reliance on large numbers of black workers, however, interfered with the ideal of limiting black people’s access to the cities, giving rise to the apartheid policies of industrial decentralisation (Terreblanche 2002: 343-345). The substantial responsiveness to corporate interests that had characterised the early colonial era in South Africa, was therefore perpetuated under apartheid.

In the meantime, the apartheid government’s preference for white workers and the explicit project of Afrikanerisation of the civil service led to critical staff shortages following the rapid expansion of the South African state bureaucracy, which in turn resulted in mediocrity or incompetence on the part of the state administration, argues Deborah Posel (1991b: 102). Conditions of service and salaries did not compete with what was on offer in the private sector, leading to fast staff turnover (Posel 1991b: 106-108). Coupled with a lack of training for new recruits, this further detracted from the quality of public administration (Posel 1991b: 107). As reported in the press, the “bloated state bureaucracy” represented political risk: the prolific apartheid legislation and regulations were too copious for Ministers to manage themselves, so that they were forced to delegate decision-making power to bureaucrats (Posel 1991b: 111). These administrators knew very well that they had the
National Party to thank for their jobs, but together, they also represented a voting bloc with the potential to destabilise politics in the event that they were collectively marginalised, Posel (1991b: 111-112) argues. The jeopardies of performance management in the apartheid civil service created “an enormous burden for those who were competent and experienced, as they found themselves utterly overloaded” (Posel 1991b: 112-114). After the barring of political activity by state officials was reversed in 1970, patronage and the tendency among Ministers to appoint members of their trusted inner circle was exacerbated (Posel 1991b: 115). Cadre deployment is therefore by no means new to the South African landscape.

Since those residing in South Africa had been British subjects during the Union years, the official story of South African citizenship had begun with the passing of the South African Citizenship Act of 1949 (Klaaren 1999: 1-2). The 1949 legislation had given common, but unequal citizenship to South Africans, granting commonwealth subjects certain privileges, and qualifying franchise based on race (Klaaren 1999: 2). A proposal for the central state to build homeland villages where black urban residents whom the state considered redundant could be resettled was raised in 1959, but slow bureaucratic processes and a degree of political opposition delayed implementation of the policy throughout the 1960s (Posel 1991: 28). In 1970, threatened by the communist ideologies that were prevalent in the new postcolonies bordering on South Africa, the government instituted ethnic homelands (Miller 2005: 56). While the homeland strategy has been attributed to the inspiration of decolonisation across the continent, Mamdani (1996: 95) argues that it could have been taken from a British manual on colonial rule. The citizenship status that had been allocated to black South Africans in 1949 was initially retained when the 1970 Bantu Homelands Citizenship Act unilaterally imposed on them citizenship of one of the new black homelands, but once a homeland was declared independent, its citizens lost South African nationality and citizenship (Klaaren 1999: 2). This meant that they could no longer claim citizen rights from the South African state. From the 1970s onwards, spending on township housing was cut, with the state instead allocating development grants to the homelands (Smith 1992: 269).

After racial classification, spatial segregation was therefore the other important pillar on which the system of racial apartheid rested (Giliomee & Mbenga 2007: 314-324). Early on, the cramming of the bulk of the population into overcrowded homelands gave rise to unhealthy and impoverished living conditions, as it made subsistence farming impossible and devastated family life among the black population. The homelands did however stimulate the rise of a class of black civil servants. The clientelist relationship with the homeland administrations ironically meant that black bureaucrats in some of those administrations were given sufficient leeway to allocate themselves salaries well in excess
of those earned by white bureaucrats in the South African state administration (Posel 1991b: 114).

As a result of Verwoerd’s promise that there would be no room for black professionals above a certain level of labour, complemented by the continuation of the colonial administration’s broad failure to provide quality education to black people, only a small black urban elite remained by the 1970s (Giliomee & Mbenga 2007: 319-320). While black people were systematically stripped of their citizenship and its benefits, white people who had permanently resided in South Africa for five years or more were given citizenship status whether or not they applied from 1978 onwards, so that the men among them could be conscripted to the South African Defence Force (Klaaren 1999: 3). Entirely disregarding the wishes of its subjects, the state therefore acted as the sole authority over the boundaries of citizenship.

From the 1970s, the moderate defiance that black political leaders had furthered was decisively replaced with a more militant mode of resistance (Giliomee & Mbenga 2007: 353-368). Social movement trade unionism and black consciousness respectively were responsible for some of this militancy. The left opposition in the white South African parliament, which had consisted of a single individual since 1961, grew to seven elected representatives of the Progressive Party (Giliomee & Mbenga 2007: 373). Widespread and enduring internal resistance was met with severe and violent oppression by the apartheid government, both on public streets and in police cells across the country (Giliomee & Mbenga 2007: 379-389). By the 1980s, attempts were also made to dispel anger. One strategy was the introduction of Black Local Authorities (BLAs), which are discussed in more detail in section 3.3 below.

Civil service reforms instituted when PW Botha became Prime Minister included rationalisation and the introduction of a contract system (Cameron 2009: 21; Posel 1991b: 110). The main achievements were a reduction of the number of departments, the creation of the new rank of Director-General to facilitate the recruitment of fresh blood from the private sector and to marginalise right-wing elements, and the centralisation of planning in the President’s office, but the expansion of the administration was not curtailed (Posel 1991b: 110). The reforms also entrenched Botha’s approach of patronage and its ensuing loyalty (Miller 2005: 48). Throughout the apartheid period, black workers were employed in the apartheid administration, although they were confined to low-level ranks (Von Holdt 2010: 18; Miller 2005: 42). While social citizenship remained differentiated, the apartheid state had been obliged to begin to deracialise the system of industrial relations by the rise of strong trade unions from the 1970s (Natross & Seekings 1997: 464). Public service unions, however, were not recognised until the early 1990s, when the new labour relations regime was applied to the civil service (Von Holdt 2010: 18). Up until 1994, power over the
public service was centralised in the Commission for Administration, which controlled staffing, salaries, and conditions of work (Cameron 2009: 7).

After a series of both non-violent protests and violent outbursts of resistance and repression during the last decades of the apartheid regime, negotiations between the National Party and a previously banned resistance movement, the African National Congress (ANC), precipitated the country’s first democratic elections in 1994 (Giliomee & Mbenga 2007: 321-408). The political change of state in South Africa has been criticised as an elite transition that perpetuates poverty and unemployment and sharpens the economic inequity inherited from colonialism and apartheid (Giliomee & Mbenga 2007: 423-434). This point has been poignantly illustrated by the relative continuity in the cycles of urbanisation, informal settlement, housing shortage, and repression by the state. The historical development of policies related to these issues are the subject of the next section.

3.3 Urban policy and housing in South Africa before 1994

As control of the South African territory was incrementally gained by the white colonial population, it remained dependent on the labour and farming contributions of the black population to such an extent, that colonial rule here is described by Giliomee and Mbenga (2007: 186) as something in-between the clear domination apparent in Australia and the limited control achieved in India. The Khoi was generally considered to be outside the purvey of the laws and regulations of the colonial administration (Giliomee & Mbenga 2007: 45). The implementation of agriculture around the fort, however, limited the access of the Khoi to grazing land and watering holes for their cattle, on which their independent subsistence rested (Giliomee & Mbenga 2007: 50-52).

The first official experiments with segregationist policy were implemented in the latter half of the 1800s when separate reserves were developed in Natal, and at Kimberley and Queenstown (Giliomee & Mbenga 2007: 186-188). With the benefit of lobbying from then Prime Minister Cecil Rhodes, the Glen Grey Act was passed in 1894, granting well-off black people land ownership limited by plot size and representation in separate local councils that hardly had influence over the government of the Cape (Giliomee & Mbenga 2007: 187). As black urbanisation gained momentum at the end of the century, however, the authorities justified their removal of black populations to locations further from white towns and cities with reference to health concerns (Giliomee & Mbenga 2007: 187). Even though varying degrees of political inclusion were practiced in the politically fragmented territory of the soon to be unified South Africa, social inequality was evident (Giliomee & Mbenga 2007: 187-188).
Levels of urbanisation also varied. The discovery of the main reef of gold at the Witwatersrand in 1886, however, led to the near instant explosion of Johannesburg as an urban settlement (Giliomee & Mbenga 2007: 200). Several contests for control of the land had left large portions of the black population vulnerable to exploitation by the mining companies on the Witwatersrand (Giliomee & Mbenga 2007: 200). The political economy of urban life in South Africa for the next century was shaped by the selection of migrant labour as the most cost efficient way to access unskilled labour by these companies (Giliomee & Mbenga 2007: 202-206). Along with other factors, the mineral wealth of the Witwatersrand also played a central part in the eruption of the South African War in 1899. In 1902, the immense devastation caused by the war ended in a negotiated settlement that saw the British colonial administration take control of the former boer republic territories under the leadership of the High Commissioner, Lord Alfred Milner (Giliomee & Mbenga 2007: 216-224).

The Milner administration had the task of rebuilding the two colonies, but faced challenges such as the “poor white” families that flocked to the cities (Giliomee & Mbenga 2007: 226). Wary of alienating the boer population, the Milner administration settled for an urban policy of separation based on race rather than civility (Giliomee & Mbenga 2007: 226). The segregationist policies of the Milner administration formed the foundation for legislation that would regulate the mobility and presence in South African cities of black people for most of the twentieth century (Davenport 1991: 2-3). Milner was succeeded by Selborne, a strong supporter of the unification of the four British colonies in South African territory, which was realised in 1910 (Giliomee & Mbenga 2007: 228-232).

Following unification, state administration was decentralised to local authorities (Posel 1991b: 102). The Natives (Urban Areas) Act of 1923 gave local authorities permission to allocate segregated areas for housing for black people (Davenport 1991: 7). Municipalities were also required to keep separate revenue accounts for all income from and expenditure on black townships (Davenport 1991: 7). Despite critical opposition from both the African National Congress (ANC) and from a fact-finding committee of two senior officials in the Department of Native Affairs, the Native Laws Amendment Bill of 1937 laid the way for influx control by requiring municipalities to conduct a biennial census to correlate the number of black people with the number of jobs for black people in every urban area, so that those black people who were identified as redundant in respect of the labour market could be removed (Davenport 1991: 9-11).

During the Second World War, a decline in the number of poor whites, who had represented a principal vindication of the colour bar to its proponents, led a number of senior officials to support reforms such as the repeal of pass laws, and the introduction of pension, health and housing schemes for black people (Davenport 1991: 12). While
opposition to pass laws proved unsuccessful at the time, the state’s failure to allocate resources to urban housing for black people nevertheless led to an “epidemic” of informal settlement during the 1940s (Mamdani 1996: 97). Mamdani (1996: 97) recounts the official response:

Several municipalities simply rescinded location regulations restricting one family to a house. But where they did not, squatters organized to keep municipal administrators and police at bay. The resulting movement highlighted the speed with which municipalities were losing control …

The resulting housing crisis saw state-built black locations fill up to their capacity, but also the mushrooming of informal settlements and the establishment of a series of squatter movements, including that of the infamous Sofasonke – “we shall all die together” – movement started by James Mpanza (Mamdani 1996: 97-98; Davenport 1991: 14). The state’s failure to respond adequately to housing need therefore contributed directly to the incidence of informal settlement.

By the time that the National Party came to power in 1948, more than half of urban black people lived in informal settlements, and, as black workers earned poverty wages, generally in squalor (Posel 1991: 20). The National Party government sought to solve this problem along with a shortage of rural labour by attempting to freeze further black urbanisation (Posel 1991: 21). This would be achieved by ensuring that the labour of the already urbanised work force was matched with urban work opportunities before new migrants were admitted into towns (Posel 1991: 21-26). The comparatively less aggressive approach taken during the early apartheid period had been “due partly to a misplaced faith in the state’s power to orchestrate and control urban employment patterns”, argues Posel (1991: 21). This urban labour preference policy failed entirely, as evidenced by an increase of 47 per cent in the black urban population between 1951 and 1960 (Posel 1991: 26). By then, municipalities had grown weary of the financial burden of unemployed residents, and local state reception of a proposal for the central state to build homeland villages was enthusiastic (Posel 1991: 28).

After a decade’s worth of delays, black people were involuntarily made citizens of the various homelands rather than of South Africa, and were required to produce a compulsory individual pass book for limited access to migrant labour in South African towns, where spatial segregation was being enforced in residential areas (Giliomee & Mbenga 2007: 321). Since the supply of housing was now completely inadequate, various informal forms of shelter, including backyard dwellings that filled the formal townships in South Africa to their capacity, and informal settlements that entirely eclipsed the formal towns in the homelands, provided homes for most members of the black population (Mabin 1991: 38-39). On this phenomenon rested the common conclusion that state action had succeeded in displacing urbanisation (Mabin 1991: 39). In practice, state repression coupled with
inadequate attention to housing had severely increased the vulnerability of black migrants coming to the cities, while cutting the lifeline of those who obliged the state by staying away.

The economic stagnation of the early seventies meant that no employment was available to those living in the expanding informal settlements closer to homeland borders (Mabin 1991: 38). The rooms commonly sublet in formal urban townships quickly became insufficient to accommodate the growing population that now desperately sought access to the urban economy (Mabin 1991: 38-39). The state combined influx control with development for black people in and close to homelands, but made no provision for the expanding black population in South Africa’s cities (Mabin 1991: 37). These conditions resulted in the growth of informal settlements alongside formal townships throughout the 1970s and 1980s, when the favoured state response of bulldozing was eventually inhibited by the sheer size of the shack population (Mabin 1991: 40).

At the same time, Bantu Affairs Administration Boards (BAABs) were established to manage those black people who remained in urban areas of South Africa. Bekker and Humphries (1985: 8-12; 19-20) explain that these boards were established owing to the government’s belief that municipalities were not implementing influx control and labour legislation effectively and that the central state saw their most important function as strengthening influx control; yet, these boards governed every element of black people’s lives, including delivering municipal services such as water, electricity and refuse removal to black townships, administering labour rights and developing township land and housing for black people. These responsibilities had to be executed with an operating budget generated by income from employer levies, beer taxes and housing rentals paid by township residents (Bekker & Humphries 1985: 21). Although the boards benefited from a high degree of internal stability and qualified staff, the 1970s were characterised by increasingly militant opposition to the apartheid regime, including labour unrest in Durban and later, the 1976 Soweto uprising, which in turn raised the concern of the private sector (Bekker & Humphries 1985: 13-14, 33-35).

These political pressures led to ideological shifts that in turn created confusion about the role of the boards, which were universally unpopular with the general population (Bekker & Humphries 1985: 13-14). By the late 1970s, the boards were expected to maintain full control over black people who were considered homeland citizens, but to apply “principles of free enterprise” to the black residents of urban areas in South Africa (Bekker & Humphries 1985: 28-29, 42-43). In an attempt to quell political anger, the boards were phased out and replaced with Black Local Authorities (BLAs) from 1982 (Bekker & Humphries 1985: 110-112; 116).
The BLAs had minimal experience and, since business was concentrated within the boundaries of the white areas, virtually no tax base to fund service provision, factors that contributed to resistance to these authorities (Bekker et al 1997: 39-40; Shubane 1991: 66). In addition, radical campaigns against the BLAs pitted civic activists against the urban middle class that relied on positions in the BLA administrations (Shubane 1991: 67). The ways in which officials and councillors who worked in these structures were targeted as part of campaigns to make the townships ungovernable, from 1985 included the “necklace” executions, which involved “placing of a tyre around someone’s neck, dousing it with petrol and setting it alight to burn the person to death” (The Sowetan 2012: ¶4; Shubane 1991: 69).

In 1986, influx control was abolished with no clear policy to replace it (Mabin 1991: 41). This did not yet mean that the state would tolerate free movement of black people across its territory, but did give black jobseekers legal access to urban areas and paved the way to the proclamation of the first site and service schemes (Mabin 1991: 41-44). The belated official recognition of the growing black South African population living outside the borders of the homelands meant that the apartheid state had to establish a new way of governing this section of the population.

While the standard state response to informal settlement in the late 1970s had still been that of destruction, the growth of the black urban population and intensified resistance to the apartheid regime had eventually led to certain policy gains (Mabin 1991: 40-41). The national elections in 1984 had marked the beginning of a tri-cameral parliamentary system that had given the coloured and Indian population elected representation in their own, separate chambers of parliament alongside the white parliament, with each of these three chambers of parliament overseeing local government affairs for the population group that it represented (Cameron 1991: 52-53). Both local structures and resistance movements suffered from the officially declared states of emergency of the late 1980s (Shubane 1991: 71). In 1986, the pass laws were repealed (Mabin 1991: 41).

During this period, privatisation in the form of the commercialisation of state corporations and the sale of public assets were reluctantly considered with the aim of bolstering the apartheid local state apparatus to allow the apartheid system to survive (Heymans 1991: 158; Fine 1995: 7-8; Terreblanche 2002: 77). The potential privatisation of various state functions was placed on the public agenda by the concerns that powerful private sector stakeholders had raised about the substantial growth in state control of financial resources between 1950 and 1978 and the portion of gross domestic product represented by state expenditure by 1985 (Heymans 1991: 157). The arguments made in favour of privatisation of various functions of South Africa’s local authorities had resembled those internationally favoured arguments about the savings that could be facilitated and the superior efficiency of
the private sector, however, the particularities of the apartheid spatial distribution influenced the progression of privatisation here (Heymans 1991: 158).

The BLAs and their urban areas - where private sector investment was most sought after by the state - represented both the greatest financial risk for private institutions and the sources of the most vocal opposition to privatisation (Fine 1995: 14; Heymans 1991: 158-159). Against the hesitance of the private sector to put its weight behind a privatisation programme with such a high level of financial as well as political risk during the turbulent 1980s, union and civil society opposition during the late apartheid years had succeeded in preventing or delaying privatisation in several cases, while privatisation had advanced most rapidly in the mostly white municipalities where fiscal problems were not at their most critical, argues Heymans (1991: 161-163).

The developments of the late 1980s caused a fundamental shift towards the recognition of the importance of an urban agenda in South African politics, where central and ethnic concerns had dominated since unification in 1910 (Atkinson 1991: 271). Regional Services Councils, initially conceived in order to administer the bulk provision of services to all three population groups represented in the national parliament, were restructured to include the ailing BLAs (Shubane 1991: 66). These local processes were, however, superseded by the “fundamental change in political climate” in 1990, and a request to all local stakeholders in South African cities to participate in the process of planning future local government by indicating their preferred model of city government (Bekker et al 1997: 40; Bekker 1991: 111; Shubane 1991: 71).

While involved in negotiations about the transition to democracy, the apartheid government tolerated a decrease in the level of segregation in many residential areas (Pottie 2003: 123), implemented a number of low-cost housing projects (Hendler 1991: 206), and, despite continued opposition from the civics, persisted with the delivery of site and service schemes until 1994 (Pottie 2003: 123). A serious shortcoming of both site-and-service schemes and formal low-cost developments was that they were usually developed on the urban edge, far from opportunities (Hendler 1991: 206), however, several analysts warned that formal developments were out of reach of the poor. Crankshaw (1993: 51) argues,

The view that squatters are unemployed rural immigrants encourages State planners to respond to squatting by repressive measures to discourage urbanisation. Clearly, such a response to an internally-driven urban crisis is potentially explosive. Thankfully, since the mid-1980s there were substantial shifts in State policy in this regard and a number of site-and-service housing schemes have been established. A further point is that squatting is not caused merely by the absolute shortage of houses. The urban African population is becoming increasingly differentiated in respect of unemployment rates, occupational mobility and income. Squatting is becoming a problem of a specific ‘underclass’ of urban Africans. Policy responses to squatting...
should therefore be aimed at addressing the specific needs of this group which revolve principally around the question of affordability. For many squatters it is not the supply of houses that is the problem, but the ability to pay for them.

Whereas Harvey (2008) argues for democratic control over local state finances, the South African situation therefore suggests that democratic control over the terms of finance and development is also critical in the developing world (see Hendler 1991: 206-207). Indeed, rents in the inner cities had began to increase even before the change of government in 1994, leading to a recommendation to use rent control to support low income access to inner city housing while increasing supply (Smith 1992: 264). In addition, the interests of specific vulnerable groups such as single parent mothers who need apartments or gays who are discriminated against must also be articulated at the local level, as they are often neglected in structuralist analyses of the interests of working class communities, argues Hendler (1991: 206-207).

The shift in the position of the apartheid government was followed by more formal engagement in the Local Government Negotiating Forum (LGNF) in which the South African National Civic Organisation (SANCO) and government delegations negotiated the restructuring of local government that would follow (Bekker et al 1997: 41). Since democratic local government elections had been postponed until after the 1994 general elections, the LGNF could achieve agreement by narrowly interpreting its task as the establishment of a general legal framework for local government transition (Bekker 1997: 41). Provincial authorities were tasked with supervising the local government transition process (Bekker et al 1997: 41-42).

The transition process was implemented in phases following the proclamation of the Local Government Transition Act (LGTA), Act 209 of 1993 and the election of local councils by means of popular franchise (Bekker et al 1997: 42). During the first phase, representatives of the apartheid local authority and an equal number of representatives of new civic and other stakeholder associations would negotiate the appropriate boundaries of their new local authority (Bekker et al 1997: 42). Once they reached agreement, a new local government body was established, governed by the LGTA and the interim constitution (Bekker et al 1997: 42). The interim phase was intended to last until a new Constitution for South Africa was enacted (Bekker et al 1997: 42). While this Constitution was enacted in 1996, in practice, however, democratic local government would only be instituted after the next round of local government elections in December 2000. In the meantime, transitional local councils were required to delimit electoral wards that were linked to existing race group areas, which significantly influenced the results of the 1995 local government elections (Bekker et al 1997: 43). In the resulting system of local government, problems that often persisted from the old dispensation included fragmentation and the exclusion of
settlements on city edges (Giraut & Maharaj 2003: 17). The framework for local government transition therefore promoted broader inclusivity, while at the same time extending the period during which a privileged position was maintained for white town councils in what Bekker et al (1997: 38, 43) term “delayed transition at local level”.

Within the apartheid government, the overcrowded conditions in black townships had paternalistically been explained in terms of the less developed needs and too rapid growth of the black population (Hendler 1991: 199-200). Paul Hendler (1991: 200) summarises the liberal critique of state strategies and interpretations:

> Particularly during the 1970s, 1980s and 1990s, the government’s liberal opponents developed an alternative to the dominant racist interpretation. This was based on neo-classical economic theories, i.e. that the ‘natural’ relationship of individual consumers to individual suppliers and producers should not be tampered with by the state, and that individuals operating as ‘homo economicus’ would ultimately ‘better themselves’ and achieve parity through private markets and laissez faire economic activity. The policy proposals emanating from this constituency emphasize the role of the housing market and technical and financial instruments in resolving accommodation problems.

This response was informed by a view of the apartheid state’s interventionist policies of granting only temporary residence to black people, implementing removals in pursuit of the Group Areas Act, and prohibiting black home ownership in white designated areas as responsible for the acute housing crisis, and of migration and urbanisation as natural (Hendler 1991: 201). In reality, migration had responded both to violent land dispossession and to rural overcrowding and underdevelopment, argues Hendler (1991: 201). Neo-marxist theorists, in contrast, considered the conditions in townships to have resulted from the use of apartheid state power to avoid the cost of the reproduction of labour power rather than from natural population growth and mobility (Hendler 1991: 203-204).

In analysing the causes of the housing problem, both liberal and radical theorists had emphasised the racial paternalism of the apartheid state over economic factors such as the role of financial capital in providing finance for low-cost housing (Hendler 1991: 205-206). This shortcoming had led to an assumption that a non-racial, democratic state would rectify the situation (Hendler 1991: 205).

The events on the Witwatersrand in the early 1990s violently revealed certain shortcomings of the position that the African National Congress (ANC), then a recently unbanned liberation movement, articulated with regard to urban housing. Just as workers who exchanged hostel accommodation for informal settlements in order to be with their families had exercised their agency, argues Mamdani (1996: 222), so too had the migrant workers who remained in hostels for the sake of an urban foothold sans family. The failure on the part of the ANC to recognise the interests of these migrant workers is identified by Mamdani
(1996: 222, 267) as a critical instigator of a bloody war that erupted between township and hostel dwellers along the Witwatersrand in the early 1990s. The events also appear to reflect the enduring success of the colonial and apartheid project of constructing cleavages between insiders and outsiders to South African cities (see Mamdani 1996: 139, 254, 266).

### 3.4 Fashioning the post-apartheid state apparatus

In the wake of the 1994 elections, the ANC became the ruling party, Nelson Mandela became South Africa’s first democratic President, and a revered and respected Constitution including a Bill of Rights, was enacted (Giliomee & Mbenga 2007: 409-412). A series of public hearings under the banner of the Truth and Reconciliation Commission provided opportunity for victims to present first-hand accounts of the brutality of apartheid, and for perpetrators in the country’s armed forces to apply for amnesty from prosecution in return for full disclosure of repressive acts (Giliomee & Mbenga 2007: 413-415). Both locally and internationally, this process is widely hailed as having played a cathartic and therapeutic role in the consolidation of a post-apartheid South Africa, but it has also been described as the legitimation of post-apartheid state-building (Gibson 2006: 413).

The principal socio-economic policy of the new government was the Reconstruction and Development Programme (RDP), which emphasised welfare rights for the poor as a means to transform society (Cameron 2009: 5). Less than two years later, however, a commitment to fiscal discipline in the form of the Macro-Economic Strategy for Growth and Employment (GEAR) placed limits on state investment (Cameron 2009: 5).

The process of structuring the post-apartheid state formally began with the negotiations about the new Constitution prior to the democratic elections. During the transition, the National Party government was keen to devolve certain powers to provinces, where it was more likely to be able to mobilise sufficient electoral support to retain some influence over state resources (Dickovick 2005: 205). The ANC, for its part, was focused on achieving political power rather than the form that the post-apartheid public administration would take (Cameron 2009: 2). Nevertheless, it was a highly centralised liberation movement, and substantial decision-making power was not ceded to the subnational level (Hawker 2000: 633). A compromise was reached between the federalist preferences of the outgoing National Party government as well as other parties present at the negotiations, and the centralism of the ANC, which feared that federalism could detract from its political control and entrench existing disparities (Wehner 2000: 47).

The compromise included the creation of nine new provinces, each with an elected legislature (Hawker 2000: 638). Each provincial legislature could pass laws applicable only to their specific province, but were prevented from encroaching on local government, which
could in turn pass its own regulations applicable only to a municipal area (Republic of South Africa 1993). Provincial legislatures consist of between 30 and 80 members and are populated by proportional representatives from provincial representative lists that are made public in advance of national elections (Republic of South Africa 1996, Chapter 6). Like parliament, therefore, the term of a provincial legislature lasts five years (Republic of South Africa 1996, Chapter 6). The members of the legislature elect the premier at its first sitting, while the premier in turn appoints an executive council of between five and ten members from the remaining members of the legislature (Republic of South Africa, 1996, Chapter 6). The legislatures were combined with a range of statutory bodies designed to protect human rights. The state bureaucracy was however built on the existing state structures, which suffered from many structural ailments in addition to being “racist in structure, staff, organisation and procedures” (Miller 2005: 65), leading several analysts to warn that the state could “face a recalcitrant bureaucracy, military and judiciary” (Hawker 2000: 632; see also Cameron 2009: 5-7).

These fears have been met by a series of government strategies for retaining central control. The strong presidency and relatively weak provincial legislatures that the ANC inherited were therefore well-suited to its vision (Hawker 2000: 633-634). ANC presidents have displayed a preference for ‘deploying’ trusted cadres to nearly all cabinet positions (Hawker 2000: 633). The use of party lists for proportionally populating the provincial legislatures provided a degree of central control over subnational bodies, while premiers could also appoint and dismiss provincial ‘Ministers’ called Members of the Executive Council (MECs) as they saw fit (Hawker 2000: 635). Local elections created space for non-cadres in the subnational spheres of government, but central control over revenue flows and taxation gave the provincial and local spheres of government little autonomy with regard to spending a steady stream of central grants and transfers (Dickovick 2005: 205). For this reason, Dickovick (2005:207) argues that substantive decentralisation is best recognised not by subnational elections, but by decision-making autonomy over budgets, administration and land management. There is therefore general agreement that South Africa’s provincial apparatus does not make it a federal state (Hawker 2000: 632).

The concept of an interventionist and activist developmental state gained credence under President Thabo Mbeki who was in office from 1999 and was contrasted to NPM (Cameron 2009: 11). The intention was to combine a capitalist developmental state, where the emphasis is on sufficient economic growth to achieve developmental objectives, with a socialist variant of the developmental state, in which developmental objectives are organised directly (Cameron 2009: 12). A first imperative of NPM was decentralisation. In contrast, the ANC government, because of its distrust of the white officials from the apartheid era who dominated senior ranks of the administration, proceeded to centralise
control over the public service by transferring powers from the Public Service Commission to the Minister of Public Service and Administration (Cameron 2009: 7). This approach contradicted a central NPM dictate of delegating sufficient authority to “let the managers manage” (Cameron 2009: 8). Given its frustration with an inability to transform the bureaucracy, the democratic government, instead, opted for executive politicians (Cameron 2009: 8).

One area in which substantial influence has, however, been retained by civil servants, is that of fiscal policy (Cameron 2009: 13). With regard to the distribution of the national budget, politicians have a limited role in the process. The national Minister of Finance presents the national budget for approval by Parliament in February every year. Although parliament votes on the budget for only one year, it is presented with a Medium Term Expenditure Framework designed to give government departments greater certainty about what to expect over a three-year period, to allow them to plan (McIntyre & Nicholson 1999: 12). The National Treasury coordinates intergovernmental financial relations and facilitates the Division of Revenue Act (DORA), according to which funds are then distributed among the three spheres of government, as required by the Public Finance Management Act, no 29 of 1999. Each national Minister in turn delivers a budget vote speech indicating how the budget allocation for a particular department will be spent, which must also be approved by parliament (McIntyre & Nicholson 1999: 33). Once funds have been transferred to various national departments by means of the DORA, expenditure by each department is facilitated by an Appropriation Bill (McIntyre & Nicholson 1999: 31). South African civil servants play a powerful part in preparing the national budget and departmental budgets, while the role of legislators is limited to the specific occasions on which the budget is presented to the National Assembly, to the National Council of Provinces, and to provincial legislatures (McIntyre & Nicholson 1999: 23, 38).

The three spheres of government are described as equal by the Constitution, yet they are differentiated in several ways. Firstly, national legislation prevails over legislation enacted in the other spheres of government. Secondly, provincial governments establish municipalities, and both national and provincial governments are tasked with supporting the capacity of municipalities, but provincial government has the power to intervene in specific ways where a municipality fails to fulfil its obligations (Republic of South Africa 1996, Chapter 6-7). Thirdly, while municipalities must implement their own programmes to prioritise basic needs and to promote social and economic development, they are also obliged to participate in the development programmes driven by national and provincial government, and must administer any function assigned to it by the national or provincial government (Republic of South Africa 1996, Chapter 7). The constitution provides for three kinds of municipalities, namely Category A municipalities, which have full executive and
legislative authority in their areas of jurisdictions, and Category B and C municipalities that share jurisdiction over local areas that form part of larger districts (Republic of South Africa 1996, Chapter 7). The Municipal Structures Act, no 117 of 1998, sets out the criteria according to which a specific category of municipality is established in a specific area. The metropolitan municipalities in South Africa are Category A municipalities. In these municipalities, the process of electing provincial executives is duplicated with respect to the election of a Mayor from among councillors, and the appointment by the Mayor of Members of the Mayoral Committee from among the remaining councillors. Municipal elections differ from provincial and national elections in the sense that proportional representation is combined with ward or constituency based representation (Republic of South Africa 1996, Chapter 7). The three spheres of government are further differentiated by the constitutional allocation of specific legislative and executive roles (Republic of South Africa 1996, Schedule 4).

The structure of intergovernmental fiscal relations was significantly altered by the new South African Constitution (Wehner 2000: 47). The main source of income of the South African state is centralised personal and corporate taxation (Wehner 2000: 59). Provincial governments are prohibited from levying income, sales or property tax, while local authorities may charge fees for services and levy property tax (Wehner 2000: 59). The overwhelming bulk of revenue available to provincial and local authorities is transferred to them from the central government by means of the system of intergovernmental transfers and grants established by the Constitution (Wehner 2000: 59-61). Some of these transfers are unconditional, as required by the constitutional provision of an equitable share of the national revenue to be distributed to subnational governments for the purpose of meeting their constitutional obligations, while others are linked to specific criteria (Wehner 2000: 61). Every year, the Division of Revenue Bill specifies the vertical division of revenue between the national, provincial and local spheres of government, as well as the horizontal division of functional budget allocations within each sphere of government (Wehner 2000: 62-63). While the Intergovernmental Fiscal Relations Act requires that each Division of Revenue Bill must be accompanied by a memorandum indicating how the proposals of the Financial and Fiscal Commission (FFC) have been addressed, the bill may still deviate from the commission’s recommendations (Wehner 2000: 63). The cabinet has elected to maintain subnational funding at levels below those recommended by the FFC, and has ignored the commission’s recommendation of formula-based allocations, which would be less prone to manipulation and allow more efficient and reliable planning at subnational level, indicating that it considered the allocation of revenue a matter of political judgment and the recommendations of the FFC to amount to too much decentralisation (Wehner 2000: 64-69). In contrast, Wehner (2000: 69-70) argues that the dismissal of the commission’s technically sophisticated report, which reflected a commitment to impartiality, represents “a
threat to the impartiality of the revenue-sharing process”. While “substantial congruence”
exists between the South African Constitution and prevailing wisdom in fiscal federalism
theory, government practice was therefore far more centralised than envisaged by the law
(Wehner 2000: 71). Centralisation has been intensified from 2000 (Cameron 2009: 11).

The benefits of enforced fiscal discipline were outweighed by the inability of provinces to
stimulate development as a result of scarce resources entirely committed to legally
specified responsibilities (Wehner 2000: 72). Policymaking and budgetary responsibilities
therefore require realignment, which can be achieved by replacing the provincial system
with an administrative sphere, by implementing the constitutional role of the provinces, or
by shifting current provincial responsibilities to local authorities in an hourglass-shaped
system, bearing in mind that many local authorities already struggle to fulfil all their
functions, Wehner (2000: 72) argues.

Local authorities each have an operating and a capital budget that must be prepared
together, since commitments in the capital budget incur operating costs. Increases in
operating expenditure need to be considered before decisions are made about capital
projects, to ensure that the budget will be balanced (ETU undated: ¶25). Capital budgets
are for longer-term developments or purchases like land, buildings, roads, or assets that will
be used for more than a year, and may be funded from a combination of loans, donations,
government grants, public-private partnerships or the operating income in a particular
financial year (ETU undated: ¶27-32). Operating budgets, on the other hand, cover the day-
to-day costs and income to deliver municipal services and are funded from the rates and
taxes that municipalities collect together with their equitable share of national revenue (ETU
undated: ¶27-36). Since the equitable share depends on the number of poor people within
the municipality’s area of jurisdiction, rural municipalities benefit more than urban
municipalities, although the equitable share covers only a small share of municipal
operating expenditure (ETU undated: ¶36). Local authorities are therefore effectively
expected to be self-sufficient for the purpose of service delivery.

The broader public service faced with the challenging task of rebuilding South Africa in the
post-apartheid era is held to high standards in the Constitution, including that it should be
ethical, efficient, responsive, transparent and accountable, provide services impartially and
equitably, and that its interventions should be participatory and developmental (Frye 2007:
715). The post-apartheid bureaucracy is far removed from this ideal, both in manifestation
and in public perception (Hoag 2010: 8-9; Von Holdt 2010: 4-5; Frye 2007: 716). Several
instances of judicial censure of the state bureaucracy that have resulted from legal
challenges by dissatisfied citizens bear testimony to this (Frye 2007: 714). The relationship
between the judiciary and the executive branch of government has been strained by
delivery failures with dire consequences, as in the case of the administration of grants (Frye
For the significant portion of the South African population that is desperately poor and in need of state assistance, the consequences of an abortive bureaucracy are devastating and fatal, compared to the inconvenience that it imposes on those with better means (Hoag 2010). Yet public sector wages account for nearly a third of public spending and public sector earnings are both higher and rising faster than those in the private sector (SAIRR 2011: ¶5).

Several factors that may contribute to the problems of the post-apartheid bureaucracy have been identified. One line of thinking has been to blame an exodus of white officials who had been appointed during the apartheid era and their replacement with inexperienced black incumbents. Colin Hoag (2010: 7) argues that an exodus of white officials who took early retirement during the transition period has cost the public service much institutional memory. As this position has been linked to a rejection of political appointments of civil servants in the form of so-called cadre deployment, a defence of the transformation of the civil service has emerged as an opposing point of view. ANC Secretary General Gwede Mantashe argues that by giving qualified black incumbents “operational exposure”, the system expands the pool of skilled labour and contributes to redress (SAPA 2011: ¶6-9). Employment equity targets coupled with a shortage of qualified candidates have, however, left many skilled positions empty or temporarily filled with acting candidates, further detracting from the capacity of the public service (Hoag 2010: 8). In the case of the Department of Home Affairs, more than half of the positions in the office where research was conducted, were unoccupied, including more than half of senior management positions (Hoag 2010: 8).

A second problem was that of inadequate resources and capacity. While both ambiguous legislation and controversial political leadership presented obstacles to the establishment of a long-term vision (Hoag 2010: 8), more acute problems resulted from chronic underfunding, as demonstrated by a lack of access to working computers, a lack of connection to the department’s database, and a lack of basic communication and office equipment (Hoag 2010: 8).

These problems have affected the morale of state officials. Civil servants are detrimentally affected by the shortcomings of the state bureaucracy, as they are unable to carry out their duties, lack training, and are not kept informed of policy changes (Hoag 2010: 9). Hoag (2010: 10) notes that officials did express racial, national and class stereotypes when discussing members of the public with each other, but that they were more likely to talk about the public as an aggregate group. While they feared being manipulated by members of the public and a range of role players, as this could reflect negatively on their professional ability, they did exercise discretion, also deviating in the direction of compassion (Hoag 2010: 10). In fact, they were particularly threatened by the risk of
litigation and media exposure presented by the Human Rights community, which represented a class status above their own (Hoag 2010: 12). In this understaffed and underresourced environment, meeting the demands issued by managers was often out of reach for officials, especially when the demands of the job were arbitrarily changed, as when new incumbents were appointed to senior positions (Hoag 2010: 13). Other segments of the state apparatus provided a further source of demands disproportionate to the resources available to officials, for example when courts expected officials to transport illegal immigrants at short notice (Hoag 2010: 16).

The structural problems in the state bureaucracy were reflected in larger social problems. Given the difficulties that the circumstances described above present to the public attempting to obtain documents required to go about their daily lives, many “find it easier … to simply move outside of the legal framework altogether by purchasing fraudulent documents or going undocumented” (Hoag 2010: 8-9).

While the characteristics of a state bureaucracy can create problems both for the public and for appointed officials, the segments of the state bureaucracy differ substantially from each other (Von Holdt 2010: 7). Nevertheless, a similar range of problems to those identified in the Department of Home Affairs emerge in state hospitals, where Karl Von Holdt (2010) conducted an ethnographic study. Nurses list a shortage of posts, failing support systems and infrastructure, and a lack of discipline as changes that are contributing to a post-apartheid decline of the public health system and making burnout among staff a regular occurrence (Von Holdt 2010: 10).

Employment equity and black economic empowerment policies are implemented by the state because the formation of a black middle class is considered critical both for redress and for diminishing white domination (Von Holdt 2010: 10). Affirmative action and the skills shortage combine to create a “culture of moving onwards and upwards”, leading to an annual mobility rate of 32 per cent in national departments and 38 per cent in provincial administrations and managerial vacancy rates of between 25 and 31 per cent (Von Holdt 2010: 11). This focuses attention on promotion and the requirements for the next position, on which actual work performance has little bearing, since the requirement that all positions must be advertised prevents managers from rewarding performance with a promotion (Von Holdt 2010: 11). Equity targets have therefore become more important than functional indicators (Von Holdt 2010: 11). As a result, attitudes towards skill, already concentrated in the hands of white people, have become ambivalent, argues Von Holdt (2010: 12). Since the state is still surrounded by white domination and inhabited by white expertise, black authority over the state can feel fragile, which has increased the importance attached to face and to deference to the elected and appointed leadership, as evidenced by elaborate rituals of respect and extreme hierarchy as a substitute for authority based on merit or, as
was the case previously, tied to race (Von Holdt 2010: 14-17). “In other words, it serves the opposite function of that reserved for it in Weberian bureaucracy”, argues Von Holdt (2010: 17). As in the Department of Home Affairs, an inadequate budget is allocated, in this case contributing to understaffing, insufficient equipment and supplies, system breakdowns and the underutilisation of sophisticated equipment and staff (Von Holdt 2010: 19). Budgets are determined without engaging hospital staff and based on historical distributions, sending a message that service delivery and departmental goals are secondary to budget (Von Holdt 2010: 19).

All-in-all, six non-Weberian rationales that distinguish the post-apartheid bureaucracy are encountered in the public hospitals (Von Holdt 2010: 9): black class formation mediated through affirmative action, ambivalence towards skill, the significance of face, hierarchy, ambivalence towards authority, and the rituals of budgetary discipline, all of them tied to South Africa’s colonial and apartheid history as well as the struggle against this domination. This raises the question of the extent to which these traits are replicated in other parts of the post-apartheid state apparatus, including the local state.

The motivation for these traits as well as the ambition to build an efficient, modern state, is provided by nationalism, indicating elite formation as the central rationale of the state, argues Von Holdt (2010: 19). This project is fundamental to social stability and economic growth (Von Holdt 2010: 21). However, it must somehow be aligned with the effective meeting of the population’s need as the “most profound way of uprooting white domination and its legacy”, argues Von Holdt (2010: 21-23). Yet, a survey conducted among public servants following the public service strike of June 2007 attests to a high level of frustration with remuneration, management incompetence, bias and poor communication, and a low level of commitment to service delivery goals (Cameron 2009: 27-28). Cameron’s (2009: 28) senior public sector respondents also complained about a lack of commitment to public service goals among lower level officials. In addition to this, skills levels were inadequate and compared badly to those in East Asian developmental states (Cameron 2009: 28).

One attempt to advance performance in the post-apartheid bureaucracy has been the institutionalisation of performance management (Malefane 2010: 1). In South Africa, the Public Service Laws Amendment Act, No 47 of 1997 introduced Performance Management not only in order to monitor performance, but also to “improve the political-administrative interface between politicians and senior management” (Miller 2005:86-89; also cited in Cameron 2009: 24). The introduction of performance management reflected a shift away from a Weberian career system to a contract system more typical of private sector management (Cameron 2009: 20). Contracts initially covered a five-year term, but in many cases this has been reduced to three years (Cameron 2009: 20). The contract-system has both discouraged top candidates from applying and contributed to a worrying turnover of
senior officials, due to the “politics-administration interface” of the South African public service (Cameron 2009: 20). This interface has changed over time, with senior bureaucrats playing a relatively prominent role in policy development during the negotiated transition, but the political leadership asserting its dominance more recently (Miller 2005: 119). In a recent study, senior officials are characterised as political appointments whose tenure security depends primarily on their relationship with their political head, as argued by Cameron’s (2009: 20) respondents. The high turnover of senior officials has resulted in a loss of skills and expertise to the private sector, which in turn has detracted from institutional memory and the quality of service delivery (Cameron 2009: 20-22). This element of public service reform was consistent with NPM, but was largely a failure, potentially because contract appointments are not suitable to developing countries where skills are in short supply (Cameron 2009: 29).

Throughout the South African public service, a close relationship has been maintained between the performance contributions of individuals, teams and departments (Malefane 2010: 1). This positive correlation between performance indicators has attracted attention, while the impact of state performance on communities has been neglected, argues Malefane (2010: 1). As a consequence, civil servants are sometimes compensated for excellent performance while the intended recipients of services voice dissatisfaction by means of violent protest (Malefane 2010: 1). This mismatch in assessments of the outcomes of government programmes is problematic, since rewards should indicate that the needs and expectations of beneficiary communities have been met, argues Malefane (2010: 1) In addition, performance management is not aligned between the three spheres of government (Malefane 2010: 10). Intergovernmental relations therefore also have a role to play with regard to improving government delivery.

The Intergovernmental Relations Framework Act, no 13 of 2005, was passed midway through the period covered by this project. The purpose of the Act was to promote and facilitate intergovernmental relations between national, provincial and local government and to provide a framework for settling intergovernmental disputes (Republic of South Africa 2005). However, it raised fears of increasing central control over the provincial and local spheres of government by means of the central coordination of provincial and local service delivery in alignment with national policy (Robinson 2005: ¶1-4). The Act establishes intergovernmental forums in which the different spheres of government can be consulted about the implementation of national policy (Republic of South Africa 2005).

Since cooperative governance was first legislated eleven years after the first democratic elections, there is room for improvement in this regard (Ile 2010: 55). One area of particular weakness has been the delivery failures of certain core departments that affect other government programmes, for example, documents issued by the Department of Home
Affairs are a prerequisite for accessing a range of citizenship benefits (Ile 2010: 55). In addition, the necessary capacity and resources have not always been available in the sphere expected to fulfil a particular state function (Ile 2010: 55-56). While the Provincial Growth and Development Plans (PGDPs) and the municipal Integrated Development Plans (IDPs) have taken account of premiers’ addresses and of the presidential State of the Nation addresses in formulating strategic priorities for provincial and local government, greater cohesion in planning between the three spheres of government can be achieved with a more results-focused approach to intergovernmental relations (Ile 2010: 55). While this legislation regulates technical aspects of the cooperation between spheres of government, the specific roles of different spheres of government are elaborated in sector-specific legislation.

The relationship between the local, provincial and national spheres of government as it pertains to housing, as well as the housing responsibilities of each sphere, is governed primarily by two pieces of legislation. The next section will consider housing policy as part of the broader package of citizenship in post-apartheid South Africa.

3.5 Citizenship and housing policy after apartheid

While housing alone cannot be a substitute for a comprehensive package of citizenship rights, the provision of subsidised housing has been implemented by the state as one, critical response to informal settlement.

It is worth recognising that a broad range of laws are applicable to the rights of the poor and in particular, the residents of informal settlements in South Africa. In 1993, the interim Constitution for the first time in South African history entrenched equal political citizenship, albeit in a context of high unemployment and stark economic inequality (Klaaren 1999: 4; Natrass & Seekings 1997: 452). The Constitution was complemented by the South African Citizenship Act, no 88 of 1995 which formally repealed the citizenship legislation that had been enacted by independent homelands, and which is now the single law governing South African citizenship (Klaaren 1999: 5). Contemporary citizenship as allocated by the central South African state combines "jus soli" and "jus sanguinis" principles by granting citizenship by birth to a citizen inside or outside the territory, or to two permanent residents of the country (Klaaren 1999: 6). In contrast to most other Southern African countries, South Africa tolerates dual citizenship, however, automatic naturalisation after five years has been withdrawn (Klaaren 1999: 9-12). The Bill of Rights in the South African Constitution entrenches a broad range of political rights, including the right to equality before the law, the right of citizens to freedom of movement and to reside anywhere in the Republic, the right of everyone to an environment that is not harmful to their health, and not to be
deprived of property except when it is expropriated for public interest (Republic of South Africa 1996).

A series of social rights are established in the Constitution. The National Party had largely submitted to popular pressure to extend welfare systems that had been reserved for white people to the broad population prior to the 1994 elections (Natrass & Seekings 1997: 456). Although equal citizenship was institutionalised at a time when global conditions did not encourage social citizenship, the ANC, once in government, extended existing welfare systems to previously excluded categories of workers such as farmworkers (Natrass & Seekings 1997: 456). The welfare benefits provided by the democratic state, however, are biased in favour of those with access to formal employment, while many poor adults in South Africa spend the majority of their time outside of such formal work (Natrass & Seekings 1997: 464-468). Because of high levels of unemployment in South Africa, a tension exists between social citizenship, which provides a safety net to the unemployed, and industrial citizenship, which promotes wage growth, argue Natrass and Seekings (1997: 474-476). Employment status has however replaced race as a basis of exclusion in the new dispensation (Barchiesi 2011: 3-5; Natrass & Seekings 1997: 464). Nevertheless, the response to the conditions that give rise to informal settlement is not limited to housing provision.

Firstly, the Constitution allocates the legislative responsibility for housing to the national and provincial government, but allows these spheres of government to transfer their functions to a municipality (Republic of South Africa 1996, Chapter 6-7; Republic of South Africa 1996, Schedule 4-5). Section 26 of the Bill of Right entrenches the right to housing, stipulating (Republic of South Africa 1996):

1. Everyone has the right to have access to adequate housing.
2. The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of this right.
3. No one may be evicted from their home, or have their home demolished, without an order of court made after considering all the relevant circumstances. No legislation may permit arbitrary evictions.

Talks about housing had been prioritised early in the transition period and a White Paper on Housing had been drafted by 1994 (Pillay 2008: 115). The Reconstruction and Development Programme (RDP) of 1994 represents the new government’s first attempt to address the acute need for housing and services that characterised South African cities in 1994 (Pillay 2008: 115). The statistics of housing delivery have been impressive. But, while researchers (Smith 1992: 262) had cautioned against a mismatch between the allocated budget and the articulated housing goals well before the post-apartheid housing policy was enacted, government’s vision of gradually increasing housing expenditure and of
developing housing delivery as a people-driven process in order to reduce the reliance on the private sector was not realised (Pottie 2004: 609).

The enthusiastic start to housing delivery by the new democratic government saw fast-paced delivery produce impressive numbers of houses across the country. An income-dependent capital subsidy for low-cost housing was adopted in March 1994. The project-linked subsidies of the initial scheme were supplemented with individual subsidies in June 1995 (Pottie 2003: 126-7). Community participation, security of tenure and building standards were later included in the national housing policy (Pottie 2003: 127). The participatory approach was premised on in situ upgrading which reduced the risk of eviction for vulnerable residents, but also avoided any disruption of the apartheid spatial distribution (Pottie 2003: 128). Tenure security was advanced not only in order to redress the historical disenfranchisement of black South Africans, but also to meet the requirements for the registration of title deeds and for residents’ access to credit from financial institutions (Pottie 2003: 128). The latter goal met with little success, as the banking industry remained guarded given the recent experience of bond and rates boycotts in black townships (Pottie 2003: 128-129). State investment, on the other hand, was limited by the weight accorded to fiscal constraint as a result of a low growth rate (Pottie 2003: 129).

The stated aims of the Housing Act, no 107 of 1997, included that of establishing a “sustainable housing development process” (Republic of South Africa 1997: 2). The Act further stipulates that housing developments must be affordable, sustainable, environmentally friendly, culturally diverse and administered well and fairly (Republic of South Africa 1997: 5-7). Citizens receive state-subsidised houses based on income levels, and according to Section 10A of the Act, inserted in 2011, may not sell these houses for eight years, except to the state (Republic of South Africa 1997: 23).

In terms of the Act, all three spheres of government are required to prioritise the housing needs of the poor, consult affected communities, and ensure that a choice of housing and tenure options is available (Republic of South Africa 1997: 5). The national government has legislative responsibility for housing and the relevant national Director-General is responsible for keeping a record of the implementation of housing policy by provincial and local government in order to inform planning (Republic of South Africa 1997: 14). The Director-General in the national Department of Housing is charged with maintaining a database of information relevant to housing (Republic of South Africa 1997). Provincial governments, on the other hand, are required to promote and facilitate adequate housing by means of passing the necessary legislation and implementing national housing programmes. The Act affirms that executive responsibility for housing lies with the nine provincial governments (Republic of South Africa 1997: 16-18). Each province must establish its own provincial housing policy and multi-year plan which both responds to
specific provincial needs and is consistent with national housing policy (Republic of South Africa 1997: 16-17).

Local authorities are obliged by the Act to progressively facilitate access to adequate housing for all inhabitants, maintain a safe and healthy environment and provide basic services and infrastructure as part of their integrated development planning processes (Republic of South Africa 1997). Municipalities must identify land and set goals for safe and adequate housing development, and provide affordable services to residents, according to the Act (Republic of South Africa 1997: 19-20). Municipalities may participate in national housing programmes on behalf of other spheres of government or developers and may be accredited to administer national housing programmes (Republic of South Africa 1997: 20). Municipalities may also apply for accreditation in order to administer national housing programmes (Republic of South Africa 1997). The responsibility for housing is therefore shared across spheres of government, while overarching policy is determined at the national level and delivery is driven by provincial government.

A final, critical responsibility of the national Minister is the annual publication of an updated Housing Code, which complements the Act by explaining how policy is to be implemented (Republic of South Africa 1997: 12). The Housing Code, which is binding on local and provincial government, has in practice been used to further delimit who qualifies for state-subsidised housing. To qualify for a full housing subsidy, applicants must be a citizen or permanent resident of 18 years or older earning less than R3500 per month, must not previously have benefited from government housing assistance or owned property, and must be married, cohabiting or have financial dependents (Department of Human Settlements 2009: 12-15). Since 2002, beneficiaries have also been required to make a financial contribution or a contribution in kind in order to qualify for the subsidy (Department of Human Settlements 2009: 54). In addition to people meeting these criteria, military veterans, the aged, disabled people qualify for assistance under particular circumstances (Department of Human Settlements 2009: 14). An exception was provided by the Upgrading of Informal Settlements Programme introduced in 2004, which was exempt from all of these Housing Code criteria and therefore provided an avenue for assisting informal settlements as geographical units rather than to limit provision to approved beneficiaries (Pithouse 2009: 10). However, the revised programme published in 2009 once again relies more heavily on individual subsidies (Department of Human Settlements 2009b: 16).

The Housing Act is complemented by the Rental Housing Act, no 50 of 1999, and the Social Housing Act, no 16 of 2008. The Rental Housing Act aims to “promote the provision of rental housing” and to increase access to adequate housing through a properly functioning rental housing market (Republic of South Africa 1999: 4). The Social Housing Act sets the same broad goals with respect to Social Housing, but also assigns
responsibilities to local government (Republic of South Africa 2008: 4-5). Municipalities in whose areas a need for social housing exists, are tasked with facilitating the delivery of social housing and encouraging the development of new social housing stock (Republic of South Africa 2008: 14).

Prior to the enactment of the housing legislation in 1995, government had set a goal of building a million subsidised houses, which was achieved by 2000 (Pottie 2004: 609). While the goal was met, low-income houses were concentrated on the urban periphery, far from employment, transport and other amenities (Pillay 2008: 119; Pottie 2004: 609). In addition, the initial ANC commitment to increase national housing expenditure to five per cent of the national budget by 1999 was not sustained (Pottie 2003: 30). Rather, housing expenditure declined as a portion of the national budget declined every year from 1994 to 2001, with only one exception. David Pottie (2003: 130) reports:

> The budget for 1999/2000 rose marginally to R3,74 billion whereas a 5 per cent share of the national budget would have meant a budget allocation of R11 billion for 1999/2000 and R10 billion for 2000/01. Given the government's emphasis on fiscal sustainability as the means of garnering market support for its housing policy, the wait for shelter will be much longer than many South Africans might have anticipated, since increased levels of government support for housing are contingent on achieving higher rates of growth, increasing levels of employment, and so on. The watchwords affordability and fiscal sustainability have established a conservative economic bias as the basis of government's housing policy.

This trend seems to have continued during the period covered by this study. As the National Treasury changed the budget portfolios according to which it reported spending over time, it was not possible to track the specific allocation to Housing over the period covered by this study. However, a broad impression of the trend can be gleaned from the various budget overview documents published by the National Treasury (2001; 2002; 2003; 2004; 2005; 2006; 2007; 2008; 2009; 2010; 2011), as follows. The national allocation for Housing was estimated by the National Treasury as two per cent of the overall national budget in 2001, three per cent in 2002, and two per cent again from 2003 to 2005. The overall allocation to Housing declined to 1,8 per cent of the national budget in 2006 before the treasury stopped reporting on the allocation to Housing separately in its annual budget documentation. It also stopped reporting the percentage of the national budget allocation that went to different sectors, instead reporting the amounts that were allocated. In 2007, the allocation to Housing and Community Development was R 45,3 billion, amounting to 7,5 per cent of the national budget. The combined allocation for Housing and Community Development was R52,5 billion in 2008, representing a decline to 7,3 per cent of the national budget. In 2009, the name of the specific budget allocation changed once again to that of Housing and Community Amenities, which received 9 per cent of the national budget.
at R73,2 billion. This new combined allocation increased substantially as a portion of the national budget at R93,2 billion or 14,2 per cent of the national budget for 2010. As the broad sectoral allocations were now broken down into various categories, it is evident that as a subsection of the Housing and Community Amenities allocation, which included Local Government funding, Housing Development was allocated R20,4 billion, amounting to only a substantial proportional and even absolute decline from the allocations for Housing – rather than Housing Development – that had been made in the first part of the decade. In 2011, the final year covered by this study, the allocation to the subcategory of Housing Development increased in absolute terms to a total of R27,6 billion, amounting to 2,8 per cent of the national budget. The portion of the national budget allocated to housing therefore never exceeded 3 per cent in any of the years in which it was reported separately.

The low level of funding for housing compared to the initial commitment of five per cent of the national budget reflected a broad policy shift. The government’s consideration of privatisation for the purpose of funding the Redistribution and Development Programme (RDP) amounted to an abandonment of the general commitment to the RDP and a substitution of this commitment by making the policy dependent on a specific stream of funding, argues Ben Fine (1995: 17-18). This effective absconding from the policy represented the major constraint on the RDP, Fine (1995: 18) points out. In addition, the prominence of fiscal arguments empowered technical experts over communities in the housing process, which also disempowered civil society organisations in their debates with the state (Pottie 2003: 131).

Despite the apparent lack of political will to adequately fund housing at the national level, housing policy took a progressive turn with the introduction of the Department of Housing’s Comprehensive Plan for the Development of Integrated Sustainable Human Settlements called Breaking New Ground (BNG). For the first time, informal settlement upgrading was formally included in national housing programmes, whereas the policy also encouraged a range of responses to informal settlement and housing need beyond the dominant option of fully subsidised, so-called RDP-houses (Department of Housing 2004: 2). Scholars (Huchzermeyer 2011: 30, 112) have however lamented the limited implementation of BNG in the form of the limited uptake of the new informal settlement upgrading grant. This failure has been attributed to a tendency for state planning to engage citizens in highly technical language and privilege elite interests even in the presence of progressive policies (Pithouse 2009: 1; Huchzermeyer 2004: 65). However, the recent inclination of municipalities such as Johannesburg to avoid a dependency on subsidy transfers may be another contributing factor (Huchzermeyer 2011: 176).

While driven by South African housing policy, housing delivery plans after the turn of the century also broadly respond to Millennium Development Goals on the improvement of the
lives of slum dwellers and the eradication of poverty. The overall objective is for the MDGs to be achieved by a universal target date of 2015 (United Nations, 2000: ¶1). Because of the ‘unprecedented political support’ (Annan, 2005: ¶12) enjoyed by the MDGs, progress towards these goals are from time to time placed under a magnifying glass by world summits, global media and research reports. In the wake of one such instance, the July 2007 midway point to the deadline, it was the view of UN High Commissioner, Mary Robinson, that in “sub-Saharan Africa, no country is on track to meet the goals of halving extreme poverty, ensuring universal primary education, or stemming the Aids pandemic by 2015” (Robinson, 2007: ¶4). This assessment was in stark contrast to that of the South African government. South Africa’s mid-term country report (South African government 2007: 5, 10) claimed that the country was not only well on track to meet all its MDG-related targets, but had in fact already met some of them, probably due to the similarity of goals articulated by the new democratic government in 1994. The urgency of progress was reiterated at the UN General Assembly meeting in 2008, when a two-day thematic debate was convened on ‘Recognising the achievements, addressing the challenges and getting back on track to achieve the MDGs by 2015’ (United Nations, 2008: ¶2).

South Africa’s adoption of the seventh goal, that of ensuring environmental sustainability, including Target 11, to have significantly improved the lives of at least 100 million slum dwellers by 2020 (UN Millennium Project), has been one important consideration with regard to housing plans. But in an unfortunate sleight of hand, the overarching goal of eradicating poverty and the target of improving the lives of slum dwellers have become conflated into eradicating slums, which in the South African context has translated into eradicating all informal settlements. According to Huchzermeyer (2008: ¶1; 2010: 134), this misinterpretation of the MDGs has occurred because of a misreading firstly of the number of people mentioned in Target 11, which refers to only about ten per cent of slum dwellers worldwide, and secondly of the goals of the UN agency for human settlements, which are to promote not only urban poverty reduction, but also participatory slum upgrading. This reading may rest on the misleading catchphrase, “Cities without Slums”, which has been used to promote the target, Marie Huchzermeyer (2010: 134; 2011: 42) argues. She (Huchzermeyer 2008: ¶4, 13) adds that eradication programmes display insensitivity to the vulnerability of poor people’s livelihoods, since people who are relocated are often found in informal housing again within a short space of time as they cannot afford the costs associated with formal housing.

The delivery of extraordinary numbers of formal housing has not been sufficient to clear the backlog in housing delivery. The deep tragedy of this failure is captured by the case of the late Irene Grootboom. Grootboom had first moved from the “intolerable” conditions of an informal settlement and had subsequently been evicted (Albertyn 2006: vii-viii).
Represented by Ismail Jamie, residents had taken the provincial and local authorities to court over the persistence of these conditions in the Wallacedene informal settlement in Cape Town (Government of the Republic of South Africa v Irene Grootboom and others). In September 2000, the court instructed the Western Cape provincial government to provide the funds for the Oostenberg municipality to provide tents, toilets and water to the community of poor residents of Wallacedene informal settlement, where Grootboom lived (Grootboom and Others v The Government of the Republic of South Africa and Others). The court upheld the right to housing and indicated that it was the duty of the state to realise this right (Government of the Republic of South Africa v Irene Grootboom and others). Yet, critics were disappointed with the reserved stance of the court, given its failure to prescribe specific measures for ensuring that the state housing programme reach the most needy in society and for intervention in the urban land market, which largely excludes the poor (Huchzermeyer 2004: 4). The state, for its part, met no more than the specific requirements for immediate relief so that when Grootboom died in 2008, she still lived in a shack (Joubert 2008: ¶2, 12).

An important explanation for the inability of the state to clear housing backlogs has been the lack of fiscal commitment alluded to earlier. By 2008, then Housing Minister Lindiwe Sisulu estimated the budget shortfall to be over R100 million to eradicate the housing backlog by 2014 (Sisulu 2008: ¶23). Another factor may have been an unbundling of households that were overcrowded due to apartheid policies, for example married couples remaining with parents, which has been postulated as a factor contributing to an apparent decrease in household size (Pillay 2008: 119). Migration has contributed unevenly and has been overestimated, but is certainly one of the factors leading to the highest growth rates experienced by the cities of Gauteng (Pillay 2008: 119; Crankshaw 1993: 51). A third and important factor has been the apparent underestimation of need. When the right to housing was articulated in the Constitution, household and income data on the black population was scarce and inaccurate, and the capacity of local government to deliver services to the broad population as yet untested, argues Pillay (2008: 115). In 1994, the housing backlog was estimated at a total of 1.5 million units (Pillay 2008: 115), while the employment and income levels indicated by census data suggested that close to 7 million households would qualify for assistance (Pottie 2004: 609). Against this background, Huchzermeyer et al (2006: 25) emphasise the importance of accurate information about informal settlement, asking whether the propensity of states “to wish away or hide their residential squalor” might cause the extent of informal settlement to be consistently under-estimated, leading to inappropriate responses from the state.

This concern echoes that of researchers across the spectrum of government policy, who lobby for a stronger link between research and policy formulation (Benjamin, 2007: ¶5;
The South African government has from time to time hastily implemented so-called pilot projects in order to demonstrate commitment to a new programme, rather than to submit a potential programme to a rigorous trial (Huchzermeyer & Karam 2006: 5-6). Local scholars are disappointed that, although they were given an opportunity to influence the most recent South African housing plans, the opportunity came too late in the fast-paced process, so that the existing research design was not ideally suited to the policy-making process, and their scholarship was taken into account only in the evaluation of the policy rather than in its design (Huchzermeyer, 2006: 44).

Nevertheless, Breaking New Ground (BNG) was launched in 2004, displaying a shift of focus from delivering large quantities of houses to integrated human settlements (Pillay 2008: 119). While asserting that the main housing policy remains “relevant and sound”, BNG prioritises the provision of housing within sustainable human settlements and the creation of a single, formal housing market (Department of Housing 2004: 6). This change was driven to some extent by an international broadening of focus from housing to that of sustainable human settlements, reflected in a change of the department’s name from Housing to Human Settlements. The new approach was also necessitated in light of the increase of the backlog in housing delivery to more than 1.84 million units (Pillay 2008: 121).

Of particular significance for the residents of informal settlements was the inclusion of a new programme for upgrading informal settlements in the 2004 policy as part of what the document calls “progressive informal settlement eradication” (Department of Housing 2004: 6). The National Housing Programme: Upgrading of Informal Settlements policy provides for the “structured upgrading of informal settlements” in order to shift policy responses from “conflict and neglect” to “integration and cooperation” (Department of Housing 2004b: 4-5). Critics argue, however, that the state has not made adequate use of this option (Bolnick 2010: ¶16). The government, on the other hand, claims that the number of informal settlements in the country declined to 2 700 settlements housing 1.2 million households in 2010 and that 500 000 dwellings in informal settlements were being upgraded by the same date (South African Government Online Undated: ¶5, 9).

Enhancing the role of the private sector is an explicit goal of the programme (Department of Housing 2004: 2). The founding document also envisions an expanded role for local government and specifically provides for the accreditation of individual local authorities as housing developers (Department of Housing 2004: 16). BNG further locates housing delivery within the broader Expanded Public Works Programme of government job creation (Department of Housing 2004: 21).

Breaking New Ground had been the well-publicised, signature programme of the tenure of former Housing Minister Lindiwe Sisulu, who had been appointed by then President Thabo
Mbeki. Since democratic elections, Sisulu had been the fourth Housing Minister, after Joe Slovo, Sankie Mthembi-Mahanyele and Bridget Mabandla. After Slovo’s death, private sector engagement had played an increasing role in the discourse of Housing Ministers. A timeline of national leadership with respect to housing during the period covered by this study is included in Table 1, below. A relatively high degree of instability in the position of national Minister of Housing is apparent in Table 1. As a result, instability is also apparent in the position of Director-General in the national department. The appointment of Lindiwe Sisulu as Housing Minister in 2004 did broadly coincide with a policy shift to the Breaking New Ground (BNG) policy.

Table 1: South African national housing-related leadership timeline
Source: Compiled from several news reports.

Following the 2009 national elections in South Africa, Mbeki was replaced as State President by the successive ANC leader, Jacob Zuma, who changed the name of the portfolio to that of Human Setlement and appointed a new Minister, Tokyo Sexwale. Although the BNG programme has not officially been cancelled under Sexwale’s term, it does not feature on the website of the national Department of Human Settlements, and a new campaign, called Each One Settle One, is advertised instead. Beginning with the proud claim that over three million subsidised housing units have been delivered since 1994, the campaign accepts that government cannot meet the challenge of housing need alone, and calls on “stakeholders, the private sector institutions, donor agencies and ordinary citizens to assist the Department in reducing the backlog of human settlements” (Department of Human Settlements 2011). This programme was introduced in 2011, after the period covered by this project, but in the context of a continued failure on the part of the state to make substantial inroads into the housing backlog.

As a result of the sustained housing backlog and the persistent emphasis on fiscal restraint by the national government, one enduring schism within the governing ANC alliance has been the public disagreement about whether to fund only formal homes with state subsidies, or whether to support an incremental approach by first providing serviced sites (Pottie 2003: 133-134). This problem has not been resolved by the BNG policy, which promotes both spatially and economically integrated formal developments and informal
settlement upgrading, but does not preclude the provision of serviced sites by local authorities.

3.6 A developmental local state takes shape

The democratic elections in 1994 had marked the beginning of the post-apartheid period, but the transition was delayed at the local level (Bekker et al 1997: 38). Although formal mechanisms for cooperation between different segments of the South African state were therefore formulated later, the division of work between the three spheres and the responsibilities of local government was established. A developmental approach to local government in post-apartheid South Africa was specified in the Constitution and in the White Paper on Local Government in 1998, which task municipalities with participatory development for the purpose of job creation and poverty alleviation (Giraut & Maharaj 2003: 17; Nel & Binns 2003: 108). The South African government reiterated its commitment to building a democratic developmental state several times in 2009 (Edigheji 2010: 2).

The South African Constitution allocates responsibility for economic and protection services, housing, and general administration to the central government, while the nine provincial governments are responsible for primary and secondary education, health and welfare services, provincial roads and local economic development, and local authorities are charged with the provision of essential services, including water and electricity (Wehner 2000: 54, 70-71).

The Constitution assigns to these local authorities the status of a third sphere of government comparable to the national and provincial spheres, and requires local authorities to encourage community involvement in their activities (Nel & Binns 2003: 112). The latter requirement was augmented by the first of several key pieces of legislation that structure the local state and its position in South Africa. The Municipal Systems Act, number 32 of 2000, obliges municipalities to establish mechanisms for community participation (Nel & Binns 2003: 112).

The stated aims of the Municipal Systems Act include that of enabling municipalities to progressively uplift communities, providing “universal access to essential services that are affordable to all”, entrenching community participation and pro-poor approaches, establishing “a simple and enabling framework for the core processes of planning, performance management, resource mobilisation and organisational change which underpin the notion of developmental local government”, and “progressively build[ing] local government into an efficient, frontline development agency capable of integrating the activities of all spheres of government for the overall social and economic upliftment of communities in harmony with their local natural environment” (Republic of South Africa
To support these goals, the Act provides a framework for intergovernmental cooperation and regulates administration, service delivery agreements, and human resource management including performance management, legal and financial systems (Republic of South Africa 2000b: 2).

A critical piece of legislation, the Act assigns rights and duties to local authorities and their communities. The municipality is assigned the duty to provide services and the right to collect fees, while community members have the right to service provision and the duty to pay for services, in terms of the Act (Republic of South Africa 2000b: 22). Municipalities must encourage and create conditions for the local community to participate in the affairs of the municipality (Republic of South Africa 2000b: 30). Municipalities must therefore build the capacity of local councillors and staff, ensure that they are able to foster meaningful community participation, must allocate funds for this purpose and disseminate information about opportunities for community participation (Republic of South Africa 2000b: 30). Councils have discretion on whether or not to establish ward committees, but when they elect to do so, the committees are chaired by ward councillors, while the other members are elected by registered voters in the ward, but excluding municipal employees or proportional councillors (Groenewald 2003: 11).

The Act also requires municipalities to implement a performance management system (Republic of South Africa 2000b: 46). The manner in which the municipality should appoint and manage staff in order to achieve a desirable level of performance is stipulated (Republic of South Africa 2000b: 53-68). The performance management plan is developed, adopted and managed by the council, which has relative leeway with regard to identifying an appropriate performance management system for its circumstances (Republic of South Africa 2000b: 46). As mentioned above, performance indicators then become part of the municipality’s Integrated Development Plan (IDP), perhaps the most critical element of the Act (Nel & Binns 2003: 112; Republic of South Africa 2000b: 38).

The establishment of the municipal Integrated Development Planning (IDP) process is a critical element in the realisation of a developmental local state. IDPs comprise broad strategic plans that include a longer term spatial development framework, financial plans and performance management targets. As Alan Mabin (2002: 42-43) comments, the isolation of the apartheid years had meant that South Africa was late in integrating the internationally popular idea that local government planning had an important contribution to make to development. This vision manifested in the legal obligation placed on each municipal council to adopt a single, inclusive and strategic plan for the development of the municipality, called the Integrated Development Plan (Republic of South Africa 2000b: 12-24). An IDP must align the resources and capacity of the municipality with the implementation of the plan and base the annual municipal budget on this plan.
Municipalities are required to participate in national and provincial development programmes, and must include these programmes in their planning processes by taking account of land reform and contributing to the progressive realisation of the fundamental rights contained in the Constitution. IDPs are intended to be informed by the community consultation processes mentioned above.

While the democratic local government system has therefore been contrasted with the paternalistic approach of the apartheid period, however, tension exists between the obligation on municipalities to combine the interests of various sections of the local community in their Integrated Development Plans, and to respond to the mandate represented by the public setting of national and provincial priorities.

The ability of local authorities to be responsive to citizens is influenced by autonomy and capacity. The Local Government Demarcation Act, no 27 of 1998, stipulated how the apartheid municipalities would be rationalised to create a smaller number of viable municipalities, each with a single tax base (Pillay 2008: 115; Pieterse 2002: 3). Atkinson (2002: 8-9) notes that “the amalgamation of urban areas with their rural hinterlands” was one of the principles that informed the new demarcation of South African municipalities in 2000. The Municipal Demarcation Board’s aim of combining areas with viable anduviable revenue bases into single municipalities resulted in 243 new municipalities which covered the entire territory of South Africa (Pieterse 2002: 3-4). The approach of subsidiarity did inform the process.

As they were viewed as the best mechanisms to promote both investment and equity, Metropolitan Municipalities were established in South Africa’s six largest cities of Johannesburg, Tshwane (incorporating the greater Pretoria area), Ekurhuleni (on the East Rand), Ethekwini (greater Durban), Nelson Mandela Metropolitan Municipality (at Port Elizabeth), and Cape Town (Giraut & Maharaj 2003: 17). Three of these are located within Gauteng Province, while the other three are dispersed on the coast, surrounding the country’s three major ports. A further two metropolitan councils were established on the date of the 2011 local government elections, which mark the end of the period covered by this study. A two-tier municipal system comprising umbrella District Councils and geographically smaller Local Councils was established outside the metropolitan areas (Giraut & Maharaj 2003: 17).

Similar to the national and provincial state, South African municipalities are comprised of a political structure on the one hand and an administrative structure on the other. The size of political structures is determined by ward demarcation, while the resources of administrative structures usually reflect the economic development of the entire municipal area. All local authorities have two parallel structures, one political and headed by a Mayor, the other administrative and headed by a municipal manager (Groenewald 2003: 8-9). While the
supporting administrations in some district councils comprise no more than a few secretaries, the metropolitan municipalities have large bureaucracies and fewer vacant posts (Groenewald 2003: 8-9). Senior administrators in district and local councils must sometimes assume responsibility for practical aspects of service delivery alongside strategic direction (Groenewald 2003: 8-9). A lack of capacity to deliver has been apparent in many local authorities (Qomfo 2005: 6), even where material resources are available.

A 2001 survey indicates (Nel & Binns 2003: 108, 115-116) that many municipalities were struggling to meet their developmental responsibilities, principally because of a shortage of funds, but also because of limited capacity. Some provincial governments have even temporarily reassumed control over a number of local councils (Hartmann 2004: 239). "An unfortunate situation has arisen in which powers have been decentralised to local authorities, but the accompanying resources to implement them have not", comment Nel and Binns (2003: 115). A 2001 survey of local authorities by the then Department of Provincial and Local Government had indicated that nearly a third of local government staff required "comprehensive training", that nearly a third of municipalities "failed early warning management indicator scores" and that a substantial portion of service fees owed to municipalities was regarded as irrecoverable bad debt (Groenewald 2003: 14). Additional reasons for this problem include a lack of support from other spheres of government, inadequate capacity and training, and legal obstacles (Nel & Binns 2003: 115-116). Against this background, municipalities are concerned that all mandates should be appropriately funded and they would prefer to receive money directly from the national treasury rather than routed via provincial administrations (Groenewald 2003: 14). Although there is widespread agreement that South Africa’s rural municipalities suffer from a crippling lack of capacity and resources (Freund 2006; Atkinson 2002), these problems are less pressing in major cities and larger or more densely populated local municipalities, including the two metropolitan municipalities that provide the context for this study.

Despite the process of integrating large cities with their rural hinterlands, the country’s metropolitan councils have emerged as highly differentiated municipalities critical to the national economy. The general thrust of the SA Cities Network’s annual State of the Cities reports since 2004 has been to identify cities as the key drivers of the national economy and therefore as deserving of substantial support from the provincial and national state (Boraine et al 2006: 261-263).

The strategy of bringing together several fragments and former municipalities into one whole city has also been insufficient to address socio-spatial inequality (Giraut & Maharaj 2003: 25). The accommodation of the principal of subsidiarity in the demarcation process had held the potential to facilitate more equitable resource distribution, but this did not materialise. The adoption of the developmental paradigm by the post-apartheid state had
represented a shift in the thinking from anti-apartheid movements understanding of “job creation and redistributive policies as mutually reinforcing and complementary” to viewing them as alternatives, argues Barchiesi (2011: 6). The adoption of the developmental state paradigm therefore entailed an abandonment of the earlier commitment to redistribution and redress in favour of a social citizenship that is accessed, in the imagination of the state, by means of wage labour (Barchiesi 2011: 6). The adoption of a developmental state model had therefore limited the redistributive possibilities of the demarcation project.

A local electoral system was put in place since shortly before the 2000 elections, combining the ward system formerly used only in township areas and the proportional representation that had been in place in white areas (Hartmann 2004: 236). Half of the members of metropolitan councils are ward councillors, while the others are proportional representatives. The resulting overall logic was that of proportional representation (Hartmann 2004: 236). So, while women had not been well represented in the local government negotiating forums or in the 1995/6 local government elections, government responsiveness to various civil society campaigns could serve to improve the representation of women in the 2000 local government elections (Beall 2004: 6). Local democracy creates the opportunity both for opposition parties to gain experience of government and increase their legitimacy, and for a dominant party to integrate opposition parties into the system of governance (Hartmann 2004: 242-243). As Christoph Hartmann (2004: 240) points out, a lack of local elections undermines decentralisation, but local elections do not necessarily guarantee good local governance. Metropolitan councils elect an Executive Mayor from among councillors, and the Mayor in turn appoints the additional Members of the Mayoral Committee (MMC) from among the elected councillors and may delegate certain powers to these MMCs (City of Tshwane Undated: ¶2). The indirect election of South African Mayors from among councillors reflects the central interests of national political parties, since they are able to supervise the selection of the political leaders of local areas (Hartmann 2004: 230, 240).

A fourth important piece of legislation, the Municipal Systems Act, no 32 of 2000, stipulates that every municipality must consider equitability, accessibility, and financial and environmental sustainability before selecting the service delivery method that will make the most effective use of its resources to provide the highest possible standard of service (Republic of South Africa 2000b: 35-49). In this regard, the Act regulates tender processes, credit control and debt collection to be used by municipalities, and clarifies elements of the relationship of local government with other spheres of government. Whereas the Municipal Systems Act provides for partnerships between local authorities and external organisations, many community organisations had lost skilled members to both the state and private
sector institutions, which were therefore in a comparatively advantaged position (Pottie 2003: 139).

A final significant piece of legislation that regulates the activities of democratic South Africa’s local government is the Municipal Finance Management Act. This act establishes treasury standards with the aim of securing sound and sustainable financial management within local government (Republic of South Africa 2003: 2). The Act sets out the financial accounting responsibilities of a range of senior local officials, regulates procurement policies and supply chain management, regulates financial reporting by and auditing of municipalities, and imposes disciplinary and criminal penalties for those who deviate from the treasury regulations or conditions (Republic of South Africa 2003: 31-101).

Read together, the local government legislation has curtailed the autonomy of the local state, made redistributive ideals secondary to those of sound financial management and limited the capacity of the local state to be responsive to residents. Certain progressive aspirations for local government are articulated, but are always subject to their ability to operate within their allocated budgets. The assessment and penalising of municipalities rest primarily on criteria of sound financial management. Alongside questions of capacity and resources, municipalities therefore face challenges related to their limited autonomy. As mentioned earlier in this chapter, the view that decentralisation represented a potential route to the protection of minority privilege during the South African transition, lead the ANC, in contrast to progressive parties elsewhere in the global South, to consider “a strong central government, ‘with the power to intervene directly in local government affairs’ necessary to the realization of rights such as housing”, and to grant local authorities little more than “operational independence” (Huchzermeyer 2002: 94). This approach corresponds to the modern, liberal interpretation of cities as constitutive elements of nation states, in terms of which there are certain obstacles to broad and effective service delivery. However, in the context of severe delivery backlogs and substantial unemployment, this model also places unrealistic burdens on local authorities.

The democratic state had introduced the practice of cost recovery for basic services (McDonald & Pape 2002: 1-5, 167). In contrast to a flat rate for services, cost recovery is not only based on consumption but also prior to consumption in the case of pre-paid meters, which effectively revokes residents’ ability to negotiate payment backlogs. Since tax on local land, housing and services form a substantial portion of municipal income, local communities pay for unfunded responsibilities of the local authority. No material poverty alleviation can be said to be taking place if poor local communities must pay for these projects. Also, an indigent approach is often used that tends to shift the burden of proof of poverty onto marginalised households, who lack the resources to prove that they qualify for assistance (McDonald & Pape 2002: 5). In the policy area of housing, this approach was
reflected in the requirement that prospective beneficiaries of subsidised housing identify themselves to the state, and was aggravated in the province of Gauteng where, as part of a drive to clean the inadequately maintained housing waiting list and avoid corruption with regard to allocations, prospective beneficiaries were required to present themselves at municipal or provincial offices in order to verify that they needed housing and met the criteria for subsidised housing (South African Government Online 2008: ¶1-10).

In effect, the cost-recovering, developmental local state shifts the responsibility for poverty reduction back onto poor residents, thereby implementing a republican model of citizenship, in which obligations receive primacy over rights. Other than the central state and the constituent communities of local government, the remaining source of revenue is the private sector. Residents have, however, reacted to these developments with their own attempts to shape the kind of citizenship that is constructed.

3.7 Bottom-up contestations over contemporary urban citizenship

Following the implementation, in December 2000, of a constrained developmental local state as described above, the local state has become the direct focus of bottom-up contestations over the content of citizenship. Two recent court cases against the City of Johannesburg, in which the City of Johannesburg and other government departments were challenged with respect to the provision of water and housing serve as examples of the contestation over citizenship. In the first case, five unemployed residents of Phiri in Soweto had asked the court to order the City of Johannesburg to increase the amount of free water provided to poor residents of Phiri and others in a similar situation, from six kilolitres per household per month to fifty litres per person per day, and to provide the option of metered consumption instead of pre-paid water at the city’s cost (Mazibuko and Others v City of Johannesburg and Others: 5, 56). The Phiri residents’ application was supported by the Coalition Against Water Privatisation, constituted by community organisations that opposed existing water policies. The Gauteng High Court handed down judgment in their favour on 30 April 2008, but the City appealed against the judgment. The Supreme Court of Appeal, in turn, ruled that people who are unable to pay cannot be deprived of the right to water and, since the local authority is obliged by the Constitution to provide sufficient free water for dignified human existence, it should provide 42 litres of free water per day to each resident registered as indigent (City of Johannesburg v L Mazibuko). That the City could afford to implement the changes remained uncontested throughout this process. But the gains that poor communities had made in these two judgments were reversed when the Constitutional Court ruled in November 2009 that the allocation of 25 litres per person per day and the use of pre-paid water metres by the City of Johannesburg were respectively reasonable and lawful (Mazibuko and Others v City of Johannesburg and Others: 5-6). This
Judgment rested among other arguments on the higher rate paid by those who received water on credit, amounting to the subsidisation of pre-paid water (Mazibuko and Others v City of Johannesburg and Others: 40-41).

Judgment in the second case was handed down on 19 February 2008. In this judgment the Constitutional Court ruled in favour of more than four hundred people who had appealed against their eviction from buildings deemed unsafe and unhealthy by the City of Johannesburg. The Court ruled that meaningful engagement was an essential precondition for eviction that would render people homeless and, with reference to an earlier landmark judgment, that the City had a constitutional obligation to provide access to adequate housing (Occupiers of 51 Olivia Road, Berea Township and 197 Main Street Johannesburg v City of Johannesburg and Others: 12-14).

The latter judgment may be interpreted as a limited victory for poor communities and progressive, non-state organisations, since it communicates a clear expectation that the local state consult residents and act more responsively to their needs (Occupiers of 51 Olivia Road, Berea Township and 197 Main Street Johannesburg v City of Johannesburg and Others: 26-28).

In addition to turning to the courts, residents have demonstrated their ability to mobilise their communities. Protests have taken place against the background of such severe frustration that violence was sometimes fatal. Yet Booysen (2007: 24, 26, 31) argues that the protests have not in fact been as clear a sign of “alienation from the formal political system” as they are often taken to be. Rather, it appears that roughly the same group of dissatisfied citizens who have been likely to protest, have also been likely to vote, and more specifically, to vote for the ANC. But more importantly, media monitoring indicated that “many non-protesting communities were worse off in the service delivery stakes than those that turned to protest” from 2004 to 2006 (Booysen 2007: 27). The informal sector itself is not homogeneous, but stratified, for instance by gender and age, with some members having greater prospects of being able to take up opportunities for participation or exercise active citizenship than others. It would therefore seem that those who have exercised this form of active citizenship are not the very poorest of South Africa’s citizens.

Widespread urban protest and the often violent response from the state (Booysen 2007: 23; News24.com, 6 September 2004) raise questions about the character of South Africa’s democracy and the way in which ordinary citizens experience it at the grassroots. The ability of individuals or communities to participate in formal consultation fora has proved to be particularly constrained by informality. The questionable legal status of informal settlements often means that the people who live there have access only to “clientelist politicians and bribe-seeking public employees” (Mohamed 2006: 36).
With regard to participation in formal local consultation processes, some writers argue that poor and voiceless people are excluded from input into local policies by inadequate systems. The Constitution obliges municipalities to consult their constituent communities, but not to establish ward committees (Steytler & Mettler 2001: 2). Even where ward committees are established, they may reinforce exclusion or fail to serve the interests of the excluded. Social movements that operate across ward boundaries may be represented on ward committees. But, based on a study conducted in Western Cape towns, Bekker and Leildé (2003: 144) show that it is largely middle-income people who maintain both loyal and critical local participation, to the extent that “the affluent as well as the poor had withdrawn from local civil society”. This concern is echoed by Mohamed (2006: 45), who concludes that in South African cities, including Johannesburg, “disadvantaged sectors of the urban population, especially the informal settlement communities, are isolated from the processes of policy-making” due to their exclusion from ward committees.

The obstacles to the participation of informal settlement residents in ward committees include the sectoral constitution of these committees, and the lack of ward committees’ capacity to function effectively and regularly meet with communities (Mohamed 2006: 39-40). This lack of capacity is illustrated by a Rustenburg case in which, on the one hand, ward councillors who chaired ward committees were ultimately able to control the agenda of ward committee meetings, and, on the other hand, politicians and residents in poor areas shared an inability due to limited education to deal meaningfully with technical aspects of development plans (Putu 2006: 29-30). Residents of informal settlements not only suffer from a lack of basic services, such as water, sanitation and electricity, but in most cases also from a lack of essential social services such as health centres, roads, drainage, schools, and market places (Mohamed 2006). In the absence of these facilities, life may consist of a daily drudgery in pursuit of bare necessities, and regular meeting attendance may simply be impossible. A broad range of factors thus contributes to the limited impact of the residents of informal settlements on local government.

3.8 Conclusion

The modern institution of a state bureaucracy was introduced to South Africa by means of colonialism. The first formal administration of residents of the territory was conducted by a multinational company whose officials struggled to distinguish between their public and private roles. Since then, the state bureaucracy has been shaped by successive oppressive governments, of which the apartheid state was the most recent and devastating. The history of racial capitalism in South Africa has resulted in an acutely unequal distribution of resources, including shelter and housing. An attempt to explain informal settlement in South Africa with reference only to the history of racial capitalism, strengthens the view that
informal settlement is a relic of the past, which can be eradicated and replaced with large formal developments.

However, the colonial history also integrated South Africa into the international economy early on, inserting it into a dynamic of uneven globalisation. In the unequally globalised world of the twenty first century, international bodies that have long championed formal developments as the appropriate response to informal settlement have shifted to an assessment that it may simply be impossible for governments to meet the challenge of providing adequate shelter at the pace required by urban growth in the developing world.

The ambitious ideals contained in South Africa’s policy documents are known, as are the obstacles to achieving those ideals. Caught in a triangle of ostensibly unrealistic and repressive aims of informal settlement eradication, the hopes and aspirations of the poor majority population, and performance management based on policy targets, are the civil servants in the local South African state, who represent the state closest to city residents.

While they are obliged to consult their constituent communities, deliberative participation could be discouraged by the inferior position of South African towns and cities within a neoliberal nation state, because the likelihood of city-level consultation to translate into material benefits is doubtful. The meaningful participation to which South African legislation pays lip service, requires local authorities with more fiscal clout. This raises the question of how civil servants in the local state make sense of and respond to this tension to construct urban citizenship for the residents of informal settlements.
Chapter 4
Research design for studying local state constructions of urban citizenship in South Africa

4.1 Introduction

While the main causes of the prevalence of slums across the world was located with states and their management of national economic and other affairs (UN-Habitat 2003: xxxii), the colonial and apartheid past had contributed to the prevalence of informal settlements in South Africa. A right to housing was legislated in the democratic dispensation, and the Constitutional Court had in more than one instance placed the burden for realising this right on the local state. Business Day (2011: 8) warned that the financial burden might force municipalities to choose between their responsibility for providing essential services and shelter respectively. This study therefore sets out from a concern with urban power relations and the state’s response to informal settlement. Although housing is but one element of the package of citizenship rights, it represents a key state response to informal settlement.

The research question asked by this study was, therefore, how elected councillors and appointed officials responsible for housing in the local state have contributed to the construction of urban citizenship for the residents of informal settlements in South African cities. Many research projects have engaged the residents of informal settlements in South African cities in order to try and understand their strategies, motivations and constraints and their resulting experience of citizenship (see Alexander & Pithouse 2006; Mohamed 2006). That was not the approach selected for this study. Here, the subject of the research was the state and the individual actors who populate it. The respondents to be investigated were the powerful individuals who are responsible for the local state response to informal settlement and housing. The research question was therefore approached by considering the following six subquestions:

- How has the local state in Johannesburg and Tshwane interacted with the province of Gauteng and the South African national state to respond to informal settlement?
- How have those in positions of power with regard to housing in the two cities taken account of the voices and needs of residents of informal settlements?
- What strategies have elected councillors and appointed officials in the local state in these two cities employed to cope with the responsibility of responding to informal settlement and housing need?
- How have the policy and practice towards informal housing and informal settlements in these two cities developed since December 2000?
Were there any differences between the two local authorities in their construction of urban citizenship for the residents of informal settlements, and what factors may have contributed to such differences?

How have local state strategies promoted or impeded the ability of their residents to claim urban citizenship?

This chapter is dedicated to an explanation of the various factors that have influenced the research design. The study began with a review of literature pertaining to the development of the modern state and bureaucracy in Europe as well as the developing world as reflected in Chapter 2, while Chapter 3 considers these questions as they have manifested themselves in the South African context and evaluates the kind of local state that has been constructed during the delayed transition at the local level until 2000.

The choices that have been made with regard to the specific methods used are also discussed. First, the specific details of the qualitative approach selected for this study are described and motivated. This includes a discussion of the approach that was taken to the in-depth face-to-face interviews and the themes that were selected for the interview schedule. Next, the position of the research sites within the context and structure of the broader South African state is clarified and the selection of the research sites motivated. An overview of the two municipalities selected as the research sites is provided, including general background information about the cities that they govern, as well as specific information about the structure of each local state and its elected and appointed leadership. This is followed by a discussion of the sample of respondents and the responses with regard to requests to participate in the study. Finally, the approach to data analysis employed for the purpose of the next chapter of this thesis is discussed.

The specific focus of the present study gives it a characteristic that requires special attention. In selecting to make subjects of powerful institutions and respondents, the study has deviated from the norm for social research in South Africa. Even though they may be constrained in various ways, the councillors and officials who drive the local state response to informal settlement and housing need appear to have substantial influence over many elements of the urban citizenship of residents of informal settlements. Their decisions and practices have an impact on the character of state-society relations, citizens’ access to services, and the degree to which residents have access to housing and economic opportunities. While a wealth of research has provided snapshots of the livelihoods of residents of informal settlements, in addressing the question of what kind of urban citizenship is constructed for the residents of informal settlements, this study directed its gaze not towards the self-help strategies of those living in informal settlements, but at the local state and the powerful actors who populate its apparatus. The first consideration of
this chapter is therefore that of the significance of “studying up”, as Laura Nader (1972) termed it.

4.2 Studying up
In the 1960s, studies of the institutions, interests and strategies that generate catastrophes had produced important findings (Connell 2007: 216). Defending this approach, Nader (1972: 295) rhetorically asks how citizenship can be expected to realise its potential for those who have limited power if no knowledge is developed of the sites and workings of power in society. This should not be read as an argument that studies of processes and practices of the powerful should replace studies of those who lack power in a specific sector or who are excluded from the reigning hegemony. Studying up alone would lead to a one-sided perspective of the social world (Nader 1972: 292-293). The majority of researchers, however, study impoverished or somehow disadvantaged subjects. For this reason, researchers are nearly always the privileged parties in the power relationship with their respondents (Nader 1972: 289). This status quo leads to important exclusions from the body of knowledge of society. Addressing this gap is a first reason why studying up is important.

A second reason to consider studying up valuable is that a knowledge bias has been created by the limited number of studies of powerful respondents. Disciplines and methodologies that study the less powerful and privileged, have not consistently served their interests. Studies of the poor and not the rich have been complicit in pathologising the poor by developing a body of literature on working class crime to the near total exclusion of a parallel literature on white collar crime, charges Nader (1972: 290-291).

A third reason for social researchers to study up more often is that simplistic dichotomies that tolerate only confrontational studies of power and posit those in positions of power as the Other, limit the potential for change because they discourage close scrutiny of power (Priyadharshini 2003: 433-434). In addition, such a disabling discourse too easily avoids the discomfort of “examining our own reflections in the powerful and even our own complicities as we go about producing knowledge”, argues Priyadharshini (2003: 433-434). The qualifications and experience that respondents bring to their positions of power can certainly be considered an asset to the state and its capacity to set goals and implement development. In fact, the advancement of state officials based on merit was one important characteristic of a successful developmental state like Japan, which distinguished it from an unsuccessful developmental state or predatory state like Zaire (Evans 1989: 572).

The perspective gained from “studying up”, as opposed to directing the gaze of research only at the marginalised or oppressed, contributes a critical component of theorising and
understanding the state (Hoag 2010: 20). To complicate matters, bureaucrats sometimes act in solidarity with the public against other segments of the state and defy a simplistic opposition of state and subaltern, thereby challenging the preconceptions built into the methodology of studying down (Hoag 2010: 20). Researchers who study up therefore have the prerogative to investigate questions about the conditions that make the concentration and exercise of power possible without having to “absolve or condemn” powerful research subjects (Priyadharshini 2003: 429).

While a profound need therefore exists for the bulk of research that studies down to be balanced by research that studies up, several perceived obstacles to studying up have been identified (Nader 1972: 303-305).

A first problem is that it can be particularly difficult to gain access to research sites where power is concentrated. Limitations to access do pose a challenge to researchers who study up, because access often depends on careful and often uncomfortable negotiation of the research aims, methods and not insignificantly, of the position of researchers and of their very identity as researchers (Priyadharshini 2003: 423).

A second concern is that of the validity of responses obtained when studying up. Powerful respondents have been reported to ask researchers questions about their orientation to the subject, to comment explicitly on the research process and methodology, and to speak off the record or request guarantees of confidentiality more frequently (Priyadharshini 2003: 426). A substantial concern has been whether reliable information can be obtained when informed consent is solicited from powerful actors who may be more able to manipulate narratives to suit the impression that they want to create, and who tend to challenge researchers and criticise the research process (Nader 1972: 304). But the possibility that respondents rethink and revise their stories for various reasons is by no means absent when researchers study down, so that this is also a poor defence of the broad failure of social researchers to investigate the powerful, argues Nader (1972: 304).

While the so-called challenges do indicate certain difficulties, these objections do not provide a sufficient explanation of the toleration of the knowledge gap and bias that is promoted by the overwhelming inclination to study down. Since researchers have often struggled to gain access to disadvantaged or oppressed respondents, this challenge does not account adequately for the dearth of empirical studies of the powerful (Priyadharshini 2003: 422). Likewise, the difficulty, if this is what it should be called, of respondents who are critical of the research process, has not been limited to studies that investigate the powerful. From the 1960s, the assumptions and power relations of social researchers to those whose ethnicity, race, religion, sexuality or gender was other than that of the dominant Anglo-Saxon, white, protestant, straight man were the source of critique from feminist and post-colonial scholars (Smith & Manning 1982: 101). While the more radical
theorists continue to lobby for the inclusion of those studied as active partners in the research process, it has become unthinkable even in the centre to disrespect less powerful respondents or to exclude them from access to disseminated research findings. Against this background, it can be argued that critically engaged respondents may be considered more of an asset than a problem, as they have the potential to shift the thinking and practice of social researchers.

A third set of problems may provide some explanation of the imbalance in research practice. Researchers who study up are presented with certain additional ethical and professional hurdles. While it is very difficult for powerless respondents to refuse to be researched, powerful respondents are more able to influence who gains access to them and to what end (Priyadharshini 2003: 426). Respondents who assume that their own perspective deserves reverence, may withhold their participation if researchers are open about their inclination to be critical, which confounds the possibility of obtaining informed consent (Priyadharshini 2003: 426). The fraught context of studying up therefore complicates the researcher’s relationship with respondents to a greater degree than in research projects that study down (Priyadharshini 2003: 426). While the academy might provide protection to researchers at the reporting stage, powerful respondents are in a privileged position with regard to their ability to inflict damage to the professional career of researchers whose reporting reflects a critical stance on them, for instance by declining to participate in research, influencing others to do so, or publicly or privately reflecting negatively on the research findings (Priyadharshini 2003: 426). Researchers who study up often need to present their research to respondents in a strategic manner in order to secure access and defend their approach (Priyadharshini 2003: 426).

Since research shapes subjectivity, the methodological and ethical concerns of studying up also hold implications for a professional career as researcher: researchers who study down can play an intimate, supportive role that facilitates the self-satisfaction of having sided “with the underdog”, while research respondents can reflect on those who study up in damaging ways (Priyadharshini 2003: 423-425). Priyadharshini (2003: 427) summarises this concern as follows:

In the field, every stage of the research process—gaining access, building relationships with the researched, determining ethical codes and methods of research—involves the researcher in negotiations with the researched. These negotiations are crucial if the researcher is to retain her or his access to the site. But many of these negotiations also require the researcher to adapt to the context, to take on different stances, practices, and identities that are not always consonant with traditional ways of conducting research. Facing the judging power of an academy whose ethos and norms have evolved under conditions of studying down, means that the researcher faces threats to her or his credibility and hence professional identity off the field as well.
In this project, the systematic assessment of respondents' narratives against a yardstick or ideal of urban citizenship for a vulnerable group in society avoids a simplistic treatment of the discourses of the powerful as exhaustive accounts. The researcher’s extensive work experience of informal settlements has also contributed to an analysis that is sensitive to the conditions of life in informal settlements. Even if interviews with key politicians of a ruling party and top officials were unlikely to provide insight into the lived experiences and political views of people who belong to the poorest communities, this approach has allowed the research to be responsive to Belinda Bozzoli’s (1983: 2-7) emphasis of the need for accounts that could resonate with the poor. Critical incorporation rather than outright rejection of the powerful respondents’ accounts is therefore balanced with the explicit recognition of the residents of informal settlements as urban citizens. By studying up, however, the research goes beyond a narrow focus on the symptoms or grassroots encounters of repression, towards an understanding of the processes that produce specific relations of power. The next question to be decided was from which of the then 283 municipalities in South Africa the respondents should be sampled.

4.3 Qualitative methodology

The study focuses on the strategies employed by appointed and elected state officials who are responsible for housing as a response to informal settlement in South African cities, as implemented between the local government elections held in December 2000 and those held in May 2011. Housing delivery by the state during this ten-year period was not the subject of the study. Instead, the focus was on official practices and processes and their implication for the ability of residents of informal settlements to claim a Right to the City.

The study began with a review of literature pertaining to the development of the modern state and bureaucracy in Europe as well as the developing world as reflected in Chapter 2, while Chapter 3 considers these questions as they have manifested themselves in the South African context. Relevant literature was primarily identified using the electronic databases Ebscohost, JStor and SAGE Online Journals, which were searched for journal articles pertaining to a broad range of relevant keywords. The journal articles identified in this manner were used in conjunction with relevant books.

Previous studies had indicated that state officials were in a powerful position to act collectively to structure state actions (Lipsky 1980: 18-81). While the interests of state officials could diverge from that of the public, state officials sometimes acted against policy out of empathy for those whom they serve (Lipsky 1980: 41-46). In addition, the internal structure of the state, also known as intergovernmental relations could contribute certain benefits and present certain obstacles to public service delivery (Hankla 2008: 632; Agranoff & McGuire 1998: 150). These studies and theories have often been limited to
appointed officials or even a specific class of appointed officials. Where they have ventured
claims that reach beyond these narrow categories, they have often rested excessively on
macro-theory and been tested only inadequately against empirical evidence. In addition, the
paradigmatic question of state-building and the challenges and function of state
bureaucracy have also been neglected in the last decade, as global recession made a
retraction of the state seem inevitable.

A small number of studies have begun to look afresh at the development and inner
workings of the post-apartheid state bureaucracy, but no adequate explanation of the gap
between constitutional ideals and post-apartheid poverty or of the contribution of local state
officials was available. Recent studies by Isobel Frye (2007), Colin Hoag (2010) and Karl
von Holdt (2010), respectively, have begun to make inroads into these areas, but as Evans
(1989: 576-578) pointed out about developing states in general and as these studies
acknowledge about the post-apartheid state in particular, autonomy, ethics, resources and
skill are spread unevenly and findings cannot be generalised across policy sectors or
government departments. It is clear then, that more research is required to understand the
structure and operation of the state and the ways in which actors who populate the state
contribute to social structure and citizenship, but also that these studies are necessarily
exploratory. Exploratory research is understood as the empirical observation of the social
world by a field researcher, as distinguished from focused research, which corroborates
findings and is usually based on clear indices and quantitative methods, and from
theoretical research, which seeks to confirm the syntheses of previous research into
causal claims (Smith & Manning 1982: xv). A qualitative framework, involving a commitment
to gathering rich, new data and tending towards “low-level abstraction” (Smith & Manning
1982: 7-8), was therefore the most suitable approach to this study.

4.3.1 A qualitative framework

The selection of a qualitative approach for the study made it possible to espouse the
concerns of critical and interpretivist approaches to social research. The critical component
derives from the onus to produce knowledge that can be used to improve society (Babbie &
Mouton 2001: 34). The tendency of powerful respondents to engage the research question,
process and potential outcomes from the first point of their involvement in the research
process therefore represents not only a challenge to the researcher, but also a benefit of
studying up. The researcher enters into a conversation that has the potential to be mutually
beneficial, depending on how it is managed by both the researcher and the respondents.
Respondents may – or may not - use the information that they gain from the research
process to improve aspects of their public service. While the researcher therefore does not
have full control of the research process and outputs, the opportunity for the research to be
employed for public benefit presents itself early on in the research process. The study therefore holds the potential to suggest ways in which official practices can be improved, as well as improving the impact that the state has on the lives of poor people whose livelihoods depend on assistance from the state.

The interpretivist tradition emphasises that all people somehow give meaning to their own experiences and context (Babbie & Mouton 2001: 28). Rather than viewing the powerful actors who populate the state as mere natural objects of research, the interpretivist approach of this study is embodied in the recognition of state officials as conscious human beings who individually interpret and define themselves, their powerful positions and the programmes for which they are responsible. In addition, the actors in powerful positions in the state are often well educated or very experienced in their chosen field. Against the background of the potential challenges of studying up, these qualities could be viewed as obstacles to a balanced analysis. This would mean that an attempt would have to be made to avoid or limit the influence of these actors over the research findings. Participant observation or ethnography would be the best routes for gathering new data. However, the officials responsible for housing are not street-level bureaucrats who deal with members of the public on a daily basis. By explicitly involving the actors as respondents in qualitative interviews, it was possible to treat their interpretive inclination and their wealth of knowledge and experience as assets rather than obstacles to the research. For these reasons, qualitative interviews were selected as the principal data collection method of the study.

4.3.2 In-depth interviews
A limited number of purposeful in-depth qualitative interviews that explore the narratives of those in power offers the possibility of a better understanding of policy processes, change, and history (Babbie & Mouton 2001: 283-288). The techniques that were used during interviews are recommended by Babbie and Mouton (2001: 290-291), including probing by using some of the words that a respondent has used in order to avoid dominating the conversation, adopting “the role as the socially acceptable incompetent” by asking for help to grasp rudimentary elements of a setting or system, and by asking a limited number of ‘why’ questions that can help make explicit the framework with which a respondent approaches a topic, but not so often as to cause discomfort to the respondent. In addition to this, arguments from recent scholarship on housing and informal settlements were sometimes mentioned to respondents for their explicit comment, as recommended by Smith and Manning (1982: 108).

While some authors have argued that it is not viable to obtain informed consent while studying up, however, the disadvantages of informed consent are not absent in other research projects (Nader 1972: 302-303). The principle of informed consent cannot be
taken lightly. It is widely recommended by those concerned with the ethics of social science and it first arose as part of the Nuremberg code because of the inhumane abuses that took place during Nazi research conducted in the absence of informed consent (Homan 1991: 69-73; Reynolds 1982: 8). As indicated earlier, the powerful respondents in this study could be treated as an asset by drawing out their knowledge and expertise in order to include it in a conversation about the benefits and limitations of the collective approach of the state that they populate. Therefore, respondents were given a hard copy of a letter of informed consent from the researcher, of which a sample is included in Annexure A, at the beginning of each interview. Before the formal interview commenced, the research project was also briefly explained to the respondent, each respondent was asked for permission to record the interview for transcription purposes, and each respondent was assured that the full transcript of the interview would only be used for purposes of analysis by the researcher and would not be provided to any third party. The truth was not diluted at the point of interactions with respondents and the identity of individual respondents has been protected despite their powerful positions. This ethical approach does not detract from the commitment to rigorous analysis and reporting in this thesis and other research outputs. Given this approach, public dissemination of the research findings, also to the respondents and other state departments, can occur without damage to the reputation of social researchers (Homan 1991: 73).

While qualitative interviews can often be relatively unstructured, a semi-structured approach was used in this study to ensure that specific themes were discussed with a range of officials. The 22 interviews were conducted according to a pre-developed interview guide with specific questions, but respondents were probed when other, relevant themes emerged and were allowed to elaborate on a specific question if the question arose in the interview before it had been asked in a specific manner. A first interview guide or qualitative questionnaire was developed based on themes that emerged from the literature review and related directly to the six subquestions that had been selected for addressing the research question. This questionnaire was used for five interviews conducted during the first round of fieldwork implemented in 2008. Based on themes that emerged during these initial interviews as well as feedback from senior researchers, this questionnaire was substantially adapted for the remaining 17 interviews conducted in 2010. Specifically, questions about key objectives and performance management were inserted at the beginning of the questionnaire. At the end of each interview, the respondent was thanked for having set aside the time taken by
the interview and promised a copy of the transcript of the meeting. These transcripts were later emailed to respondents for their own record. In this thesis, an alias is used whenever a respondent is quoted.

4.4 Research sites

At the time of research design, South Africa had 283 municipalities, including three categories of municipalities, namely that of metropolitan municipalities, which governed the most urbanised municipal areas, local municipalities, which governed rural towns and their surrounds, and district councils, which represented a second tier of local government in rural areas, where each district council incorporated a number of local councils. In order to select the research sites for this study, decisions had to be taken about the kind of municipality on which to focus and the number of cases to include in the study.

When selecting a small number of cases to study, purposive selection is preferable to random selection, which can be acutely biased (Seawright & Gerring 2008: 295). While the purposive selection of a small number of cases does not eliminate difficulties with generalisation, it can contribute to the analytical process by ensuring that the most appropriate cases are studied and that a degree of contrast is incorporated (Seawright & Gerring 2008: 295-296).

South African municipalities are disparate and the differences between them dictate that a one-size-fits-all approach to policymaking would be destructive (Groenewald 2003: 16). Since the focus of this study is on the urban citizenship constructed for residents of informal settlements, the research sites would best be selected from among the urban municipalities of South Africa. Metropolitan municipalities are also of particular significance because of the pace and levels of urbanisation that have influenced them. A majority of the world population has been urban since shortly after the turn of the century, largely as a result of the fast pace of urbanisation experienced across the developing world (Bekker 2006: 3; Davis 2006: 1; United Nations Population Fund 2005: ¶41-43). In this regard, South Africa has not been an exception. The majority of the South African population has been urban since the 1990s, before the period covered by this study (Kok et al 2006: 11). As a result, the experience of citizenship by the majority of the population is therefore that of urban citizenship. Today, over 22 per cent of the population lives in the province of Gauteng, which after the Western Cape, is the only other province experiencing net in-migration, albeit at the anticipated number of approximately 367 100 people for the period 2006 to 2011, which is lower than was previously estimated (StatsSA 2011: 2). At the time of the 2001 census, 57 per cent of the South African population was considered urban (Pillay 2008: 116). The three cities of Gauteng had a combined population of about 7.7 million people, of which more than three million lived in the City of Johannesburg and about two
million lived in the City of Tshwane (Pillay 2008: 116). The populations of the cities of Gauteng were growing most rapidly of all cities in the country, at around twenty per cent between 1996 and 2001 (Pillay 2008: 116).

Given the structural differences between the three categories of municipalities in South Africa, it would be presumptuous to generalise about municipalities more broadly on the basis of a study of two metropolitan municipalities. It should, however, be possible to make inferences about the metropolitan municipalities of South Africa, which govern the largest cities. During the period covered by the study, the municipal expenditure per capita was much higher in the six metropolitan municipalities than in the rest of the country (SACN 2011: 43). Economic output was substantially higher compared to other municipalities, with Johannesburg contributing 14% of the country’s output, Cape Town 11%, Tshwane, Ekurhuleni and Ethekwini 9% each, Nelson Mandela Bay 3% and other municipalities 2% or less (SACN 2011: 20). Investment in infrastructure as represented in both business and residential approved building plans in the five major metropoles also substantially outstripped that in the rest of the country (SACN 2011: 39-40).

The building of substantial numbers of low-income housing has not prevented substantial growth in the number of informal settlements in the urban areas of Gauteng and Cape Town, compared to a slight decline in the proportion of informality in the rest of the country (SACN 2011: 50). In this regard, the South African Cities Network points out that the impressive record of house-building in the six metropolitan municipalities “is over-shadowed by the sizeable, expanding population of these areas compared to the rest of the country” (SACN 2011: 50).

Having settled on metropolitan municipalities as the most appropriate kind of municipality from which to select the cases to be included in the study, the number of cases had to be determined. While a single research site would yield only case-specific data, two municipalities could comfortably be included in the study, while allowing a degree of comparison, which in turn would facilitate an assessment of the significance of place-specific factors. For this reason, two would be the ideal number of municipalities to include in the study.

The metropolitan municipalities of the cities of Johannesburg and Tshwane were selected as the research sites for the characteristics that distinguish them from other South African municipalities, for their several points of similarity to each other, and for their proximity.

It could be argued that the two cities are very similar for the following reasons. Firstly, the adjacent territories of the two metropolitan municipalities are both located within the “commercial powerhouse” province of South Africa (Gauteng Tourism Authority Undated: ¶2). Gauteng Province, even though it is the smallest of the 9 provinces of South Africa, is
home to 11.3 million people, more than a fifth of South Africa’s total population (StatsSA 2011: 3). Its urban character thus sets it apart from other provinces (Huchzermeyer 2011: 124). As mentioned in Chapter 3, it is also one of only two provinces experiencing net immigration (StatsSA 2011: 12). Despite this, employment rates in the province have increased and the metropolitan municipalities in Gauteng have maintained the highest reliance on salaries and the lowest reliance on remittances and grants or pensions as a portion of the main source of household income compared to large cities spread across the rest of South Africa (SACN 2011: 24-25). Of all these cities, the metropolitan councils in Gauteng also have the highest rate of high skill, non-manual employment (SACN 2011: 29). More than half of all Research and Development investment in South Africa is spent in Gauteng (SACN 2011: 30). On the other end of the scale, the proportion of residents of the metropolitan municipalities of Gauteng who live in informal dwellings increased from 2002 to 2009 (SACN 2011: 50). The geographical context of the province of Gauteng therefore gives the municipalities much of their shared character.

Local government in the province of Gauteng consists of the three metros, namely the City of Johannesburg, the City of Tshwane, and the City of Ekurhuleni. For the period covered by the research, the province had a further three district municipalities, Metsweding, Sedibeng and West Rand which in turn were split up into nine local municipalities, as shown on the map below. Since the 2011 local government elections, Metsweding, which had been under provincial management, has been incorporated into the City of Tshwane.

The location of the two cities contributes to their many other points of similarity. Johannesburg and Tshwane score highest in the country with regard to both their labour productivity rate and their Gross Value Add (GVA), a combined measure of income, employment and productivity levels (SACN 2011: 20-21). Their municipalities, however, had the two lowest credit ratings of the six metropolitan municipalities (SACN 2011: 43). In both cities, the majority of the ruling ANC has declined over the first two electoral terms of democratic local government, but the party has nevertheless retained a solid majority in local government elections since the transition to democracy.

The strict selection of two most like cases would involve identifying two cases that are similar with regard to all independent variables except the particular independent variable of interest (Seawright & Gerring 2008: 304). In selecting cities whose metropolitan municipalities will be studied, it is not possible to meet this condition, since no two different cities are quite so similar. Yet, the cities of Johannesburg and Tshwane have two very similar metropolitan municipalities.
With regard to proximity, the University of Johannesburg in the City of Johannesburg provided the base from which the research was conducted. Johannesburg is bordered, on the North, by the City of Tshwane.

Despite the many similarities between the two selected metropolitan municipalities, the local history and institutional arrangements of cities have been argued to be fundamentally consequential. The resulting differences in the character of cities can be strengthened rather than diluted by global economic changes (Kazepov 2005: 19-20). Each metropolitan municipality therefore offers a specific viewpoint of which specific elements may come to the fore in specific settings, similar to the social identity of people, as also suggested by Gervais-Lambony (2006: 54). Indeed, the idea of “the personality of a location” is often used to distinguish it (Hayden 1995: 15). A study of two cities located close together in the same province of a single country has allowed the identification of certain local idiosyncrasies, the probing of the significance of place, and has facilitated the comparative component of the research. The local development of each of the two municipalities is briefly considered, next.
4.4.1 The City of Johannesburg Metropolitan Municipality

The City of Johannesburg Metropolitan Municipality is a single tier local authority incorporating a geographical area formerly governed by eleven different local authorities with disparate capacities. Johannesburg had begun as a tent camp that mushroomed here during the gold rush to the Witwatersrand from 1886, but had grown quickly and sufficiently to support travelling traders and several sectors of industry. For most of the city’s history, the majority black population had been confined to overcrowded residential areas on the periphery of the city and largely excluded from the white economy.

In the late apartheid period, black local authorities had been created to govern the various black townships surrounding Johannesburg. The meagre resources of these councils had been entirely depleted by several boycotts of rent and services payments between their creation in 1982 and the Soweto Accord in 1990 (Tomlinson et al 2003: 8-9). The latter agreement had held so much potential as to force the National Party government’s hand with respect to the more broadly representative forums for negotiating local government that it had previously resisted (Tomlinson et al 2003: 9). Following the accord, the Central Witwatersrand Metropolitan Chamber was established to lead the pre-interim phase of local government transition envisaged by the Local Government Transition Act, no 209 of 1993 (Republic of South Africa 1993). In the transition phase, these local authorities were amalgamated into four metropolitan local councils that formed the lower tier of a two-tier system of metropolitan governance.

Along with political conflict, financial and institutional restructuring and disarray plagued the city from this time until the establishment of the single-tier metropolitan municipality (Tomlinson et al 2003: 10). The crisis was so acute that a “provincially imposed, but willingly adopted, structural adjustment programme” was implemented to turn around institutional and financial management in the city’s government (Tomlinson et al 2003: 10).

The 2000 elections saw the ANC become the clear majority party in the now unified city council, which elected Amos Masondo as Mayor. The new metropolitan municipality had 2.8 million residents living on a geographical area of 1 645 km² that still constitutes the contemporary City of Johannesburg (SACN Undated(b): ¶13).

From the time of his election as Mayor, Masondo maintained a Mayoral Committee selected from among elected councillors, including an MMC for Housing. Although the functional delimitation of other portfolios changed over time, the Housing portfolio remained constant. In addition to its elected councillors, appointed city staff members serve in six units reporting directly to the office of the City Manager and a further thirteen functional departments reporting to the external relations unit. However, to coordinate implementation of the integrated development plan and key city services, the city in 2006 established a central strategy unit that cooperates with the office of the Mayor and that of the City
Manager to oversee departmental functions. The service delivery functions that are handled by corporate entities of which the city is a sole shareholder, include basic services such as water, electricity and rubbish removal. Another such company is the Johannesburg Property Company, whose mandate of managing and developing the council’s property portfolio to attract investment falls outside the scope of this study. With regard to housing, the city has retained a traditional, internal housing department tasked with implementing housing programmes as part of the city’s Integrated Development Plan (IDP), and in 2004 it set up the Johannesburg Social Housing Company (Joshco) with an independent board of directors, to take responsibility for affordable rental housing.

A timeline of city leadership with respect to housing in the City of Johannesburg is included in Table 2, below. As shown, Johannesburg had a single Mayor for the duration of the period covered by this study. Three MMCs for housing each retained their position for a substantial period of time. Whereas the incumbent in the position of City Manager changed once, at the end of the first electoral term, stability was apparent in the senior management positions pertaining to housing in the City of Johannesburg. On the departure of the incumbent who had held the position of Executive Director: Housing from 2000 until 2009, the position had been filled on an acting basis pending the next round of local government elections. The Central Strategy Unit (CSU) and the Johannesburg Housing Company (Joshco) were both established during the period covered by the project. They did not exist during the periods coloured in grey, in the timeline. A high degree of institutional stability is apparent in the timeline.

![Table 2: Leadership timeline, City of Johannesburg](image)

**Table 2: Leadership timeline, City of Johannesburg**

Source: The information included in this timeline was obtained from interviews with respondents as well as a number of annual reports that are available on the city’s website.

The City of Johannesburg Metropolitan Municipality today governs the greater Johannesburg area of 1 645 km² stretching from Midrand in the North to Orange Farm in the South and from Roodepoort and Soweto in the West to Alexandra in the East.
Figure 2: Concentration of informal settlement in the City of Johannesburg
Source: Map compiled by Maryna Storie of GCRO. Full GCRO citation in List of Cited Sources.
The concentration of informal settlement within the City of Johannesburg for the later part of this study is illustrated in Figure 2, above. Nearly 3.8 million people were estimated to reside in Johannesburg in 2011, making it one of the forty largest metropolitan areas in the world (SACN Undated(b): ¶2, 12). Following the 2011 local government elections, Parks Tau was elected as the new Mayor.

The continued concentration of the country’s corporate and industrial headquarters in the City of Johannesburg has contributed to its fast-paced, commerce-oriented character. Local government in Johannesburg is driven by private sector principles and a corporate logic. Key city functions have been corporatised by means of the creation of service companies of which the city is the sole or majority shareholder.

4.4.2 The City of Tshwane Metropolitan Municipality

The City of Tshwane Metropolitan Municipality governs the city of Pretoria and its surrounds. Pretoria had been founded as capital city of the boer republic, the Zuid-Afrikaansche Republiek, in 1860. The geographical boundaries of the city had changed a number of times over the course of its history.

In 2000, the City of Tshwane was home to a population of about 2.2 million people (Potgieter 2001: 13). This number grew to an estimated 2.365 million residents living on 2 174 km² by 2010 (SACN undated: ¶16-17). Coinciding with the date of the local government elections that took place just after the period covered by this study, the incorporation of an additional hinterland municipality, Metsweding, made Tshwane the third largest municipality in the world at 6 368 km² and increased the city population to more than 2.5 million people (SACN undated (c): ¶4, 6).

Tshwane’s administration has been dogged by claims of corruption and instability has been evident in the office of the City Manager. Oupa Nkoane held this position on an acting basis after then Mayor Gwen Ramokgopa suspended City Manager Kiba Kekana for the duration of an investigation into corruption charges against him in 2009, and until the new Mayor appointed a senior official from the Johannesburg administration to the position in 2010 (see Thom 2009: ¶1-2). Reporting to the office of the City Manager are eleven city departments including that of Development Planning and of Housing. While the functional responsibilities of city departments do not correspond exactly to the functional portfolios of the Members of the Mayoral Committee, the strategic directors of departments do cooperate with and report to MMCs.

Before 1994, the white, National Party-dominated City Council of Pretoria had been the local authority in charge of the city of Pretoria and its white suburbs, but excluding black residential areas on the urban periphery which were governed by separate councils.
Together with the black areas, this council became a single substructure of a higher tier of metropolitan government during the interim phase, which had culminated in the establishment of the Greater Pretoria Metropolitan Council in 1995 (Potgieter 2001: 13).

Although the ANC was the majority party in the interim structures from the start, it suffered from the composition of wards based on the racial districts of the apartheid dispensation, as mentioned in Chapter 3. As a consequence, the ANC’s narrow majority over the former governing party, the National Party (NP), was not sufficient to allow it to implement its programmes for “upliftment, development and transformation”, as the balance of power was held by the white right wing as represented by a minority party, the Vryheidsfront (Groenewald 1997: 11). This experience had informed the ANC’s short-lived vision of creating a megacity in the province of Gauteng: since the power of opposition parties was concentrated in the lower tiers of local government that had been demarcated in the old dispensation, a megacity government with larger wards could allow the ANC to implement its programmes without constraint (Groenewald 1997: 11). From the outset, the megacity idea drew broad criticism on the grounds that it would remove government too far from the grassroots and that the resulting impersonal system of government would privilege the well-off with their better lobbying skills (Groenewald 1997: 11). The megacity vision was abandoned in favour of the three separate metropolitan councils that were established within the province of Gauteng, but in Pretoria, the ANC had managed to tip the scales in its own favour in 1996. This happened when it secured the position of Mayor for its own Joyce Ngele by cooperating with the VF to elect Ngele as Mayor and a VF candidate as Deputy Mayor (Groenewald 1996: 9). This at the time astounding, but simple electoral pact represented the defeat of NP power in Pretoria. With Ngele as the first ANC-member, black person, and woman to be elected Mayor in the Greater Pretoria Metropolitan Council, the GPMC was suddenly far more than the largely ceremonial body that had been anticipated, since international counterparts preferred contact with the GPMC over contact with the substructures that still had white top structures (Groenewald 1997: 11; Groenewald 1996: 9).

Early agreement on the division of powers and functions between the GPMC and its three substructures was followed by fierce power struggles between the different tier local authorities (Groenewald 1996b: 15). But these institutional battles became largely irrelevant when the four remaining structures were amalgamated with several surrounding municipalities to become the City of Tshwane Metropolitan Municipality on the date of the local government elections of 5 December 2000.

During the second electoral period covered by this study, the council had 210 members, having grown from 152 members in 2000 (City of Tshwane Undated: ¶1-3; Potgieter 2001:}
13). Each of the ten MMCs chaired a particular portfolio committee (City of Tshwane Undated: ¶3). The housing specific portfolio was so named in 2006.

A timeline of city leadership with respect to housing in the City of Tshwane is included in Table 3, below. The relative instability in political leadership is visible in this timeline. Three different Mayors governed over the course of the two electoral terms. The first of these was Father Smangaliso Mkhatswa, who was Mayor for a single term. Following the 2005 local government elections, Dr Gwen Ramakgopa replaced him as Mayor. When she was appointed as the national Deputy Minister of Health in 2010, she was succeeded as Mayor by her nephew, councillor Sputla Ramokgopa, regional chairperson of the ANC in Tshwane, who was re-elected as Mayor following the 2011 local government elections (Mataboge & Rossouw 2010: ¶2). The first electoral term was substantially more stable than the second, with the MMC for Social Development and for Economic Development respectively retaining their portfolio for the duration of the term. The City Manager changed only once. The second electoral term, however, saw four City Managers and four different MMCs for Housing fill that position over the course of five years.

Table 3: Leadership timeline, City of Tshwane
Source: The information included in this timeline was obtained from interviews with respondents as well as a number of annual reports that are available on the city’s website.

Although the ANC has been the majority party in the City of Tshwane since its establishment, the city has experienced a high degree of instability with regard to its leadership, having been governed by three different Mayors and five different City Managers during the period under investigation in this study. The 2011 elections saw the outer boundaries change once again with the amalgamation of the rather troubled bordering Metsweding municipality into the City of Tshwane. The concentration of informal settlement in the City of Tshwane during the latter part of the period covered by this study is shown in Figure 3, below.
Figure 3: Concentration of informal settlement in the City of Tshwane
Source: Map compiled by Maryna Storie of GCRO. Full GCRO citation in List of Cited Sources.

The institutional character of the city, however, appears to have remained constant. Pretoria has retained the status of national capital from its establishment, for the first hundred years as capital first of the ZAR and then of the Union of South Africa, and following South Africa’s independence from Britain, as administrative and overall capital of the Republic of South Africa. The city has also produced numerous politicians who have worked their way up the party ladder through senior appointments to the national cabinet. One example of this is Dr Gwen Ramokgopa, who began her political career as a rookie councillor in the first transitional local authority, later served as Gauteng provincial Member of the Executive Committee (MEC) for Health, then as Mayor of Tshwane, and now as Deputy Minister of Health in the national cabinet. Other cabinet members whose career paths began in a local authority in Pretoria include the ANC’s Peter Maluleke, Joyce Ngele and Gert Oosthuizen and the Democratic Alliance’s Sej Motau, Fred Nel and Manie van Dyk. Both the city’s status of capital and its role as training ground for the national political leadership have contributed to the city’s persistent bureaucratic-diplomatic character, particularly in the centre.
4.5 Respondent selection

In order to gain access to a well-informed, overarching understanding of local state strategies and approaches, key state officials who work at decision-making level were selected for interviews. The population of potential respondents in this study consisted of those who were responsible for housing as a response to informal settlement in the local state governing the cities of Johannesburg and Tshwane. This included elected councillors and appointed executives in the two metropolitan municipalities.

While the representation of women among elected local state officials had improved somewhat by the time of the 2000 local government elections, however, the continued domination of rural local government by traditional leadership was facilitated by the demarcation process and sustained in light of the Mbeki administration’s Africanist agenda (Beall 2004: 6-8). While women were significantly underrepresented, certain overall gains in representation were made following the enactment of the Municipal Structures Act, no 117 of 1998, which required parties to ensure that half of the candidates on their election lists were women. The end result was a total of 28,2 per cent representation by women after the 2000 elections (Beall 2004: 9). The proportion of women councillors elected in metropolitan municipalities was slightly higher, at 29,7 per cent (Beall 2004: 9). While representation of women among candidates increased to 35 per cent in 2006 and 37 per cent in 2011, the proportion of women successfully elected to local councils declined from 40 per cent in 2006 to 38 per cent in 2011 (Du Toit 2011: ¶1-4). As in previous elections, women’s representation was substantially higher among proportional candidates than among ward candidates (Du Toit 2011: ¶10). This had been exactly predicted by GenderLinks analyses based on the predicted lower show of support for the ruling party, the ANC, which was the only party that had attempted, unsuccessfully, to include an equal number of men and women on its candidates lists (Du Toit 2011: ¶14). Jo Beall (2004: 5-9) warns that women councillors do not translate automatically into feminist activism, and that a number of factors limit women’s influence over and benefits derived from local government.

The local government elections held in 2000 comprised the first round of local government elections that were organised by South Africa’s new Independent Electoral Commission (IEC). The distribution of council seats in the two municipalities following the three rounds of local government elections since then is captured in Table 4, below.

In the Table, only the two majority parties in each council have been specified. As indicated in the Table, the Democratic Alliance, the main opposition party nationally, and in the Gauteng Province, managed to strengthen its local position substantially in the round of local government elections immediately following this project, while the ANC nevertheless sustained the solid majority that it has consistently achieved in the two metropolitan municipalities studied here from the time of the transition to democracy. Councillors in
executive leadership positions were therefore likely to be members of the ANC and were more likely to be men than women.

<table>
<thead>
<tr>
<th>Elections</th>
<th>Johannesburg</th>
<th>Tshwane</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Party</td>
<td>Seats</td>
</tr>
<tr>
<td>2000</td>
<td>ANC</td>
<td>128</td>
</tr>
<tr>
<td></td>
<td>DA</td>
<td>73</td>
</tr>
<tr>
<td></td>
<td>Other</td>
<td>16</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>217</td>
</tr>
<tr>
<td>2006</td>
<td>ANC</td>
<td>153</td>
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<tr>
<td></td>
<td>DA</td>
<td>90</td>
</tr>
<tr>
<td></td>
<td>Other</td>
<td>17</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>260</td>
</tr>
</tbody>
</table>

Table 4: Party distribution of council seats across elections

With regard to the appointed local administration, the two municipalities selected for this project are in a privileged position. Across the country, 240 000 people work as local government employees (SAIRR 2011: ¶2). Given that South Africa has a total of 283 municipalities, the numbers of appointed local officials available to the two metropolitan municipalities studied here is substantially higher than average. The staff component of the City of Tshwane amounts to 522 municipal staff members per 100 000 of the city population of 2 365 million people, while the City of Johannesburg employs 662 appointed municipal staff members per 100 000 residents, who number nearly 3.8 million (SACN undated: ¶18; SACN Undated(b): ¶14).

In selecting respondents for qualitative interviews, Earl Babbie and Johann Mouton (2001: 288) recommend considering the criteria of thorough enculturation, current involvement and adequate time, that is, respondents should be sufficiently emerged in the field and presently active in the field of the research, and should be able or willing to make a sufficient amount of time available for participation in the study.

As mentioned earlier, South Africa’s local authorities are required by the Constitution and several pieces of legislation to cooperate with the provincial and national government. Given the allocation of responsibility and funding for housing, which was concentrated at the national and provincial level, intergovernmental relations were anticipated as an important component of local government approaches to housing and informal settlement. It was therefore important to compare the picture emerging from interviews with local state officials to the views of officials who were responsible for housing in the provincial and national state as well.
Based on these criteria, 36 people were selected to be approached for interviews, of whom 22 agreed to participate in the study. The details with regard to who was approached are provided below, followed by a discussion of which respondents respectively participated or declined to participate in the study.

Potential respondents were first approached by email to their personal assistant, secretary or other administrative staff member. The email requested an appointment for the purpose of a research meeting. Attached to each email was a letter of informed consent addressed to the prospective respondent and signed by the researcher. The letter explained the focus of the research, and mentioned that it was critical for the purpose of the study that key officials responsible for housing be included. A sample of this informed consent letter is included in Annexure A.

The people who were approached for interviews included the persons in office in the positions of member of MMC for housing and of the top appointed official in the housing department in each of the two metropolitan municipalities. This group was identified as the primary population of people responsible for housing in the local state, irrespective of the specific official nomenclature or designation. In addition, the Executive Mayors and City Managers in the two metropolitan municipalities held powerful, decision-making positions, and the primary population of officials responsible for housing reported directly to them. The respondents as well as the administrative staff members who responded to my requests for interviews in each metropolitan municipality also indicated which other decision-making officials worked closely with housing officials. On this basis, a small number of local state respondents were selected for complementary interviews. In the City of Tshwane, the appointed Acting Strategic Executive Director: City Planning was also selected for an interview. In the City of Johannesburg, complementary interviews were requested from the appointed director of the Central Strategy Unit and from the elected MMC for Development Planning and Urban Management. In addition, the city had set up two separate units of which the first was intended to liaise between the office of the Mayor and the administration and drive policy implementation – the central strategy unit. Its director was approached. The second unit was specifically responsible for social housing or affordable rental housing in the city. The CEO and the Director of the Johannesburg Social Housing Company (Joshco) were both approached. With two exceptions, all the councillors and officials directly responsible for housing agreed to be interviewed.

In the local state, the offices of the Mayors and City Managers in both metropolitan municipalities avoided formally declining an interview, but failed to make the necessary arrangements to set up a meeting and did not return the latest of a series of telephone calls and emails to their offices with respect to the earlier request for a meeting. With respect to the local state councillors and executives in office and directly responsible for housing, it
was possible to sample the majority of the primary population. However, the Executive Director: Housing in the City of Johannesburg in office in 2008 declined the request for an interview. Instead, the request was referred to a lower level official, who also declined. An interview was therefore conducted with the appointed director of project support in the Housing Department in 2008. All three complementary interview requests in the local state were successful, however, the elected MMC for Development Planning and Urban Management in Johannesburg brought along the appointed Director for Development Planning and a joint interview was conducted. The CEO and one other official at the Johannesburg Social Housing Company also agreed to be interviewed.

To incorporate the views of officials and politicians in the provincial and national state, interviews were requested from the MEC for Housing and the former MECs for Housing in Gauteng, from the Director in the provincial Department of Housing, from the current national Minister of Human Settlements and the former national Minister of Housing, from the Director-General in the national Department of Human Settlements, and from the Director: Intergovernmental Relations in the Department of Human Settlements. These respondents’ accounts could either corroborate or stand in tension with the accounts of local state officials.

A full list of the interviews that were requested including the dates of those interviews that were conducted appears in Annexure B. The response rate was excellent for the primary population, but not with regard to elected officials in the provincial and national government. While several appointed officials in the provincial and national government agreed to be interviewed, not a single elected politician responsible for housing in the provincial and national government agreed to a meeting. The MEC and former MECs for Housing in the province of Gauteng and the premier all failed to make the necessary arrangements for an interview. No final answer to the numerous requests by email and telephone could be extracted. The same applies to requests to interview the current Minister of Human Settlements. Only one national politician attempted to accommodate the research. The former Minister of Housing had been appointed as Minister of Defence. The request for an interview was accepted by indicating that the Minister’s advisor in the Department of Defence would be available for an interview. This offer was not pursued, given that an interview with a Ministerial Advisor on Defence was unlikely to yield reliable results with regard to the state’s approach to Housing.

Greater success was achieved in approaching other appointed officials in the provincial and national government. A request to interview the Director-General in the national Department of Human Settlements in office in 2010 was refused on the basis that he had not served in the position long enough. Instead, enquiries were directed to the department’s Chief Director of Human Settlements Planning and Director of Public Information and Marketing,
respectively. The former initially referred the request to a Director of Provincial Planning, but later agreed to be interviewed as well. The latter agreed to be interviewed and in turn facilitated an interview with the Department’s Director: Intergovernmental Relations. In the Gauteng provincial government, the appointed head of the provincial Gauteng Planning Commission in 2010 also avoided either refusing or confirming an interview, but several appointed officials responsible for either housing or local government agreed to be interviewed. These included the province’s Regional Manager responsible for housing in the City of Johannesburg in 2008 and 2010, a Deputy Director in the Tshwane office of the Gauteng Department of Housing in 2008, the regional manager responsible for housing in the City of Tshwane and Metsweding in 2010, the Director of Planning and Research in the Gauteng Department of Local Government and Housing in 2010, and the Director of the Municipal Infrastructure Investment Unit in 2010.

All communication with respondents was conducted in English. Respondents were not asked what their first language was, but seven of the 22 respondents appeared to be first language speakers of English. However, every respondent was sufficiently competent to use English as a professional language and to respond to the questions posed during interviews without any difficulty whatsoever.

I conducted all fieldwork during two rounds in 2008 and 2010 respectively. The interviews that were conducted are broken down in terms of the level of state in which the respondents were active and their status as elected or appointed, in Table 5, below. Twenty-two respondents agreed to be interviewed, ten of which were women. The response rate was therefore 63 per cent. All the elected councillors were ANC proportional party representatives. Annexure B contains the list of 36 people from whom interviews were formally requested and, for those respondents who participated in the study, the dates on which specific interviews took place.

<table>
<thead>
<tr>
<th>Sphere of State</th>
<th>Appointed</th>
<th>Elected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local state: City of Johannesburg Metropolitan Municipality</td>
<td>6</td>
<td>3</td>
</tr>
<tr>
<td>Local state: City of Tshwane Metropolitan Municipality</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Provincial state: Gauteng Provincial Department of (Local Government and) Housing</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>National state: Department of Human Settlements</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>17</td>
<td>5</td>
</tr>
</tbody>
</table>

Table 5: Breakdown of respondents interviewed
Of the five respondents interviewed during the first round of fieldwork in 2008, two held key positions in the provincial administration, another two were high-ranking elected city councillors, while the other was an appointed city official. Two each worked in and with the City of Tshwane and three worked in the City of Johannesburg. All were directly responsible for housing. During this initial round of fieldwork, semi-structured interviews were conducted based on an interview guide with 20 themes that dealt with housing delivery plans, the philosophy and strategy driving those plans, intergovernmental relations, state capacity, and specific approaches to informal settlements, as shown in Annexure C.

While the inclusion of only two appointed officials from the City of Tshwane might make the data more prone to bias resulting from a particular individual’s views, the reason for a larger number of decision-makers in Johannesburg was the existence of its Central Strategy Unit and separate corporate entities. In the City of Tshwane, on the other hand, there was no corresponding separate, central body responsible for coordinating integration in local state administration according to the IDP. For the later part of the period covered by this study, such an integrative function was fulfilled by the Planning Department of which the Acting Strategic Executive Director was interviewed. The two officials who agreed to be interviewed were therefore the key appointed decision-makers respectively with regard to urban planning and the IDP, and housing and informal settlement in the City of Tshwane.

One of the respondents from the first round remained in the same position and was interviewed again during the second round of fieldwork in 2010. During this second round of fieldwork, interviews were conducted with a total of 17 respondents, including five appointed and two elected councillors in the City of Johannesburg, two appointed and one elected councillors in the City of Tshwane, four appointed officials in the Gauteng provincial government, and four officials in the national Department of Human Settlements. The adapted questionnaire used for this round of interviews is included in Annexure D. It covered an assessment of the housing situation, the setting of priorities by means of performance management, community consultation and other means, intergovernmental relations, and specific approaches to informal settlements.

All the respondents had agreed to a request for an interview of one hour. Although it was apparent that their schedules were demanding, the majority of respondents in the two rounds of fieldwork eventually spent close to 90 minutes on their interview. All the respondents appeared knowledgeable, experienced, and engaged with their work in the field of housing. The cooperative and frank attitude of these respondents contributed substantially to the quality of the interviews, which flowed well and covered a wide range of issues. The interviews provided invaluable opportunities to gauge the attitude of key
government actors towards informal settlements. Various themes emerged from the respondents’ comments.

Given that both criticism and defence of the ruling party’s policy of cadre deployment in appointed positions have been reported in the media (SAPA 2011: ¶1-5), it is necessary to note two points with regard to this study. Firstly, the research methodology does not make it possible to comment definitively on whether the respondents have benefited from cadre deployment. Respondents were not asked about their political party affiliation. Secondly, the respondents had good qualifications and solid work experience. In addition to this, most respondents had clearly kept abreast of academic debates pertaining to their field of work.

It has been noted more than once in this document that findings about a specific segment of the post-apartheid state bureaucracy cannot be generalised to the state as a whole and the same applies with regard to this observation. With regard to the appointed state officials responsible for housing in the cities of Johannesburg and Tshwane who were interviewed in this study, none of the respondents were apparent examples of the appointment of inappropriately qualified or inexperienced officials, whether they may have benefited from a programme of cadre deployment or not.

Finally, each respondent agreed to the recording of the interview on condition that the recording would be used solely for the purpose of the researcher’s record. This freed the researcher from having to take detailed notes during interviews and allowed the conversation to flow more naturally (Smith & Manning 1982: 108). The recordings were used to produce verbatim transcripts of the interviews, compiled by a professional transcriber, which contributed to the quality of transcripts. Following professional transcription, each transcript in turn was checked, edited for mistakes and re-checked against the original interview recording. The transcripts were highly reliable, but certain subject-specific words had been indicated as “inaudible” by the transcriber. Such minor issues were corrected. This listening and editing process facilitated a strong familiarity with the data separated into individual interviews and the initial identification of themes for analysis.

4.6 Data analysis

The analysis in this paper is informed by the consideration of a series of themes that have been identified inductively from the interviews. The interviews yielded rich information and insights. The themes that were inductively identified from the process of listening to and editing the transcripts include certain challenges of intergovernmental relations, the constraints of state budget rituals, specific constraints on capacity, the impact of performance management, concerns about informal settlement on private and state-owned land respectively, and other issues. Although the limited number of interviews does not
allow in-depth comparison, certain apparent local specificities as well as differences between the provincial administrators and city councillors emerged from the interview data.

The indirect data source represented by open-ended interview responses produces a large amount of data that is not yet organised according to specific variables, and must be reduced by developing a "filing system" (Groenewald 1986: 70). In this study, the research question dictated certain broad focus areas, but the main approach was that of inductive identification of themes or grounded theory. This process begins with coding, of which one of the main options for data organisation within a grounded theory approach is that of open coding, involving the allocation of segments of text to thematic categories (Babbie & Mouton 2001: 499). The detailed transcripts were therefore used to disaggregate respondents' comments in word-processing documents, where each individual respondent's comments were coded or labelled according to the themes that had emerged during the listening and editing process. No strict rule was followed with regard to the number of sentences or phrases that constituted a single item to be coded. Rather, if a respondent took three or four sentences to explain a single point, these sentences would be treated as a single item and coded together. Each code consisted of two words representing a specific category and theme.

Next, the data was re-organised according to coded themes rather than individual respondents, as recommended in the literature (Babbie & Mouton 2001: 499; Smith & Manning 1982: 109). Respondents' comments as captured in individual interview transcripts were copied and pasted into a new word processing document that was named by theme and in which all comments were labelled according to respondents' level of state and status as elected councillor or appointed official.

Once the data was organised thematically, it was possible to re-evaluate the data from a new perspective. Rather than to focus on the individual differences between respondents, it was possible to look for patterns with regard to responses from the two different municipalities or cities, from the different levels or spheres of state, and from appointed and elected respondents respectively. The comparative element of the study emerges from this part of the process.

Two layers of analysis have therefore been conducted. On the first level, the unit of analysis is that of individual respondents as actors within the state and the focus of the analysis is the approaches and strategies of officials and councillors in the face of their overwhelming responsibility for housing as a response to informal settlement. On the second level of analysis, the unit of analysis is that of a metropolitan municipality as apparatus of the local state and the focus of the analysis is the kind of urban citizenship that is constructed for residents of informal settlements in each city.
4.7 Conclusion

Having asked the research question, How do elected councillors and appointed officials in the local state contribute to the construction of urban citizenship for the residents of informal settlements in South African cities?, a qualitative approach involving in-depth interviews with key respondents in the local state and other levels of state was employed in this study. The respondents were elected councillors and appointed officials responsible for housing in the cities of Johannesburg and Tshwane, as well as officials in the provincial government of Gauteng and in the national government.

As in other projects that involve studying up, certain obstacles were experienced during attempts to access respondents. None of the elected politicians in the provincial and national state from whom interviews were requested, made themselves available for interviews. However, several appointed officials at these levels did avail themselves and did so for interviews that lasted approximately ninety minutes. Access challenges were not significant with regard to the primary population of senior local state councillors and officials responsible for housing, as only one of these seven officials in office declined to be interviewed. Another concern flowing from the fact that this project involved studying up, was that careful consideration had to be given to the issue of engaging powerful respondents who are more able to manipulate and critically engage the research process. Given the focus of the research on state processes, it was possible to obtain informed consent and to approach the knowledge and experience of respondents as an asset, without having to sacrifice a commitment to producing knowledge that can resonate with the oppressed.

This chapter has motivated the selection of two adjacent metropolitan municipalities as the research sites for the study and contextualised them in terms of their structures and the actors who populate them as well as the broader state of which they form part. The location and context of the two cities make their metropolitan municipalities very similar in many respects, but differences between them were also apparent.

The selected methodology has yielded the data necessary for answering the research question. The 22 successful interviews produced rich and detailed data that was disaggregated using a grounded theory approach. The data was categorised and analysed thematically. The approach taken to data analysis has facilitated the interrogation of the importance of local processes and actions vis-a-vis larger, structural forces and made it possible to consider the key sociological concern with the relationship between structure and agency. This categorisation and analysis form the basis of the next chapter, which presents the findings of the study.
Chapter 5
Elected and appointed respondents’ accounts of local state approaches to informal settlement and housing need

5.1 Introduction
This study asks how appointed officials and elected councillors in the local state have contributed to the construction of urban citizenship for the residents of informal settlements in the cities of Johannesburg and Tshwane during the first two electoral terms of democratic local government in South Africa. Previous chapters have recognised the contribution of the colonial and apartheid state in South Africa to the proportion of poor people who remain without adequate shelter, acknowledged the shortcomings and legacy of approaches that have historically been taken to urbanisation, informal settlement and housing, and considered the delayed transition to democracy at the local level in South Africa. The democratic government had wasted no time in legislating the right to housing and addressing the legacy of these policies when it came to power in 1994. By the time of the first democratic local government elections in December 2000, over 1 million low-cost houses had been built (Moller 2007: 186). It would be fair to say that a substantial commitment to housing delivery was demonstrated, and this has been recognised by international accolades and awards. The focus of the present study is, however, not on housing delivery by the government, but on the specific strategies employed by the local state and the officials and councillors who populate it, and the kind of urban citizenship that has been constructed for residents of informal settlements as a result of these strategies.

The purpose of this chapter is to present the data that has been gathered in this study of the kind of citizenship that the local state has constructed for the residents of informal settlements. The research question was approached by investigating six subquestions, which provide the structure of this chapter. The study has been guided by an understanding of the local state as but one part of the structure and apparatus of the state. The local state can therefore best be understood not by considering it in isolation, but by considering its position and role within the broader state and its relations with society. The first section therefore discusses how the local state in the two selected cities has interacted with the provincial government of Gauteng and the national government of South Africa in order to respond to informal settlement. As described by the respondents, the structure of the South African state and intergovernmental relations has a significant impact on the local authorities studied here. Since the construction of citizenship is at stake, and citizenship is not shaped by the state alone, but contested and reshaped by citizens, it is also important to consider state-society relations. In this regard, the second section of this chapter asks


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how the local state has taken account of the voices and needs of residents of informal settlements. This is followed by a discussion of other important factors in local state planning, as identified by the respondents. These three sections on considerations that inform local state planning and practice are followed by a review of the strategies that have been employed to cope with the responsibility of responding to informal settlement and housing need in the two cities. The factors that respondents have identified as impediments to an effective response to the need for adequate shelter are reported next. Throughout the chapter, pseudonyms are used to refer to respondents where they are quoted.

5.2 Impact of intergovernmental relations on the local state

5.2.1 The local state is led by national policy
Respondents indicated that the local state was primarily led by national policy. Although they did articulate criticism of national policy, they nonetheless followed and adhered to this policy, including legislation and policy documents that govern the systems and management of municipalities on the one hand, and spatial planning, housing and informal settlement on the other. Points of criticism included that the Municipal Finance Management Act prevented interproject transfers and that the Development Facilitation Act had allowed provincial government to interfere with and flaunt local government planning. In addition, the national Housing Code was perceived to limit the amount of subsidy that can be accessed for integrated development. Local officials argued that the national Housing Code was too narrow in its focus and therefore did not adequately support them in their various programmes. This was because of the criteria that indicated who would qualify for housing support. While local respondents were frustrated by the limited funding available for all alternatives to fully subsidised single-family houses for qualifying beneficiaries, officials in the provincial and national government pointed out that non-qualifiers could benefit from upgrading programmes. Provincial officials argued that subsidised housing would take care of those who qualified for subsidised housing, whereas municipalities were responsible for dealing with those residents who did not qualify for subsidised housing. Gabriel, a Johannesburg councillor, commented:

I think we have done a huge amount of work, progressive work, but we are being held back by the Housing Code. So I would say definitely both the Housing Code - and then just in general - that housing policy is just too restrictive in terms of the RDP housing development. [...] Secondly, I would like much more flexibility in how RDP housing is delivered. We must be given the tools to enable that. It is really important. If you want to see Johannesburg really deliver large scale housing and in terms of our policy improve people’s lives because they need work opportunities,
integration, etc, that has to change. It has to change. We have to move away from that one house, one stand.

There were two instances in which the local state had attempted to change national policy. Respondents said that during the first electoral term of democratic local government, the local state had given feedback to the national government to the effect that the housing policy was being implemented, but was not leading to a decrease in informal settlements. This commentary had not involved any formal challenge to the national policy, but was one factor that contributed to the shift in policy in 2004. The second instance was with regard to the Development Facilitation Act which respondents felt allowed the provincial government to flaunt local integrated planning. The City of Johannesburg had requested a declaratory order about this act and when the judgment was taken on appeal, the Appeal Court ruled that local planning was an exclusive function of local government and this ruling was confirmed by the Constitutional Court (City of Johannesburg Metropolitan Municipality v Gauteng Development Tribunal and Others ¶18, 71). Before the order, the provincial government had abused the Act to ignore local government plans by granting permission for new formal developments on the outskirts of Johannesburg where infrastructure was inadequate and the developments contributed to urban sprawl. Apart from these instances in which policy had effectively changed over time, respondents were overwhelmingly led by national policy.

Respondents in the local state took cognisance of the constitutional division of powers and functions between the three spheres of government. In both cities, respondents considered it important that integrated planning should be conducted by municipalities alone, while respondents in both cities pointed out that local government could not fulfil functions that were the responsibility of the Department of Home Affairs. With regard to the implementation of the national housing programme, however, respondents in the local state were ardent supporters of accreditation of their municipalities to implement this function at the local level, since the housing need was most acutely felt at the local level. Most respondents in the national government took the same view. Concerns that accreditation would make provincial housing departments obsolete were rejected, since the provincial government would need to play a monitoring role.

Legislated, procedural policy was much easier to adhere to than broad political objectives that were publicly embraced at the national level. For example, respondents made it clear that the goal of eradicating informal settlements by 2014 which had been articulated by national politicians many times, was not achievable. The Millennium Development Goals were embraced at a national level, but local planning was far more important in determining local priorities, respondents said. In both cases, the MDGs and the eradication of informal
settlement by 2014, respondents said that the funds allocated were insufficient to allow them to pursue these goals.

With regard to housing and informal settlement, good policies were in place that could serve the country well into the future, but now needed to be properly implemented and monitored, said Maureen, a senior Johannesburg housing official.

While councillors and officials in both cities therefore broadly agreed with the sentiments expressed by national politicians, the failure to allocate sufficient resources made it impossible to meet these goals. A number of officials responded to this situation by expressing their frustration with the practical lack of progress against housing backlogs despite their hard work, while politicians were more likely to identify as progress their ability to have provided residents of informal settlements with a formal address.

Respondents in the City of Johannesburg were more likely to raise what they perceived as limitations of national policy. These councillors and officials considered their local authority to be a country leader with regard to urban policy development and implementation, and they were proud of this. Respondents in the City of Tshwane were somewhat more inclined to be reactive and follow changes in national policy without having anticipated them. Nevertheless, the local state in both cities depended on funding transfers from the central state for their ability to respond to informal settlement and housing need.

5.2.2 The local state is funded by the central state

At the national level, various imbizos would feed into policy documents, which would then be presented to ruling party meetings and to the Cabinet lekgotla before specific goals would be articulated in the President’s State of the Nation Address, explained Andrea and Martin, both national officials. Following the State of the Nation Address, the goals would be incorporated in the budget vote. Following this, funds would be moved to departments according to the Division of Revenue Act (DORA) and from the national departments to provincial governments. Once the funds had been transferred to the provinces, the national department essentially lost control of funds, said Andrea, a national official. Respondents agreed that the local state was not politically accountable to other spheres of state, but was financially accountable for managing transferred funds.

Respondents considered the national budget for housing to be inadequate compared to need, and small compared to other pressing needs like education and health. The city relied on the provincial government primarily for funding transfers and contributed a substantial amount of bridge funding to projects funded by these subsidies, according to respondents in the local state. Respondents broadly agreed that their ability to respond to
need was limited by inadequate funding. According to Nellie, a Tshwane councillor, the current funding levels meant:

[T]here won’t be much [of a] dent [made in housing need], frankly speaking. That will be just scratching the surface. Our initial budget requirement was actually almost a billion, so if you have 100 million or 150 million, that is why I say it won’t have that dent but we are saying we need to really start indicating. People should not only have hope but to show them that we are doing something towards the whole thing.

While no projects were entirely excluded from funding, the amount of subsidy that the local state could claim per project was severely limited by the criteria contained in the national Housing Code, said Engela, a Johannesburg official. A further problem with the system of subsidy linked to individual beneficiaries was that “money flowed only at the end of the process”, Engela said.

The provincial department distributed the housing budget among the regions based on need. The housing budget in the province was consistently spent, and along with it any additional grants that the department had managed to request during the course of a financial year. Municipalities reported to the provincial government with regard to housing because those projects were funded by the provincial department. The local state relied on housing subsidies to be transferred from the provincial government. In the City of Johannesburg, the city had a revolving type arrangement with the provincial government; it would build housing, claim the relevant subsidy, and then use those funds for the next development. “You always suspect that there is a bit of a top slicing that happens along the way as it goes via the conduit”, said Shireen, a senior Johannesburg official. To make matters worse, the provincial government had at some point been unable to pay its substantial debts with regard to housing projects completed by the local state. In this regard, provincial officials complained that the City of Johannesburg had instituted a subsidy claim for completed projects that had the potential to wipe out the provincial budget for housing.

The local state in both cities was in the process of applying for accreditation with the national Department of Human settlements. Accreditation would change the funding relationship because it would allow municipalities to receive funding for responding to informal settlement and housing directly from the national government. Given the intergovernmental tensions, coupled with the fact that popular protest over housing targeted local government, local state respondents said that they would prefer that the provincial government played a monitoring role rather than to act as developer. Across the board, local respondents argued that accreditation would improve their ability to plan for and address housing need and informal settlement and to be responsive to protesting communities. Local officials anticipated more efficient use of housing funds, since the
suspected top-slicing at provincial level would be eliminated. In addition, planning efficiency would improve, as claimed by Nellie, a Tshwane councillor:

If we become accredited what will happen is that the money will be directed to us from Treasury so that we can indicate that we are going to do 1,2,3 on the project. Then we will be in a position to assist to improve the situation.

While local councillors and officials across the two local authorities were convinced that their contribution to housing delivery would benefit substantially if their local authority were accredited and they received funding for housing directly from the central state, provincial respondents were however sceptical about the potential of accreditation. They warned that municipalities could potentially spend housing funds on other functions and that tensions could be expected to arise if provincial housing staff were seconded to local authorities to continue their work on the implementation of housing programmes, given the salary differences between the two spheres of government. National respondents, on the other hand, expected municipalities to become more accountable for their response to informal settlement and housing need, not only with regard to transferred funds, but also using the funds that they raised from rates and taxes. As a result, municipalities would become more accountable to higher levels of government, as they would be included in quarterly performance monitoring.

5.2.3 The local state is in a disadvantaged position
Both cooperation and competition between the provincial administration and the local authorities were evident. It was therefore important to interrogate intergovernmental relations.

Intergovernmental relations were generally experienced as tense and problematic by respondents in the local state. The provincial and national levels of government were accused of having too uniform an approach to local government by Shireen, a Johannesburg official. While structured engagement took place between politicians, respondents’ accounts indicated that critical technical cooperation around implementation relied more heavily on interpersonal relations and to some degree on connections made outside of the state. In the experience of local respondents, provincial politicians were often unavailable to meet with local politicians and planners, while provincial officials expected local authorities to realise that they were only one of many priorities of the provincial government. Local authorities therefore struggled to include the relevant provincial office bearers in integrated planning. This meant that planning was often not comprehensive and not an integrated effort by the provincial and local state.
This situation potentially places local authorities at a serious disadvantage. The financial year ends earlier for provincial government than for local government in South Africa, which meant that provincial planning documents were routinely submitted while local state planning was not yet finalised. The planning cycle of provinces therefore ended earlier in the year than those of municipalities, leaving no opportunity for municipalities to change these plans. Since the national department planned to withhold funding where planning was not aligned across spheres of government, this potentially placed serious constraints on the ability of the local state to control local planning. The provincial government was effectively in a position to veto municipal planning, as the national Department of Human Settlements would stop transferring funds for plans that were not aligned across spheres of government. Malcolm, a national official, explained:

[T]his year, it is interesting that what we are going to be saying is if a project appeared in the Municipal Business Plan and we do not pick it up in the Provincial Business Plan, then you would not fund it, I mean in a word. We have realised that unless we are adamant about these positions we are not going to be able to actually have some of these roles cracked. So if we begin to say that then everyone will come to the party and say okay, we are all competing for the same money so we might as well, I mean a project must come from Municipal level, be approved by Province as well and then at National, that way. But not, a project comes from Province and then gets money from National Treasury, but then remember we haven’t looked at the IDP (Integrated Development Plan).

The inclination of the provincial government to disregard local planning had been demonstrated in practice. This was particularly clear before a declaratory order on the Development Facilitation Act was issued. In the City of Tshwane, housing projects implemented by the provincial government in areas that lacked adequate infrastructure for development had disrupted the city’s plans for integrated development.

While officials in the local state had a close working relationship with their peers in the provincial government, the capacity of city departments generally exceeded that of provincial departments, which contributed to tensions due to a “controlling” tendency on the part of the provincial government, according to Shireen, a Johannesburg official. In addition, the provincial government was sometimes credited with innovation that had been implemented by the local state, as indicated by Engela, another Johannesburg official.

 Officials in both the local and provincial state made attempts to cooperate around planning, but respondents in each sphere had complaints about the other. Respondents in both cities felt that the province responded too slowly to the demands of housing delivery. In the City of Tshwane, Nellie, a councillor, said that the city could not wait for housing delivery by the provincial government, which came more slowly than when the city built houses. For this reason, the city preferred to proceed with upgrading and the servicing of sites and would
attempt to issue title deeds once sites were serviced, rather than to wait for the provincial Department of Housing, said Nellie. On the other hand, Ned, a provincial official, felt that the provincial government was “better placed” to implement housing due to its experience, capacity and processes.

According to respondents in the local state, construction and development by the province was of an inferior quality compared to the developments implemented by municipalities. Nellie, a Tshwane councillor complained:

Because of my background, I am from a construction background, so I would definitely get involved in the whole thing and want to see what is happening. I even go to sites. I have actually seen some of the business which was not up to scratch according to me. So if I had the opportunity then to say that this is not proper, why isn’t this done this way, so even your own internal inspectors going to site can’t come back and say they didn’t see this because they should be doing what you should normally do, what we call in construction, a snag list. A snag list is a list which the consultants, your architects, whoever designed the whole structure of the building, they’ll go there and say this is not supposed to be here, it is crooked and that type of thing. We will be in a position to indicate to the contractor to say we don’t accept this. [...] Some of the things are not up to scratch.

If quality issues arose, municipal departments would be expected to find ways of alleviating the long-term effects of these problems, according to Engela, a Johannesburg official. Yet, the province sometimes allowed municipalities to take the blame for this. Unlike local government, provincial government was not directly accountable to any constituency, so that local government bore the brunt of community dissatisfaction. While local government made substantial contributions to bridging funding in order to implement housing projects, the local state relied on the provincial government to transfer subsidies to it for the development of low-income housing.

Respondents in the provincial government denied these allegations, saying that representatives of the local state were involved in the planning of every housing project, that the two spheres of government often used the same contractors or developers, and that projects implemented by the provincial government were often completed faster than those implemented by the local state. On the other hand, municipalities failed to meet their responsibility with regard to preventing the growth of informal settlements and allocating their own funds to the construction of formal housing, provincial respondents claimed.

Relations with the province were improving over time, said Engela, an official, and Gabriel, a councillor, in Johannesburg. Respondents in the local state expressed concern about instances of overly uniform and strict treatment of local government by the national government, but expressed appreciation for certain changes in their relationship with the
Department of Human Settlements. Intergovernmental alignment of planning was a challenge, but had improved over time, said Malcolm, a national official.

Overall, officials across the two cities perhaps appeared slightly more frustrated than their elected counterparts about the disadvantaged position of the local state in intergovernmental relations. However, in the City of Johannesburg, internally legitimate and stable organisational structure moderated the effects of the local authority’s position in intergovernmental relations. The disadvantages of intergovernmental relations were experienced somewhat more acutely in the City of Tshwane, in particular by officials. The lack of a regular and established forum for technical cooperation between local and provincial government was experienced as a shortcoming in the City of Tshwane, where political leadership was less stable and the local authority practices were more reactive to national policy than in the City of Johannesburg. Despite this finding, Huchzermeyer (2011: 127) reports that the City of Tshwane was considered by the provincial government to exemplify best practice with regard to its response to informal settlement and housing need.

5.3 Community consultation and needs assessment

5.3.1 The local state consults constituent communities

The primary means by which the local state engaged with its constituent communities was that of community meetings as part of the Integrated Development Planning process. The IDP process involved balancing the needs articulated by communities during an intensive annual community consultation process with the electoral promises that had been made by the ruling party and with the overall, longer-term strategic priorities of the city, respondents in both cities said. The IDP informed departmental plans of which implementation would eventually depend on the available budget. In each city, a particular unit was responsible for coordinating the IDP process and drawing up a coherent IDP document based on these various inputs. Shireen, a Johannesburg official, commented:

[T]he IDP is often erroneously understood to be the distilling of community priorities into the plans of the City. I think that is only one component of quite a big picture. If you look at Joburg and we analyse the city, what will we come to, what conclusion would we come to that ordinary people might not come to? If you are living, for example, in Witpoortjie and you have to travel to Sandton for a job and you are spending 40/45 minutes but at the same time you are really struggling and you don’t have a house and you don’t have a clinic and so on. People come to you and ask what you need they will say they need a house and they need a clinic and this and that but you forget that actually what we need also is a much more efficient and cost effective and sustainable public transport system. [...] That is what IDP is about and IDP is not just what the person is saying that I need a clinic and a house. It is both if you see what I am
saying and how you balance those requirements is actually the fundamental challenge of the budget in IDP. The IDP and the budget are basically Siamese twins; they are very much together and I think we have moved quite far in that direction. I haven’t found one person in the world who has cracked it, including the most famous example of Porto Alegre in Brazil which is considered to be the gold standard of public participation. We have looked at that, we have looked at their procedures and so on and basically you know what it really boils down to basically a portion of Capex budget allocation to communities. So it is great, of course we are all trying to do that but I am not saying it solves the problem.

In the City of Johannesburg, strategic priorities identified in the IDP and the city’s Growth and Development Strategy were loaded onto a Capital Investment Management System (Cims), which then allocated the available budget to projects according to these priorities until the budget was exhausted. In the City of Tshwane, the City Planning Department participated in all cluster meetings regarding the IDP process, which placed the department in a position to provide the Mayoral Committee with a global picture that could inform budget decisions.

Respondents in the local state reported that various ad hoc opportunities for community consultation complemented the structured community consultation that formed part of the regulated IDP process. In some instances, further consultation of specific communities had been required as part of court judgments. Respondents described the municipalities as routinely going beyond the legal requirements of the IDP process. The Mayor of each city had arranged opportunities for direct engagement between the Mayor and community members, and both municipalities had conducted service delivery satisfaction surveys. Departmental community meetings were sometimes held and in Johannesburg, tenant committees were established in social housing facilities. All respondents in the two cities mentioned instances where they had personally been involved in community consultation. Staff spent a large amount of time in evening and weekend meetings listening to community members, officials and councillors said. Housing need was acute and demand was articulated at every community consultation opportunity at the local level, said Gladys, a Johannesburg official.

In Johannesburg, the Mayor’s annual stakeholders’ meeting involved a broad range of interested parties, including civil society and tertiary institutions. These inputs were considered when council made adjustments to the IDP. Informed by a visit to Porto Alegre, Brazil to learn about that city’s renowned approach to public participation, Johannesburg established regional housing forums inclusive of civic activists, ward committees, and members of the opposition parties to get input specifically related to housing and informal settlement.
In the City of Tshwane, ward councillors submitted ward needs to the municipality as part of the IDP process, which was supplemented by Mayoral imbizos. Mary, a Tshwane official, explained the process of drafting the IDP:

To be honest the whole IDP process, I would say it doesn’t really cover almost each and every person on the ground, to be honest, the way we do it. What will happen is that the Ward Councillors, as part of this process, are supposed to have Ward committees, Ward committees dealing with their Wards just to make sure that they get their needs and then they submit to the municipality. But, in practical experience that is not happening. You find the Ward committee or Ward Councillor is not in the same bed with the Ward committee members or the Ward committee with the Councillor. Sometimes the communities complain that only friends of the Ward Councillor would be Ward committee members. We are now involved with the Mayoral imbizo when we go to the committees now. The complaint we get is that they don’t even know their Ward Councillors. They know them when they elect them. From there, the whole five years, they don’t call meetings, nothing is happening. So that is why there was this intervention from the Mayor to say from the Mayor’s side we go to the communities now. We group, for example, ten Wards. We go there to start to understand their problems [...] So only those were areas where the Councillors are active we are able to get that particular information. In terms of the process that once we get all the information then we send it to the relevant departments, so take into account all those issues identified and then we come with the normal IDP process. [...] Then, at the end of the day, once we have those plans we go back to the community to say this is where we want to go. We received your input, we incorporated them in the whole thing, this is what we want to do. Now, once everything is done, we have a plan but then everything will depend on the availability of the budget.

The draft plan would be discussed at a series of community meetings before it could be finalised. Community consultation also took place via the office of the responsible Member of the Mayoral Committee (MMC), as the number of people who attended the structured corporate consultation processes was insufficient. In addition, the Housing Department was directly involved with communities and trying to get buy-in for projects and learning lessons for future developments.

Some officials in the local state feared that further consultation could raise expectations while no resources were available to address these expectations, as the local state did not suffer from a failure to spend allocated funds. Specifically, the annual budget for housing programmes was usually exhausted by the implementation of the approved housing plans. Although these plans barely scratched the surface of known need, no surplus was therefore available to respond to any additional consultation about housing needs.

Politicians in both cities said that the news that had to be conveyed to communities was not always good, but that it was important to provide the correct information. Examples included when informal settlements could not be upgraded because they had been established on
unsafe or unsuitable land, or when a project could not be launched or completed in a particular financial year. Communities were warned that they should not allow internal growth of their informal settlements, because that would mean that the project developed for them would not cater for everyone, and that the settlement would remain informal for longer.

Respondents in the provincial and national government did not have constituency communities. The provincial officials generally described their role as funded delivery, and reported that they relied on municipalities to conduct in-depth consultation and to provide information about community priorities and preferences. Despite this, a feasibility study, which included a land suitability survey, was conducted as part of the planning process of each provincial housing project. The layout plan also had to be advertised for public comment. While provincial plans were not developed as a result of community consultation, they would usually be presented to affected communities prior to approval. ‘Greenfields’ projects, in which nobody resided on the land earmarked for development, would not involve consultation with a specific community, while other cases might warrant social impact assessment by the provincial government. A dedicated communication division was responsible for handling housing project-related queries from the general public. However, the merger of the provincial department of housing and the provincial department of local government towards the end of the period covered by the study was interpreted by Tony, a provincial official, to mean that provincial housing officials were being drawn in to engage communities and not only settlements.

Some direct community consultation took place as facilitated by the local state. Such opportunities were sometimes arranged for provincial staff through the municipal speaker’s office, when the municipality held meetings in informal settlements, or when government held imbizos. While members of surrounding suburban communities had initially objected to the mixed Cosmo City development on the grounds that it would affect their property values, these objections had decreased over time, said Ned, a provincial official. Respondents in the provincial government sometimes attended community project updates and community consultation opportunities arranged by municipalities so that the relevant background or technical information could be provided.

Councillors considered their engagement with communities to constitute a contribution to the housing process. This finds some support in the fact that city councillors’ knowledge of the grassroots level was both acknowledged and valued by their provincial counterparts. Yet, officials were frustrated that councillors would sometimes display knee-jerk reactions to protest by deviating from what had been planned in terms of the IDP process in order to pacify a protesting community. As no new money was allocated in such instances, this was
usually to the detriment of a beneficiary community that had been identified as part of the IDP process, and which would have to wait longer for assistance, officials said.

Respondents’ descriptions divulge a practical separation between those who are actually responsible for implementing the bulk of housing projects and those who consult communities. The respondents recognised this separation of roles, which they experienced as a functional division of labour. This experience may have been partly moulded by the respondents’ location within a province where the local and provincial state is governed by the national ruling party, which determines the overarching policy framework. The current operating framework removes accountability to grassroots communities from provincial officials who implement projects that affect those communities, but, at the same time, holds local authorities that are constrained by limited budgets accountable.

As part of the division of competencies between the provincial and local spheres of state, political accountability for housing plans has to a large degree been separated from their actual implementation. This has enabled the two spheres of state to shift particular responsibilities onto the other, onto the private sector and onto residents, without having to consider the difficulties of their implementation. Respondents in the local state were frustrated that existing policy created the impression that the state would respond to known housing need, whereas the allocated funding meant that this was not possible. A number of respondents indicated that they would want clear political leadership since the right to housing was not being adequately funded. Gladys, a Johannesburg official, said:

Every single community consultation where either officials or politicians consult communities, the first thing and most important thing that is demanded is housing. But it is just that I don’t think that it is a sustainable expectation that communities have, that housing is the same as drinking water for example. It ought not to be on the same level on the hierarchy of needs. I mean it is shelter, so free housing for all I don’t think is obtainable, but certainly we need to do something. Maybe there are two sides to it. There needs to be more leadership and maybe a policy move away from the concept of free services on the one hand, but then we must properly fund that part of what we do fund.

Respondents in the national Department of Human Settlements said that the department’s strategic priorities were driven by articulated demand and expected municipal IDPs to reflect the priorities expressed in the President’s State of the Nation address and national and provincial priorities, along with local demand. The Department of Human Settlements conducted imbizos that gave community members the opportunity to talk directly to staff of the department.

Officials in the national Department of Human Settlements were responsible for ensuring alignment between the IDPs, provincial plans and the national Spatial Development Framework (SDF). Projects needed to be initiated by municipalities, but aligned with
provincial plans, otherwise they would not be funded by the national department. Provincial planning was, however, done earlier than municipal planning, due to the different timing of the financial year-end at municipal and provincial level, which had the potential to place municipalities at a disadvantage.

As mentioned above, a number of officials responded to this situation by expressing their frustration with the practical lack of progress against housing backlogs despite their hard work, while politicians were more likely to identify as progress their ability to have provided residents of informal settlements with a formal address.

Despite the various criticisms that have been recorded against formal local state consultation processes in the literature, councillors and officials in both cities took community consultation seriously and personally participated in community consultation. It appeared, however, that consultation was somewhat more entrenched in the City of Johannesburg than in the City of Tshwane. Innovation and leadership was evident in the City of Johannesburg, where the Mayor and councillors had investigated the participatory budget processes of Porto Alegre. Councillors in Tshwane appeared to be more reactive with regard to community consultation. The City of Johannesburg had earlier increased its community consultation in reaction to court judgments that required this (Occupiers of 51 Olivia Road, Berea Township and 197 Main Street Johannesburg v City of Johannesburg and Others ¶26-35), but by the time that interviews for this study were conducted, consultation processes and schedules were entrenched as part of the annual calendar in the City of Johannesburg. In the City of Tshwane, community consultation was still considered to be insufficient by an official who reported that ward councillors did not always fulfil their own role with regard to the IDP process.

5.3.2 The local state considers needs assessment
The degree to which the respondents had access to expert knowledge and data on the big picture of housing need, was also explored. In this respect, all respondents referred to the housing demand database that would replace the waiting list started in 1994, but that had neither been captured nor maintained properly. While the local state broadly relied on regular community consultation to inform the IDP, the demand database was the primary mechanism used to assess housing need.

Census data and household surveys conducted by Statistics South Africa would inform national planning and the distribution of funds, but these tools appeared to be largely ignored when it came to needs assessment at the provincial and local level. The provincial administration conducted an audit to identify and record the location of all informal settlements in 2005, an exercise that was mentioned and considered helpful by all the
respondents in understanding the demand for state-funded housing. It transpired, however, that information on needs assessment was held by the central provincial office and did not feature prominently in the planning processes in which the provincial administrators were directly involved. Since the respondents were animated by the provincial audit, they appeared not to recognise the need for a method that would measure and predict need over time, rather than to provide a once-off snapshot of housing need.

The principal source of information on changing housing need was the housing waiting list administered by the provincial government in cooperation with local authorities was used to assess overall housing need. Dorothy, a Tshwane councillor, said:

[W]e normally look around for the areas where we need obviously to bring such development of houses. We know that our backlog as a City is about 280 000 units which we have to build and we have not even touched around your backyard [...] which are lodging in the backyards of other people [...]. How we know the size of the backlog is people have registered. They come to the office and register for them in the housing development [...]. We are doing that registration and we hand that over to Province so that both of us have similar lists.

Respondents were visibly animated by the cleaning of the demand database, which also represented a way to ring-fence the vast and growing need for housing. With regard to informal settlements, shack registration exercises were also conducted that could also identify where there was a need for their interventions. To avoid shacks being used as a queue jumping mechanism, the allocation of subsidised housing was linked to a shack number in the city’s database when the occupant of a shack became a beneficiary of a government programme, said Maureen, a Johannesburg official.

Local state officials and councillors also took account of projections with regard to the urban growth rate in general as well as the rate of household formation in the lowest income categories and the rate of in-migration. As discussed in Chapters 1 and 3, growth rates were attributed to various factors, including internal growth and a reduction in the size of previously overcrowded households. Like their counterparts elsewhere in Africa and the developing world, contemporary South African cities experience unparalleled urbanisation and in-migration (United Nations Population Fund, 2005: ¶41, 43). Respondents in Johannesburg mentioned that in-migration and new household formation meant that backlogs were constantly growing. While KwaZulu-Natal had previously had the highest population in South Africa, Gauteng now did, said Rose, a Johannesburg councillor. With the Western Cape, Gauteng was also the only other province in the country experiencing a net rate of in-migration (StatsSA 2011: 2). Furthermore, in 2008, household formation in the income group below R3 500 per month was estimated at 32 000 per annum, said Susan, a Johannesburg official. Maureen, also a Johannesburg official, gave this account:
If you look at the City’s Growth and Development Strategy, it talks about all these parameters. We have got a Department of Economic Development in the City where we have got senior economists who will tell you that in terms of population growth we are going to be growing at 1.4% year in year out and because Johannesburg is the key economic hub of Africa, the City is supposed to grow at this X amount. But, 9 out of 10 that is not necessarily matched with available resources and that is one big challenge. So what has happened, you are actually saying we know this is how we are going to grow, but this is what we have and these are the challenges. So we are going to end up here and we hope by some miracle that we will have a blip. Because Local Authorities’ funding is based on the ability to get more revenue for your Council growth and if unemployment goes up and up and up, our ability to increase our revenue base gets eroded as well. So that is there, but the challenge is always how do you match it with the resources you have. It sounds like an excuse for a Government official to say maybe we must raise the rates and taxes by 70%, but the truth is if you look at migration into the cities, it is higher than what we can afford. The input that I personally always make is National Government needs to look at stimulating rural economies. For as long as you don’t do that we will never win this battle or migration into the cities.

Respondents in the local state knew that the estimated need for housing was increasing at a high rate due to both internal growth and in-migration. Urban growth was not restricted to those in need of subsidised housing. Both cities were attracting highly skilled migrants in addition to poor migrants. But in both cities, the list of people on the housing demand database did not overlap closely with the residents of informal settlements, as indicated by respondents and corroborated by staff of Statistics South Africa. A substantial proportion of people living in informal settlements did not qualify for fully subsidised housing, whether because they had already qualified for such housing in a different province, or because they did not have dependents, or because they fell in the so-called gap market of people who earned more than R3 500 per month, but could not afford or access accommodation in the private market. In addition, many temporary workers and migrants did not want RDP housing in the city, whereas candidates for family units did not want social housing, which could entail a lifetime of paying without owning anything. Respondents had taken cognisance of the fact that a one-size-fits-all approach to housing was unlikely to succeed, as many migrants did not require family housing and a substantial proportion of people without adequate housing did not qualify for fully subsidised housing.

Partly as a result of this, a shortage of affordable rental stock was identified. While it was evident that there was substantial demand for rental accommodation, as people were renting in backyards and in informal settlements, rental stock was inadequate compared to cities elsewhere in the world, said Gladys, a Johannesburg official.

Given these problems, the approach to housing needs assessment in the province of Gauteng had changed from that of a waiting list with limited information about prospective
beneficiaries and their needs, to a demand database that disaggregated need in terms of
the kind of housing that the prospective beneficiary wanted and in terms of the income
category of beneficiaries. The campaign to improve the housing waiting list was launched in
2007. The original housing waiting list had been problematic because it simply contained a
list of people who had indicated that they needed state subsidised housing and failed to
disaggregate need. The list had not been cross-checked against other government
databases to exclude non-qualifiers who had either claimed to earn lower salaries than they
actually earned or who had claimed to have dependents who did not actually qualify as
dependents, and people who received houses elsewhere had not been removed from the
list over time.

The list was shortened by means of data cleaning exercises that removed people who were
listed with incorrect ID numbers, who had obtained, or applied for housing elsewhere, or
who did not meet or no longer met the criteria to qualify for subsidised housing – for
example if their dependents had become adults or their salaries had increased. In addition,
prospective beneficiaries on the waiting list were asked to show themselves at state
housing offices. Following the clean-up, the total number of prospective beneficiaries in
Gauteng Province on the database had decreased from around 800 000 to over 600 000.
The overall housing backlog in the City of Tshwane was less certain for the amalgamated
areas outside of Gauteng, and would increase substantially with the amalgamation of
Metsweding municipality with the City of Tshwane at the end of the period covered by this
study, on the date of the 2011 local government elections.

While the new demand database would be a more reliable indication of the number of
people who qualified for subsidised housing, it could not be expected to accurately reflect
the need for assistance with access to adequate shelter. In addition, the number was not
stagnant. South Africans could qualify for subsidised housing as soon as they turned
eighteen, as pointed out by Nigel, a provincial official. Natural growth made a significant
contribution to growing need, as did the high rate of migration into the province of Gauteng.
In addition, because the list was not publicly available and because programmes did not
respond to prospective beneficiaries in the order in which they had registered, communities
had no way of knowing whether they had been bypassed or whether nepotism or corruption
played a part in beneficiary selection.

Respondents in the local state were sufficiently familiar with the results of needs
assessment exercises to be able to comment on the scale of housing backlogs in the two
cities. They were aware that the bulk of housing need in the province was concentrated in
the two cities and respondents in each city knew in which specific parts of their city need
was concentrated. The number of people in need of fully or partially subsidised housing far
exceeded the number that could be assisted, given the funds allocated to address informal
settlement and housing. While planning did take account of population projections, the local state did not have at their disposal any housing instrument that could adequately respond to known need or urban growth. While housing programmes therefore could not address need, needs assessment was nevertheless useful because it assisted government in prioritising particularly vulnerable groups and in prioritising specific programmes, said Andrea, a national official.

Officials and councillors in both cities were familiar with the number of informal settlements, the estimated housing backlogs and the anticipated delivery numbers in their area of jurisdiction.

5.4 Additional factors inform local state policy and practice

As part of the standard interview guide, respondents had been asked to comment on the significance of intergovernmental relations, community consultation and needs assessment for local state policy and practice. In addition, respondents were asked to comment on the relative importance of a range of other influences. While performance management was a critical internal factor, ruling party priorities, court judgments and research emerged as the most striking external factors. These internal and external factors are discussed next.

5.4.1 Local state officials are subject to performance management

A New Public Management approach had influenced post-apartheid reform of the civil service and made performance management a reality by 1996 (Cameron 2010: 3). Respondents’ focus on the 2014 deadline suggests that the MDGs have informed performance indicators with regard to informal settlements. Since government had made public promises about its ability to meet and exceed MDGs, one might begin to predict a 2014 need for scapegoats. In the case of the city councillors, there was an additional need to impress an increased number of visitors and journalists during the 2010 FIFA Soccer World Cup, held in South Africa. This context may explain an apparent, strong preference for concrete performance indicators.

Respondents explained how their scorecards were informed by political priorities. The Mayor of a city would pronounce certain priorities during the State of the City address. These priorities would feed into the IDP, which would in turn be used by city departments to develop their detailed scorecards. Gabriel, a Johannesburg councillor, explained the relationship between himself as Member of the Mayoral Committee and the head of the relevant council department:

We have extremely detailed scorecards that Engela would have to achieve, targets that we have developed in her scorecard, but it is like a 20/30 page document. It is quite a well-developed
system. In terms of me, as a politician, we don’t work on a scorecard basis at all. I have to ensure that the Mayor is happy with my performance, the council is happy with my performance and there is also an oversight model where we have Section 79 committees that oversee the work that I do. So they would basically expect me to achieve the targets in Engela’s scorecard ironically, although I don’t have to do that officially but they would expect that and they hold me accountable. So in any area where they feel we are not achieving they would call me into a meeting formally and interrogate me around why etc. So there are several ways that our performances are monitored but I suppose formally, in terms of the structures, it would really be via the Section 79 Committee and then of course the Mayor in terms of the delegated authorities he has given me to fulfil.

A city’s Annual Performance Plan would include all these detailed targets. The system mimicked the target development process described by officials in the provincial and national government. At provincial level, MEC budget speeches would feed into the targets of provincial departments, while at the national level, goals set in the President’s State of the Nation Address would be broken down into various Ministers’ portfolios, and this would be broken down into targets for various sections of a national department. Annual performance monitoring would take place informed by quarterly monitoring, in turn informed by even more frequent monitoring.

The system of performance management according to key performance areas and pre-set targets was implemented in a very similar manner in the City of Johannesburg and the City of Tshwane. This system applied to official appointments in the two local authorities. Councillors did not have separate scorecards, but those with portfolios were internally accountable for delivery measured against the scorecards of the senior officials in corresponding departments, as explained by Gabriel, above. The performance plans of various departments and their senior officials were therefore aligned with political and strategic priorities identified in the IDP. Officials and councillors in both cities agreed that their work was informed by scorecards with clear, outcomes-linked targets. The upgrading of informal settlements was reflected as a priority in these scorecards, although Huchzermeyer (2011: 129) criticises these priorities for being linked to eradication targets.

While elected politicians have not been subjected to performance management in the local state, all the councillors interviewed during the course of this study were Members of the Mayoral Committee responsible for portfolios related to housing. They were therefore held responsible by the council for the performance targets on the scorecards of the top officials in the council departments related to their portfolio. This system reflected the close-knit working relationship between the political executive and senior administrators in both local authorities. While this was the case across the two cities, this working relationship was more firmly established in the City of Johannesburg than in the City of Tshwane. To a greater degree than their counterparts in Tshwane, councillors in the City of Johannesburg
were familiar with the scope of the scorecards of the senior administrators with whom they worked. This difference between the two cities can be attributed to the relative instability in political leadership in the City of Tshwane.

5.4.2 Ruling party priorities feed into policy and planning
Respondents indicated that the intentions of the ruling party played an important part in determining strategic priorities and programmes. The IDP had to balance needs articulated by communities with strategic priorities and electoral promises of the ruling ANC, as indicated by respondents in both cities. The Executive Mayor in metropolitan municipalities could delegate certain decision-making powers to the Mayoral Committee, which in both cities was populated exclusively with ANC-aligned councillors. In addition, the move to accredit municipalities was in line with the ANC preference for stronger local government rather than strong provinces, as more than one respondent indicated.

Peter, a Tshwane official, described the process as follows:

I think you know the City has an IDP, Integrated Development Plan, and we have five year IDP and then the politicians and the City's senior management, said I think in 2006, identified what were the needs of the communities and also identified in terms of what they promised. Remember they promised people they would give them houses and whatever? [...] They called them the Manifestos Key Priority Areas. You find that the Manifestos, because the IDP office also goes and identifies the need from the communities, so housing and basic services came around as one of the top issues. The communities said this is what we'd want. Communities said they have been on waiting lists for some time, been in these informal settlements for some time so hence those priorities. So the City has five key priority areas.

Respondents in the provincial and national government confirmed that their programmes were crafted to achieve outcomes that were prioritised in the ANC election manifesto along with longer-term strategic priorities. The December 2007 Polokwane internal meeting of the ruling ANC had indicated that more funds would be sourced for housing under the leadership of newly elected ANC president Jacob Zuma, said Ned, a provincial official. In addition to housing delivery, respondents at the provincial level mentioned the need to deliver on secondary mandates. These secondary mandates included a broad range of government objectives such as job creation, the development of woman contractors, and the targeting of local youth for employment. As discussed above, the implementation of these policies was not supported by sufficient funding.

Intergovernmental tensions were not linked primarily to which party was the majority party in different spheres of government. Intergovernmental tensions were evident in the province of Gauteng despite the fact that the same ruling party governed in all spheres of
government. Having the same ruling party also did not guarantee alignment of planning across spheres of government, said Malcolm, a national official.

Elected councillors and appointed officials described the process and structures that ensured that ANC priorities were incorporated into planning in very similar terms and no divergence between councillors and officials was apparent in this regard. The influence of various local ANC branches or caucuses was not investigated as part of this study. However, it was clear that elected councillors valued the ANC caucus as a forum that could be used to ensure cohesion in policy and practice, while the Mayoral Committee provided specific direction with regard to various policy areas. This was the case in both cities.

5.4.3 The courts provide both pressure and relief
Court judgments had a direct influence on local authorities. Officials and councillors in both cities accepted that they had no choice but to adhere to court judgments. Respondents cited examples of court judgments that placed pressure on the local state, as well as instances in which they relied on the courts in order to be able to function efficiently.

One of the reasons that metropolitan municipalities wanted to be accredited to implement housing programmes, was that municipalities had been taken to court by residents with regard to issues relating to housing. Mandy, a Johannesburg official, said:

Some of us still, when we go to NGC […] have been very vocal to say we have deviated and part of these protests that we find now is that people protest and want to burn and want to do all sorts of things to local Municipalities when in fact it is not within their ambit. People go and fight against councillors, they would demand housing when in fact it is not their function. As the City of Johannesburg we have taken this view that because of the pressure we are having we are not going to fold our arms and say it is not our competency. We are going to play in that space, we are going to consult with province and national and make sure that we play in that space. It is not really that it is for power, it is because of the pressures that are there. Whose house gets burnt? It is the councillor and not the Minister. When people toyi-toyi and what-have-you, what do they want, they want the Mayor and say where is the housing delivery and this and the poor Mayor. You saw what happened in Mpumalanga? The poor Mayor had to run away, the councillors had to run away and they were demanding things that are not competency of local government and we are saying please put more power to local government so that we can be answerable to our own failures. How do you answer for something that you are not answerable to? So those debates are raging but we have gone to the national Minister. We spoke to the honourable Tokyo Sexwale and we have been accredited now to Level 2.

Court judgments that required the city to provide alternative accommodation for residents was experienced as placing tremendous pressure on local authorities. But in the City of Tshwane, the courts were ostensibly also being used to test in which cases the city would
be required to formalise or service informal settlements and when they could be tolerated while being provided rudimentary services or evicted. This transpired from a comment by Nellie, a Tshwane councillor, who said that legal informal settlements were “the ones where the court has instructed us to provide services”.

Respondents also cited several cases in which they had relied on the courts to improve their own ability to function effectively. One was the declaratory order that the City of Johannesburg had sought in relation to the Development Facilitation Act. The local state could also go to court to seek ownership of a bad building if the owner had abandoned the building or failed to pay rates and taxes over time. The city would seek eviction orders from the courts with regard to habitual non-payers residing in social housing, or in cases where public land had been occupied for longer than six months. Although this was not raised by respondents, the local state in both cities had successfully applied for several eviction orders issued under various circumstances.

It appears that given the tensions between the rights of different parties in occupations of land or buildings, the court judgments could not be expected to provide consistent relief to the poor. Despite a number of limited victories for poor communities, the local state had also obtained relief from the courts on a number of occasions when it had been challenged by poor communities.

Officials across the two cities indicated that they had no choice but to adhere to court judgments. One councillor in the City of Johannesburg expressed strong reservations about court judgments that placed pressure on local government finances. But in a peculiar lack of frankness, no such criticism was expressed by councillors in the City of Tshwane, where the local state had however contravened court orders in their treatment of residents of informal settlements as well as tenement buildings, for example at Schubart Park (see Bilchitz & Tuovinen 2011: ¶11).

5.4.4 The local state uses research

Respondents in the local state appeared to value knowledge and research as a foundation for policy and practice, and welcomed opportunities to engage with academics and researchers. The City of Johannesburg had commissioned a set of think pieces about the strategic direction of the city. This was in addition to research conducted by the city’s internal research unit. Maureen, a Johannesburg official, commented:

One thing that I personally said we were doing wrong, when I joined the City, was to always go and run to America and go to Europe and try and learn what they are doing and implement here. It was always very difficult because they have a very different system and they have different values. So we needed to say, even if we go there, how do we take some of this, come back
home and look at the environment and say what will work. I think the ability to do that is one thing that has actually been driving us in the right direction. Also, the whole concept of starting to partner with tertiary institutions because in that past what used to happen there was no real contact between us as Civil Servants with the academics. There was always, “Civil Servants are just a bunch of lazy people” and we also had this concept that academics are just going to bring books and books of theories. Now we are actually starting to say we need to start tapping into the skills that they have. Most of them or some of them might have never been to practice but for sure, if we come with a concept, the fact that they have got a vast knowledge they can actually give us some concept to say this is what you are trying to do, brilliant concept, but there are these flaws.

Also, the academics have got time to do research, which we don’t have and they are not necessarily aligned to our own deliveries of tomorrow. Academics are most probably looking at long term, with us it is always about there is a protest tomorrow, I must sort this out. So we also don’t have enough time to do research in terms of the practice that they do and it also becomes a good punching bag to go to the guys who are learned to say this is the concept we are trying to do, does it make sense?

Along with communities and NGOs, researchers and tertiary institutions were therefore invited to participate in an annual stakeholders’ summit that informed the city’s policy unit. Several shifts in policy and practice were aligned with recently published research. The 2004 Breaking New Ground (BNG) policy had shifted away from the policy imperative to eradicate informal settlements towards upgrading. Also, the City of Johannesburg had indicated that it wanted to move from programmes designed only for the poor to integrated programmes for all citizens. It appeared that local state definitions of informal settlements had also been influenced by the Huchzermeyer school of thought, in which tenure insecurity was emphasised as the central characteristic of informal settlement over a visible shack (Huchzermeyer & Karam 2006: 3). While attachment to all three these principles had brought improvement in policy and practice, the strategies all resulted in the perpetuation of a spatial hierarchy that pushed the poor to the urban outskirts and exacerbated the troubles of the most vulnerable. Both elected councillors and appointed officials across the two local authorities were well qualified and appeared to have taken account of recent scholarship with regard to informal settlement and housing.

5.5 Councillors and officials develop coping strategies

5.5.1 Formalising and upgrading informal settlements
At the time of interviews, respondents in the local state in both of these cities said that their preferred approach to informal settlements was to formalise them, provided that they were
in locations that were neither unsafe nor unsuitable for informal housing. This would open the way to in situ upgrading. Greenfields projects were in a separate category. In practice, there were significant differences between their approaches.

Respondents in the City of Johannesburg described a stark move away from viewing informal settlements as illegal. Gabriel, a Johannesburg councillor, claimed:

[W]e are country leaders in terms of the adoption of this policy. There was a fair amount of controversy around it initially. Some people asked if we were not preventing them from ultimately getting a RDP house and we have insisted that no, we’re not. It doesn’t mean they come off the waiting list in any way.

The City sought to complete the full legal process to proclaim and service informal settlements, said Engela, a Johannesburg official. Formalisation was embraced as a way to begin to realise certain rights of residents of informal settlements. Respondents reasoned that formalisation gave residents a recognised address in the city, which could in turn provide access to a range of services. A formal address was also a prerequisite for issuing title deeds for properties to residents and title deeds would open up other opportunities for improving their livelihoods. Respondents believed that a recognisable formal address would make it possible for residents to engage with banks. The City wanted to ensure that all residents had a formal address registered on the city’s billing system in order to assist them in accessing a broad range of services. Formalisation of settlements was championed by City officials as an achievable goal that could be implemented within a reasonable period of time and would relieve overall demand for formal state-provided housing.

The City of Johannesburg had plans in place for all informal settlements in the city, none of which were considered illegal any longer and residents of each settlement had been informed of the long-term plans for their settlement, said Maureen, an official. Councillors and officials in the City of Johannesburg all said that the City was pushing forward with the approach of proclaiming and providing infrastructure for informal settlements.

The City of Tshwane was dedicated to formalising and upgrading informal settlements by proclaiming them and providing services, said Nellie, a Tshwane councillor. Residents with a legal address could then apply to be recognised as indigents and qualify for free or subsidised services from the city, Tshwane official Mary commented. The bulk of the housing budget in the City of Tshwane was allocated to the upgrading of existing informal settlements, said Nellie. While settlements would be upgraded except when they were located on unsafe or unsuitable land, the plans for individual informal settlements in the City of Tshwane were, however, considered sensitive, since they could encourage the overcrowding of particular settlements. With regard to the specific plans, Nellie said:
For now it is sensitive. Why it is sensitive is because if we allow people to get that documentation, people will start moving into those areas before you can even start doing development. […] For now I can’t give it to you but what I can indicate to you is in situ upgrades are going to take place in Mamelodi, they are going to take place in Mabopane – that is the North West area. Then you will have your in situ upgrades which are going to take place in the Hammanskraal area.

The city would also like to issue title deeds to residents, so that the provincial government could simply provide houses to residents at a later stage, without needing to look at who qualified. With regard to community responses to the strategy of formalisation, Peter, a Tshwane official commented:

[W]e are now directly involved with the communities ourselves. Also in terms of getting their buy-in in terms of the new process of formalisation. Some communities are accepting it, some are very excited, some are not excited.

The city’s strategy was met with some resistance from private contractors who preferred the more lucrative construction of houses, Peter said. In addition, delivery was not as visible as when formal homes were built in a BNG project, Peter said. These responses raised the possibility that a continued emphasis on the building of RDP houses could be driven by private sector profit-seeking. However, officials and councillors in the city all argued that formalisation was a viable option that could ensure that a piece of the small cake went to everybody.

These responses of upgrading informal settlements and providing for housing need were pursued by councillors and officials alike. As indicated above, the responses were implemented in both cities. The two cities did differ with regard to their response to the vacillating ability of the provincial government to meet its financial commitments to the local state, as the next section will illustrate.

5.5.2 New development: housing and serviced stands
The cost of subsidised housing was extremely sensitive and in the case of the City of Johannesburg, substantial bridge or top-up funding was being provided to support success factors like integration and to go beyond basic Red Book engineering standards in order to limit the long-term maintenance cost of developments.

With regard to formal housing, the respondents in the local state in both cities in the study all acknowledged that the provision of lone-standing RDP houses was not a sustainable or affordable approach to the provision of low-income housing. Substantial economic benefits to both residents and to local authorities could be derived from spatial, economic and social
integration in housing development, respondents affirmed. It was the only option that had the potential to begin to dismantle the isolation of poor communities.

At the local level, officials and councillors felt that an excessive focus on individual beneficiaries of RDP houses hampered the kind of development and delivery that could have broader benefits. The judgment of respondents in the local state about the unsuitability of RDP-houses was in tension with the impression of provincial officials, who generally saw the formalising of informal settlements as an interim step in the direction of eradication by means of the provision of formal structures. Respondents in the provincial state were therefore more likely to see formal housing as the end goal of *in situ* upgrading.

Issues of citizenship and qualifying for subsidised housing would only be considered when the phase of delivering a top structure or formal home was reached. The term eradication was used to refer to either the replacement of informal structures with formal structures, or the relocation of residents of informal settlements to housing developments. In this context, internal growth of informal settlements was considered to be a problem. Maureen, a Johannesburg official, said:

> So when we go and develop we are not going to be developing for even the new people. So, that in a way, is some sort of deterrent that says the fact that the City and the community, because that’s what I think we do – we don’t manage informal settlements on our own. We actually form partnerships with the community to say the City has budgeted to build two dozen units on this piece of land that we have bought for the original community who are staying here. If you as a community allow this settlement to grow the opportunity that we created won’t be for all of you. So that means this is going to be an informal settlement for a longer period.

Councillors and officials in the two cities generally took a very similar approach to a discussion of their plans for new development and upgrading programmes. While officials were able to describe the various elements of new local state-driven developments in greater detail, the councillors, who were all Members of the Mayoral Committee (MMCs) responsible for a particular portfolio, appeared to have taken a hands-on approach, as the degree of familiarity with approved programmes, their various challenges and their likely impact on overall need did not differ sharply between councillors and officials.

While mixed income, spatially integrated developments represent a step in the right direction, scholars have pointed out that this kind of development, if successful, is ironically more likely to result in the poor being driven out by the market (Harrison et al 2003: 82). For respondents in both cities, the high cost and a shortage of well-located land required the consideration of alternative strategies that could be pursued in addition to integrated greenfields developments.

Informal settlement upgrading was also incorporated into the plans of both cities. Martin, a national housing official, pointed out that the 2005 policy document had indicated that...
informal settlements were to be eradicated or upgraded, and that upgrading was a priority for government. In addition, in the City of Johannesburg, efforts were concentrated on the provision of social housing and affordable rental stock, as discussed above. In the case of Tshwane, the emphasis was on serviced stands. While the available funds were inadequate for providing housing, the city championed the provision of serviced sites, said Nellie, a Tshwane councillor.

In both the provincial and national government, some respondents were impressed by the faster delivery that was possible when the approach of servicing stands was selected in a province, while other respondents considered such an approach to amount to policy deviation and a lack of substantive improvement. In contrast, provincial housing officials were sceptical about the degree to which the provision of serviced stands would contribute to improving lives. Tony, a senior official in the Gauteng Department of Local Government and Housing, saw the provision of serviced stands by local authorities as a failure to fulfil their role of implementing the political promise that the lives of residents of informal settlements would be improved.

5.5.3 Prevention and forced removal of informal settlement
Provincial officials expected municipalities to take responsibility for preventing the emergence of new informal settlement within their areas of jurisdiction. On the part of the province, it was only possible to provide housing for those informal settlements that had existed at the time of a provincial audit of informal settlements which took place in 2007, respondents said.

The two cities responded to this challenge in different ways. Respondents in the City of Johannesburg argued that it was no longer considered desirable or feasible to prevent internal growth or attempt to block certain people or groups of people from residing in the city. Roman, a social housing official, said that attempts were made to limit the perpetuation of informal settlement by breaking down a shack once the occupants benefited from housing provision by the state. In the City of Tshwane, private security companies were hired to prevent new informal settlement on all land owned by the state and parastatal bodies in terms of a Land Invasion Management Plan. Respondents felt that the plan was not working and that while new land occupations were rare, they were not being prevented by the security companies. Nevertheless, Johannesburg officials reportedly feared that this tactic could contribute to an increase in informal settlement in the neighbouring city (Huchzermeyer 2011: 128).

On the part of the provincial government, an attempt was made to prevent the building of new informal backyard dwellings by applying for higher density developments that
incorporate formal backyard structures from the outset, leaving no space for additional informal structures. Provincial housing officials who participated in the study indicated that while some relocations were required, in the majority of cases, projects catered for residents of informal settlements in the same place. When relocation was necessary, the provincial authority would provide an alternative to those residents. Martie, a provincial housing official, explained that there was agreement that government would try its utmost not to evict residents.

While eviction was broadly rejected as a means of achieving the goal of eradicating informal settlements, the exceptions to the rule that were named by respondents in both cities indicate that five categories of people remained vulnerable to eviction or forced removal. These were recent occupiers of land where no settlement was previously established, residents of informal settlements on privately owned land, residents of bad buildings, residents of social housing who fail to pay rent, and residents of informal settlements located on land considered unsafe or unsuitable for development. The local state would be expected to consult the affected community and seek an eviction order from the court.

In the interpretation of the local state, examples of the latter category included land earmarked for other development, land allocated for public use such as cemeteries, land considered to be too close to pollution or landfill sites, land located inside various flood lines, and unsafe land such as areas with dolomite rich soil prone to sinkholes. While experts often held that housing could be built on dolomite rich land if foundations were strengthened, the resulting high cost of construction meant that the standards necessary for building on dolomite rich soil could not be achieved when building low-cost housing, said Rose, a Johannesburg councillor. With regard to bad buildings, Gabriel, also a Johannesburg councillor, said that local authorities were being forced by the court to find alternatives for residents of bad buildings before they could be evicted, but that this placed a tremendous amount of pressure on local authorities. The Johannesburg Social Housing Company (Joshco) would turn to the courts for eviction orders in cases where the residents of social housing did not pay their rent, said Roman, a Johannesburg official.

Councillors and officials in the local state in both cities agreed that eviction was reserved for those cases where settlements were located on unsafe or unsuitable land. Both elected and appointed respondents had taken account of the implication of court judgments in this regard, but expressed concern about the ability of the local state to meet the expectation that alternative accommodation should be provided. With regard to the eviction or destruction of informal settlements, elected councillors and appointed officials therefore expressed similar views.
In the City of Tshwane, forced removals were however conducted in circumstances that did not meet these criteria. Specifically, the metro police in the City of Tshwane had instituted evictions without first seeking a court order. The support for formalising and upgrading expressed by respondents in the City of Tshwane did not square with the fact that the metro police in the city had reportedly destroyed informal settlements on several occasions. Peter, a Tshwane official, offered several explanations with regard to one of these cases, an informal settlement at Woodlands. Firstly, Peter claimed that private residents of nearby Woodlands had obtained a court order for the eviction of the occupiers and had communicated this to the Metropolitan Police Department of the City of Tshwane, thereby circumventing the Housing Department, which would have prevented the action and advised the parties of the correct procedures. Therefore the treatment of the informal residents of Woodlands had occurred at the hands of the private residents and metro police, and not the Housing Department. Secondly, the majority of the evicted residents had been illegal foreigners who would not qualify for any kind of housing from the city. It was therefore the responsibility of the police and the national Department of Home Affairs to address the problem, Peter argued. Thirdly, Peter claimed that the evicted residents had not erected proper shacks and often slept under pieces of plastic. Therefore, it was not clear that they had been evicted, as there had been no structure from which they could be evicted. Finally, a portion of this informal community had lived in the Woodlands cemetery, vandalised graves and threatened the safety of cemetery visitors, which could not be tolerated, Peter said. The City of Tshwane has been involved in several instances of the forced removal of informal settlements as reported in the media.

It appeared therefore that a lack of transparency with regard to the plans for informal settlements created a more vulnerable context for residents of informal settlements in the City of Tshwane than was the case in the City of Johannesburg.

5.5.4 Limiting qualifiers according to Housing Code criteria

The criteria according to which people qualified for fully subsidised housing or RDP houses were intended to ensure that these programmes benefited the poorest city residents first, explained Rose, a Johannesburg councillor. In this respect, the national Housing Code therefore managed demand for state assistance by channelling assistance to the most poor and vulnerable members of society. The criteria had been intended to ensure that subsidies targeted those sections of the community where need was most acute, including the lowest income level, women who had suffered the “triple oppression” of capitalism, racism, and sexism, and the disabled. However, as an unintended consequence, large groups of poor people were excluded from state housing provision before the introduction of the BNG programme, said Rose.
From 2004, BNG made it possible to accommodate these people in the “gap market” who had previously been excluded from benefiting from state housing programmes. While lone-standing RDP houses were still reserved for those earning less than R3 500 per month, sloped partial subsidies were available to assist those earning over R3 500 per month with the deposit and transfer of a first home, explained Maureen, a Johannesburg official. Despite these shifts, Gabriel, a Johannesburg councillor, and Engela, a Johannesburg official, described the Housing Code as too restrictive and complained that the city would still remain with non-qualifiers in informal settlements given the limited support for socially integrated brickfields development projects in the urban core. The term ‘brickfields’ projects was used to refer to developments on built-up land in the urban core, rather than built-up land further from the centre or vacant land, although the term ‘brownfield’ development may be more appropriate in mainstream development discourse.

Respondents in both cities expressed concern about instances in which subsidised and social housing was occupied by civil servants who earned more than R3 500 per month. Mary, a Tshwane official, claimed that this was prevalent in informal settlements and that it was also the case with regard to a tenement building from which the city had evicted residents. Residents in this income bracket should pay for city services, which required the settlements to be regularised, said Mary. These concerns were raised by officials rather than councillors. Officials therefore displayed a greater degree of concern with ensuring that beneficiaries of state programmes met the qualifying criteria and came from the most vulnerable groups prioritised by the Housing Code.

The group of poor people who did not qualify for fully subsidised housing also included those who were not South African citizens. With regard to normative arguments about who should qualify for state housing projects, differences between councillors in the two local authorities were evident.

In the City of Johannesburg, foreigners were viewed much like any other residents who did not qualify for subsidised housing in terms of the national housing code, with the exception that the long-term presence of foreign migrants in the city was one reason given for viewing the national Housing Code as too strict. Gabriel, a Johannesburg official, said that an argument could not really be made that newcomers to the city should qualify for subsidised or social housing upon arrival, but that newcomers could be assisted by means of service provision. Engela, a Johannesburg official, supported this view by saying that while this was not yet possible, the city would like to work towards a situation where every newcomer was able to get a permanent address and a profile on the city billing system within three months of arriving. The city water and lights account could then be used to access a wide range of city services. The rationale for this, Engela said, was that the city would not like to be overly strict about who qualified to be a citizen. Gabriel argued:
In Alex and places like that there are huge amounts of cross-border migrants. They have been there for long, for very long. Now those are the ones I think should be able to qualify in terms of the Code. We couldn’t really suggest that people who have just come across the border should instantly qualify for a full subsidy but I think we need a system where we are able to assist people as they find jobs and then maybe move into an affordable rental scheme or whatever.

By contrast, respondents in the City of Tshwane viewed foreigners as a category of resident to whom they had no obligation and for whom they could not cater. Foreigners were considered by respondents in Tshwane to exacerbate urban problems and to be the problem of the Department of Home Affairs. The criteria of South African citizenship continued to inform practice. Peter, a Tshwane official, said:

There is one process where we number the shacks to say this is Shack Number 101 or 102 but then we also go on a registration to say, in this Shack 101, who is there. So when we identify our needs and maybe identify that informal settlement for relocation or for in situ upgrading, we relatively know how many people in there will qualify for a house or how many people will stand as beneficiary. You will find, I think there is also one informal settlement in the South, where after we had done the actual registration, we found that most of the people there are foreigners. I think it was around 45% so the challenge is that are those who wouldn’t qualify for our housing so what do we do with them. [...] If they are naturalised South Africans there is an answer but if they are illegal there is no answer. [...] They will be considered as those non-qualifiers who can now start maybe renting a site or whatever, you know that type of thing. If they are illegals then there is a challenge because you cannot be using money to fund illegal immigrants but as you register them nobody says they are illegal. So it is a challenge to say how do we verify whether they are legal or illegal.

The discourse of respondents in the City of Tshwane therefore indicated a less tolerant and more repressive response to the changing city population than that of Johannesburg.

5.5.5 Shifting responsibility to lower dependence on the state

Respondents’ accounts indicated that responsibility was being shifted from the state back onto members of the community. During the City’s engagements with residents of informal settlements, communities had been informed that the onus was on them to prevent the internal growth of their settlements. "We actually form partnerships with the community to say the City has budgeted to build two dozen units on this piece of land that we have bought for the original community who are staying here. If you as a community allow this settlement to grow, the opportunity that we created for you won’t be for all of you. So that means this is going to be an informal settlement for a longer period", said Maureen, a Johannesburg official.
As mentioned above, respondents in the City of Tshwane and in the provincial government relied primarily on the housing demand database to identify need, although respondents in the City of Johannesburg said that they would prefer a shift from the database’s identification of individual beneficiaries towards a programme-based approach.

The demand database relied on poor qualifiers to identify themselves to the state as being in need of housing. In addition, respondents mentioned then housing MEC Nomvula Mokonyane’s initiative to contribute to cleaning up the housing demand database as it pertained to the province of Gauteng. As mentioned above, Project Ziveze asked prospective beneficiaries of state housing programmes to “show yourself” at municipal and provincial housing offices to verify their identity, whether they qualified for subsidised housing, and what kind of housing they would prefer. Poor people therefore had to present themselves again in order to remain on the database. Those on the waiting list could, however, not expect to benefit according to the order in which this need had been identified. As described above, housing programmes often responded to a concentration of need in a particular community. With reference to the preference in certain cases for serviced sites over housing, a shift away from dependency on the state was explicitly acknowledged by Malcolm, a national official, who said:

> Post-apartheid there was this whole thing that non-white people suffered so much so we will compensate them with housing and then everybody agreed and said they would wait for their house. Now it is again to try and remove that thing where I just sit here and say I am waiting for my house, but to say they have given me land, I must build my house quickly. It is to make that mind shift.

A second way in which the formalising of informal settlements was seen as an opportunity to lower dependency for housing on the state, was that a formal address would place residents in a position to engage with banks, as indicated by both Dorothy, a Tshwane councillor, and Engela, a Johannesburg official. Responsibility was therefore also being shifted onto the private sector.

By 2010, the local state had responded to the vast distance between estimated need and possible housing provision with plans to increase the number of units that they could provide in the context of entirely inadequate funding. Strategies included densified RDP-projects, a shift of emphasis to the housing ladder rather than low-income housing in isolation, and the development of affordable rental projects in the urban core which were constructed by means of private sector collaboration and cross-subsidisation. In the City of Tshwane, the council chose to dedicate its budget to the servicing of sites and upgrading of well-located formalised settlements, attempting to attract private sector investment to areas that required new development, and avoiding expenditure that was unlikely to lead to a
potential returns that could be utilised for future city projects. Nellie, a Tshwane councillor, explained:

We are going the route of Service Sites which we know has got its own challenges because there is not enough land but we cannot continually say we can’t provide houses. So we are saying for those who want to, we will provide water, electricity, sewerage and a toilet and give people a piece of land so that the top structure will follow us. If we are going to go the route of Province, to wait for them to come and put the top structures we will continuously have communities who are unhappy.

Respondents in both cities said that it was necessary to increase the amount of rental stock, which could help relieve the need for fully subsidised housing.

The alternative strategies pursued by the cities were not without costs of their own. While well-located land was expensive, the cost of construction, infrastructure and social services were all much lower if development took place close to the urban core. Construction of multi-storey buildings would be more expensive and was preferred in the centre of cities due to the scarcity of land. Whereas a focus on subsidy transfers had left the city stranded, private sector collaboration in inclusionary housing led to an injection of funds into city housing programmes, Shireen, a Johannesburg official argued. Such developments opened up opportunities to attract private sector involvement in housing developments, explained Maureen, a Johannesburg official:

We said on this footprint if you go up you will be able to get 600 housing opportunities that you can rent at maybe R3 000 or R4 000. We will provide the services in terms of water and electricity but for every opportunity we want R4 500 and Absa built and they bought it. So we go R4 500 multiplied by 600 opportunities and they came and they built rental stock. So in that we have got now 600 done by Absa, we have got 1 200 RDP units and then we went and gave Joshco, our housing company, the same concept at a reduced spec and we said you do the same as well. [...] Same units but different type of finishes. Instead of having three coats of paint we will have backwash. In terms of ceramic tiles we will have something cheap.

The other concept that we also did was we then went and took, out of the 600 of Joshco, we took the 200 units, [...] this is how they configured. It is a two bedroom unit with a common kitchen and a dining. Then we said we know, except the people who can pay R1 500 for a two bedroom unit, there are those people who are single, who want to rent a room. So we took the same configuration and then we said that instead of having a two bedroom unit, we will have two bedroom units but used by two different single people.

In the face of acute need and inadequate funding, both cities were increasing their reliance on private sector involvement. Private sector collaborators possibly influenced city decisions away from the kinds of development that placed the poor first. It would be oversimplification to claim that private sector involvement alone pulled city responses to informal
settlement and housing need in a particular direction, given other constraints and considerations that influence local state strategy. Nevertheless, it should be noted that the local state’s increased reliance on private sector developers also increased their influence, and that there were clear examples where this collaboration was working against the interests of the poor. Peter, a Tshwane official, related:

“Developers have been called in terms of the BNG to come and deliver houses. So when you say to developers we are now going the serviced stands route, it is no longer as lucrative as they would, you know that type of thing. Another thing they see it is better to have a top structure because if you start formalising where you only give serviced stands, the actual scenario on the ground doesn’t change. You find it is like you have just moved from one informal settlement to another because there are still a lot of shacks there even if people have basic services and by the time you bring the top structures people have done something different. Some have started building and they have started building well and some continue just sprawling the shacks within the yard. So the actual housing delivery does not show, unlike when it is a clear BNG project. So most developers are not keen to go with us the route of service sites.”

Firstly, private sector developers were keen to earn subsidies, which the city did not have available to promise. Nevertheless, this claim indicated a preference for fully subsidised RDP developments on the part of private developers. These were the kinds of developments that tended to reinforce the apartheid spatial distribution and to become liabilities rather than assets to both occupants and local authorities. Large-scale RDP developments are highly unlikely in the inner city, given the shortage of land. These developments therefore tended to isolate poor people in developments far from economic opportunities, social services and transport, which served to entrench and reproduce poverty.

Secondly, private sector developers were keen to earn profits. All the factors that made integrated development better for poor people, also made it more attractive to people in higher income categories. It had been demonstrated in the literature that the poorest residents of RDP developments could not afford the costs associated with formal housing. In the absence of rent control, well-located, integrated rental stock would also soon be out of reach of people in the lowest income categories. While using funds intended to benefit the poorest city residents who were unable to afford housing, affordable rental projects in the urban core were likely to amount to gentrification projects that would effectively push the poorest, most vulnerable city residents out of the urban core.

An increased reliance on the private sector had given the private sector greater influence over local state practice, to the detriment of the poor. This experience had been duplicated at the provincial level in relation to a substantial amount of private sector investment in housing that had been facilitated by Human Settlements Minister Tokyo Sexwale. A case in
point is the proposal on how to leverage a private sector pledge of R1 billion for housing developments, especially for the gap and bonded market that had to be started over as financial institutions were unhappy because they had not been part of the development of the proposal, said Tony, a provincial official.

Finally, the spheres of government also seemed to be shifting responsibility onto each other. The earlier provincial audit of informal settlements assisted directly with ring-fencing the responsibility of civil servants for the purpose of performance management. Ned, a provincial official, commented:

> I think the MEC has also made it clear … because of the audit that we’ve run, the premier announced … so many informal settlements must be formalised and eradicated by 2014, based on the numbers that were there [at the time of the audit]. So, we can only be monitored against the numbers that were recorded at that time, not the new [growth in informal settlement]. Because, [with regard to] those new numbers, the municipalities must take responsibility [for any growth in informal settlement].

Since a high number of non-qualifiers resided in informal settlements, Mabel, a provincial official, concluded that there would “always be informal settlements”. Mabel argued that qualifiers could be relocated from informal settlements to subsidised greenfields projects, but that the non-qualifiers would be left for the municipality to provide basic services. From these responses it transpires that officials in the provincial authority, which had the allocated budget and with it the responsibility of providing low-income housing, were refusing to accept that this responsibility applied with regard to any growth in demand for low-income housing. This role of performance management is corroborated by Huchzermeyer’s (2011: 130) account of the categorising of informal settlements by the provincial government.

The public sector officials of the provincial government were shifting the responsibility of responding to or servicing any new informal settlement onto local government alone. It was perhaps in response to this pressure that the Land Invasion Management Plan of the City of Tshwane relied on private security companies to prevent new occupations of state-owned land. This strategy was described by Tshwane councillors Dorothy and Nellie, who both acknowledged that the plan was not entirely successful. Mary, a Tshwane official, also commented that the companies were not really doing their job. Nellie suggested that penalties should be considered in those cases where the companies failed to prevent land occupation.

While councillors and officials in each city therefore supported and rationalised the approach selected in their city, differences were apparent between the two local authorities with regard to the ways in which they decreased dependence on the local state. In the City of Johannesburg, some responsibility was shifted directly onto the private sector through
investment and collaboration, while some responsibility was shifted onto informal settlement communities by asking them to avoid internal growth. In the City of Tshwane, responsibility for various categories of residents was avoided, effectively shifting responsibility back onto the poor, and some responsibility was indirectly shifted onto residents and the private sector, by attempting to make communities bankable.

5.5.6 Changing definitions of informal settlement
Respondents shifted between broad layman’s definitions and narrow official definitions of informality. The official understanding of informality has significant implications for the potential ability to claim success in terms of eradicating informal settlements by 2014.

Although the terminology was used more loosely in practice, respondents in the study generally shared a clear distinction between informal, formalised and formal settlements. Respondents understood informal settlements to refer to recent occupations of land without permission from the owners, which rendered the occupants vulnerable to forced removal. Some informal settlements were recognised, but still needed to be legally proclaimed as townships, which would open the way to service provision. Formalised settlements were those informal settlements that had been established for a longer period of time, in most cases two years and more, and where a township had been proclaimed. Proclamation was usually followed by the provision of infrastructure and services, either communal or linked to individual stands. When linked to individual stands, it was also possible to transfer serviced sites to beneficiaries and issue title deeds. Formal settlements were legally proclaimed townships populated with formal homes. If formal homes were built in a formalised settlement, it would no longer be considered informal or formalised, but formal. This understanding of the definition of informal, formalised and formal settlements was broadly shared among respondents in the study. In this regard, respondents seemed to follow the lead of academic literature that argued that the critical characteristic of informal settlements was that of insecure tenure. With a few exceptions, respondents also accepted the implication that formalisation and upgrading was a more urgent priority than the provision of formal homes. Nevertheless, it implies an understanding of in situ upgrading as “developing an area to standard development criteria” rather than avoiding disruption and relocation of a settlement community at all cost, as Huchzermeyer (2011: 133, 170, 175) also points out.

While scholars criticise the limiting practice of defining informality as illegality (Barchiesi 2007: 13, Mohamed 2006: 35-36), Rose, a Johannesburg councillor, subscribed to a restricted definition, as follows:

[A]n informal settlement is something that is outside the legal framework. It has got nothing to do with whether a place has got a [formally built] top structure. Anything that has been approved, anything that has got a layout plan submitted with the Surveyor General will be [legal and formal]
in terms of township establishment … . So, Orange Farm, … even if you don’t see a [formal] top structure, is formal.

This definition represents a shift and, as argued above, appears to represent an attempt to follow the Huchzermeyer school of thought by regarding insecurity of tenure as the central characteristic of informal settlements (Huchzermeyer & Karam 2006: 3). In the 1990s, the Urban Foundation had defined informal settlements in terms of the kind of dwelling or top structure prevalent in a settlement, which would have included makeshift dwellings built in official site-and-service areas (Huchzermeyer 2004: 148). In the context of a need to have more achievable targets, the respondent’s limiting both of the range of settlements that could be counted as informal and of the number of informal settlements on the basis of which housing delivery could be evaluated, begins to protect the state and its officials against a possible negative assessment in the face of looming internal and MDG deadlines. Officials could claim that settlements have been formalised without having to improve the level of service delivery. Another benefit of this kind of formalisation was that legal proclamation would lead to the existence of an address, which would make it possible for people residing there to be recognised by the financial sector, so that they could qualify for loans. The limited definition of formalisation, then, allowed the state to prepare to shift part of its responsibility to the private sector and to residents respectively.

Although this shift has contributed to increased tenure security, semantic changes such as subscribing to a narrow definition of informality as illegality produce little improvement in the lives of people living in informal settlements and serve primarily to improve perceptions of the quantity of delivery. Furthermore, as discussed earlier, several respondents continued to see the eventual eradication of informal structures as part of the mandate of the South African government – whether the local state or other spheres of government - with regard to informal settlement and housing.

Definitions ostensibly informed by scholarship were used in conjunction with more stereotypical definitions. Mary and Peter, officials in the City of Tshwane, both associated informal settlements with criminality, and Peter claimed that a large proportion of residents of informal settlements in the East of the city were immigrants who would not qualify for state assistance.

No sharp differences between respondents in the City of Johannesburg and the City of Tshwane emerged with regard to definitions of informal settlement. Both elected and appointed respondents in both cities had internalised the arguments for a definition of informal settlement linked to tenure vulnerability rather than to the physical dwelling. However, appointed officials in the City of Tshwane were more likely to fall back on pathological definitions of informal settlements as places of misery and crime, which they sometimes linked to the presence of foreigners.
5.6 Factors impeding local state responses

5.6.1 Inadequate funding
All respondents in the local state identified inadequate funding as the single most important obstacle to the implementation of an adequate response to informal settlement and housing need. Only two respondents in the study, one provincial and one national official, considered that other constraints might be equally or more important than underfunding. Nevertheless, respondents identified several secondary obstacles that had been experienced over and above the considerable inadequacy of funding. These included slow, bureaucratic budget processes, a high rate of inflation in the construction industry, the high cost of constructing rental accommodation or other multi-storey buildings, the need to execute secondary mandates, a shortage of land and in particular, well-located land, the protracted negotiation process and delays that often followed the occupation of privately owned land, the capacity of developers contracted to implement housing projects, in particular the standard of work of emerging contractors, and the unwillingness of some communities to relocate away from unsafe conditions. In the City of Tshwane, a relative degree of political instability, a delayed integration of the various municipalities that constituted the new city in comparison to the City of Johannesburg, and the slow transformation of the administration seemed to have detracted from integrated planning and the development of a cohesive approach to local government.

Although BNG had very good principles, it was very costly to implement, and therefore needed to be combined with other tools, said Peter, a Tshwane official. However, all respondents – both officials and councillors - in the two local authorities agreed that housing backlogs could not be cleared given the amount of funding that was allocated to this function during the period covered by the project.

A budget of roughly R450 million allocated to the Housing Department of the City of Johannesburg in 2010, according to Maureen, a Johannesburg official, was intended for the purpose of housing delivery as well as services. The city had committed funds to upgrading of informal settlements and actively worked to attract private sector investment in its mixed income, rental and brickfields projects. Although none of these projects were entirely excluded from government funding, the amount of funding that was available to support these kinds of developments was too limited, said Engela, a Johannesburg official. Limited subsidy support for brickfields developments in the City of Johannesburg made it difficult for the city to implement these solutions at the scale that it would like to, Engela said. Budgets were sometimes cut after allocations had been announced and targets had been set, respondents said. This made planning and performance management more difficult
because targets were not revised immediately, but had to be approved by means of a new political process, said Roman, a Johannesburg official.

The R100 million that the City of Tshwane had available for formalising and upgrading informal settlements in 2010, according to Nellie, a Tshwane councillor, would “not begin to scratch the surface”. Respondents in the City of Tshwane were concerned that they had little leverage to attract private investment in the city without adequate funding for housing development.

In 2008, before the recession, the City of Johannesburg could aim to provide 8 000 formal housing units per year based on its subsidy allocation, while the City of Tshwane could aim to provide 6 000 units per year, according to Dorothy, a Tshwane councillor. Housing need, on the other hand, was estimated at 350 000 units in Johannesburg and 280 000 units in Tshwane, excluding the amalgamated areas outside Gauteng. Given this ratio of need to provision, there was certainly no possibility of catching up with backlogs by 2014, but in fact, there was no prospect at all of clearing backlogs irrespective of the deadline. It should be noted that these figures assumed that all available subsidy would be exhausted and take no account of a shortage of land or other practical obstacles. The current level of funding would not make it possible to catch up on the housing backlog, respondents agreed.

In this resource constrained environment, the restrictions imposed by the Municipal Finance Management Act were too severe, said Gladys, a Johannesburg official:

There are some very negative aspects of the MFMA, because you can only adjust in February and life is not like that. So it takes too long to adjust and then if there is either a budget adjustment, like there was last August, then you can’t adjust the output target on the scorecard until February and vice versa. If there is a clear and apparent reason to adjust the scorecard, let’s say not even necessarily negatively adjust the target, let’s just say you have got 10 projects and you have only got budget for 5 of them and you put 5 in for the year and something happens. And one of the 5 that you had planned to deliver on you have to exclude because something happened, maybe another funder withdrew their funding and to make a solution to the problem you say you are going to take the resources for that project and put it into this project that wasn’t put in, even though it is ready, you can’t just shift funds from project A to project B.

The Act was intended to curb corruption at municipal level, but prevented managers from efficiently leveraging allocated funds during a given financial year, Gladys said.

The IDP process fed community needs into the business plan which would then be matched with the available budget. Following ward level inputs into the business plan, the draft business plan was sifted through at the city's first budget lekgotla, after which further prioritising occurred. Eventually, however, the Capital Investment Management System (Cims) would use up the budget by allocating funds to projects from the top of the list based on strategic priorities defined by the IDP and the Growth and Development Strategy. As the
budget was finite, projects that responded to a clear and defined need could sometimes not be funded. When emergencies occurred during the course of the year, this meant budget reviews for council units already operating in a funding constrained environment. The City of Johannesburg had well-capacitated housing and planning departments, but the budget was inadequate, respondents said.

Local respondents’ assessment that overall funding was inadequate was shared by officials in the provincial and national government. In fact, with the exception of one provincial and one national official, all respondents saw inadequate funding as the single most important obstacle to progress with regard to housing backlogs, one that could be mediated by means of various strategies, but could not entirely be overcome. Ned, a provincial official, complained:

I wish you can go to whoever is giving us money, maybe they can understand that. ... My understanding actually of the allocation of budgets to different departments is based on what you've spent in the previous financial year. So as a department, whatever we received last year, we have spent all that money, we even requested for more, it was the end of the financial year, we requested an additional grant of R15 million, which we've spent as well. We are given a budget based on last year's financial year and that budget is always spent. According to me that's not how it is supposed to be done ... 

Coupled with underfunding was the imperative to spend allocated budgets, which was easier to achieve in a short period of time with greenfields RDP-projects than with brickfields or well-located projects, which tended to be smaller in scale, said Andrea, a national official. Malcolm, another national official, pointed out that where the money was used for sites and services, more people were being assisted with the available budget.

Local planning was more important than broad policy objectives such as the MDGs. As mentioned above, respondents pointed out that no additional funds had been allocated to support them in meeting the Millennium Development Goals. Despite the submission of plans based on need, budget allocations up to 2008 had always amounted to a small increase on what had been allocated in the previous financial year, rather than needs. Whatever promises were made in public, in the final analysis, the ability of the local state to implement these policies depended on sufficient funding. The national treasury took the view that the best route was not to fund a clearing of housing backlogs, but to stimulate employment and the market, so that a larger number of people could purchase their own homes, according to Tony, a provincial official.

In the meantime, a high rate of inflation applied to construction costs and as a result, the subsidy amount linked to an individual unit had increased drastically, said Tony, a provincial official. These factors contributed to the fact that overall delivery targets for the whole province of Gauteng - as compared to the figures for individual cities quoted above - had
dropped from the provision of 80 000 housing units in a financial year before the recession to about 40 000 units in a financial year by 2010, said one provincial official. Projects were being implemented over several financial years to avoid wiping out the available budget in one go. It appears therefore that a failure to implement BNG, which has been criticised in the literature (Pithouse 2009: 1, 4), is a knock-on effect of sustained inadequate funding.

The mismatch between housing goals and the allocated budget was still the main factor dragging out the waiting period, a clanger of which researchers (Smith 1992: 262) had warned well before the post-apartheid housing policy was enacted. The inadequacy of funding raises the question of whether national level pronouncements about the priority accorded to informal settlement and housing was supported by the necessary political will to realise policy ideals and to prioritise them over other spending categories.

As mentioned above, elected and appointed respondents across the local state in both cities were unified in their identification of underfunding as the biggest impediment to housing delivery.

5.6.2 Land-related challenges

Respondents in both cities reported a shortage of suitable land for new housing developments, which made it difficult to plan new greenfields developments. An acute shortage of well-located land for greenfields housing projects was experienced in both cities. While some vacant land was available in outlying areas and would be easier to acquire as well as more affordable than well-located land, low-cost housing developments on the urban edge tended to reinforce the spatial legacy of apartheid and perpetuate the exclusion of low-income communities, which the cities wanted to avoid. Rather than create wealth, these outlying RDP developments tended to become liabilities, said Susan, a Johannesburg official. BNG and site and service developments both suffered from this shortage of land. In response, land owned by the City of Johannesburg would only be sold after consultation with the city Housing Department. Engela, a Johannesburg official, said:

What we are saying now is that we ran out of options on the outside in terms of vacant land that can offer you a 15 000 development opportunity, but we have got parts of the city that have really been run down and I think it has served its purpose in terms of its old niche and we can redevelop it large scale.

Respondents in the local state in both cities also considered informal settlement on privately owned land a problem. Although new informal settlement was rare and more likely to occur on state-owned land, private land occupations presented particular challenges, according to the respondents. Once an informal settlement had been established on privately owned land, owners sometimes attempted to use this to force the city to purchase
the land. Since the parties often disagreed about the value of the property under these circumstances, this usually led to a protracted negotiation process and delayed resolution of the matter, said both Rose, a Johannesburg councillor, and Dorothy, a Tshwane councillor. The local state could not become involved in evictions from privately owned land, said Rose. A number of early informal settlements in the City of Johannesburg had started as instances of shack-farming, where property owners allowed informal housing to be built on their land in exchange for a fee, Rose claimed. Often, former workers of the property owner had not been provided with adequate housing. The city therefore would advise the poor of their rights and wait for the court cases to take their course.

In the City of Tshwane, a Land Invasion Management Plan was aimed at preventing new occupations of state-owned land. Dorothy, a Tshwane councillor, said:

We’ve got a company on site on a daily basis maintaining our land, all our land. We know exactly how much land we have as a city. We know where open space areas are.

However, the city had no way of preventing the occupation of privately owned land, said Dorothy, a Tshwane councillor. If private owners waited before asking for occupiers to be evicted, the city could end up having to find alternatives for the residents, which took time and required funding. Both options would disrupt the city’s plans to provide development to beneficiary communities identified through the IDP process, as funds would have to be spent on an ad hoc basis to solve the problem, said Nellie, a Tshwane councillor.

As indicated by the narratives above, officials were more frank about the unintended consequences that had been suffered because of large-scale developments on the more easily acquired land on the urban edge, whereas councillors were more likely to dwell on the difficulties of acquiring well-located land for future development. The land-related challenges and these differences among respondents emerged in both local authorities.

5.6.3 Institutional challenges
Certain challenges with regard to institutional stability in the local state were apparent. A number of respondents reported that they had acted or were acting in their positions at the time of their interviews. As Maureen, a Johannesburg official indicated, key administrators could not be appointed in the local state by an executive who was leaving. This meant that central positions sometimes had to remain vacant during the run-up to elections. Councillors and officials similarly took this approach for granted in the local state in Johannesburg and Tshwane. However, the two local authorities diverged with regard to their institutional development, with apparent consequence for state-society relations.

The City of Johannesburg had benefited from substantial institutional stability, said Shireen, a Johannesburg official. This, Gladys, another Johannesburg official, attributed to correct
corporate systems that were set up early on, while Shireen attributed it to the consistent leadership of Amos Masondo, who was the Mayor of Johannesburg for the duration of the two electoral terms covered by this study. In the City of Johannesburg, the Central Strategy Unit ensured cohesion and integration in planning and council activities and reported to the Mayor and City Manager, whereas focused delivery was achieved through a clear delineation and separation of roles between council departments. The Central Strategy Unit in the City of Johannesburg supported the Mayor and City Manager and in turn had both the political support and resources that it required, said Shireen, a Johannesburg official.

The City of Tshwane on the other hand, had three different Mayors and three different City Managers during the two electoral terms covered by this study. Each Mayor appointed a new Mayoral Committee to lead the various council portfolios, increasing instability.

Apart from a degree of instability in political leadership, the transformation of the administration had also taken more time than in Johannesburg. The municipalities that were amalgamated to form the City of Tshwane in 2000 had not cooperated previously. Staff of the defunct municipalities continued to dominate the administration for some time. “Now we have new planners coming in and now it is about 60% new people and 40% are those guys. So at least there are new ideas coming in and my observation is it is not only City Planning, it is all the departments”, Mary, a Tshwane official, said.

5.6.4 Practical and logistical challenges
Two practical problems with regard to informal settlements were mentioned by respondents in the cities of Johannesburg and Tshwane. In both cities, respondents said that informal settlements could not be formalised and upgraded on dolomite-rich soil, because of the risk of sinkholes and the cost of service provision on such soil. Informal settlements were also often built close to water and could not be formalised and upgraded within certain floodlines, said Maureen, a Johannesburg official. Rose, another Johannesburg councillor, said:

It is not popular but it is real. Their response in most cases is that they will go to other learned people, a specialist who will say no, no we still think that you can develop […] We will say yes but if you use it for the poor there is a limit in terms of how much you can use to fortify the foundation to ensure that there is no water seepage and so on and so on. So for the poor there is no way we must relocate you.

Councillors acknowledged that communities were often frustrated if they had to be relocated because of safety issues. While elected councillors had a greater degree of responsibility for translating community consultation opportunities into city policy and practice, both councillors and officials attended community consultation sessions and both
groups of respondents were frustrated about their inability to alleviate frustration on the part of residents of informal settlements that could not be upgraded due to unsuitable land. Councillors and officials across the two cities expressed very similar views on this issue.

5.6.5 Contractor-related problems

A small number of respondents mentioned problems with contractors. Officials in both cities made mention of the fact that they had little influence over contractors employed by the provincial government and that they considered the standard of work by these contractors to be inferior. The provincial government had at times built housing without having completed the necessary legal processes, said Mary, a Tshwane official. Officials in the City of Johannesburg did not identify such cases during the period of democratic local government. However, the council had inherited provincial developments where the legal processes had not been completed under apartheid or where housing had been built inside flood lines, according to Engela, a Johannesburg official.

Still, respondents in both local authorities were concerned that the provincial government did not always adhere to the necessary standards when they implemented housing projects in the city. Local officials had little influence over the appointment of contractors by the provincial government. The provincial government would also sometimes build housing in areas with no roads or services. This was one example of how the provincial government disregarded integrated development planning by municipalities, according to respondents in the local state. Respondents at the provincial level rejected the claim that they tolerated development work of inferior quality. Mabel, a provincial official, identified quality control as an important part of her job description.

With regard to emerging contractors, respondents complained about the standard as well as the speed of work. Roman, a Johannesburg official, complained:

The emerging contractors - it is really bad. This started in 2005, it is 2010, and it is not complete. The houses are standing, they look complete from the outside but if you go in and open a tap you will realise the quality is very poor. The taps will be leaking or they won't close again. I am just giving you examples of what you will find and it is not stuff that you need a degree to find. You can walk in and find problems. [...] You are taking poor people out of the squatter camps, so they are not people who have extra money to go and repair a tap. So they bring every burden that they have experienced onto Joshco’s shoulders. We go back to Province, but to get funding out of Province can take a very, very, very long time.

With regard to emerging contractors, Martie, a provincial official, said that they tended to work far more slowly than established contractors and that they often experienced cash flow problems, which could cause a project to grind to a halt. However, they were more
keen to take on small-scale projects and that they created more jobs. The solution was to use a mix of established and emerging contractors, Martie said. Tony, also a provincial official, disagreed with this, saying that the problems with emerging contractors mentioned by colleagues had hardly any impact on project completion due to the limited budget. If the provincial government was operating at capacity and providing housing development at a faster pace, this might have made a noticeable difference. Minor difficulties had also been experienced with established contractors, who preferred large, lucrative contracts and were therefore less available than usual during the run-up to the 2010 Soccer World Cup. A degree of disagreement over contracts between the provincial government and certain established contractors had also been experienced, but had been resolved quickly.

As mentioned above, private developers and contractors also did not support the city’s shift of focus to upgrading and servicing sites, because this was less lucrative and because housing provision was not so visible, according to Peter, a Tshwane official.

Although there were exceptions, contractor-related challenges in both cities were raised by officials rather than councillors. This difference may be attributed to the fact that officials were responsible for working with contractors over a period of time. Similar concerns were raised by respondents in Johannesburg and Tshwane.

5.7 Conclusion
The responsibility for responding to housing need and informal settlement is substantial. During the period covered by this study, housing was not strictly a function assigned to the local state. Yet, the need for adequate shelter was experienced as so acute, that both municipalities not only participated in housing programmes, but contributed funds to housing development over and above state housing subsidy transfers. The pace of housing provision has been fast and the numbers impressive. Yet, proportionally speaking, the numbers amount to a drop in the ocean. The number of housing opportunities provided by the state lag so far behind the known need for adequate shelter, that more than one respondent in the study concluded that housing backlogs could be expected to remain constant. Given the statistics that have been provided, however, it is possible that housing need is in fact increasing.

Informal settlements and their upgrading were considered a particular priority, but this did not necessarily flow from sensitivity to the precariousness of life in informal settlements, since at least three external reasons have been identified for this prioritisation. The first is the shortage of funding for other kinds of housing delivery programmes, the second the shortage of land for other kinds of housing delivery programmes, the third the credibility of
government with respect to meeting the MDGs and the possibility of scapegoating in the event that these goals were not met.

Broadly speaking, councillors and officials sang “from the same hymn book” within each city. The differences that emerged between respondents were more likely to overlap with their location within the two different local authorities than with their role as elected or appointed members of the state elite. The treatment of residents of informal settlements and of poor foreign residents has however differed between the two local authorities, arguably as a result of their different histories and institutional cultures.

The next chapter analyses the kind of urban citizenship that has been constructed for the residents of informal settlements by the local state in the cities of Johannesburg and Tshwane, and the ways in which the two cities have differed in their approach.
Chapter 6
The development of urban citizenship since the advent of local democracy in Johannesburg and Tshwane

6.1 Introduction
The accounts that the powerful elected and appointed respondents in the local state have provided of the rationale and approaches employed by the local state in Johannesburg and Tshwane have been presented in the previous chapter. This chapter analyses respondents’ comments in order to be able to describe the kind of citizenship that the local state has constructed for the residents of informal settlements in the cities of Johannesburg and Tshwane during the first decade of democratic local government that began in December 2000. It interprets the significance of the respondents’ accounts for three overarching questions. The first section of this chapter asks how policy and practice towards informal settlement and housing have developed over time and attempts to periodise local state approaches. The next section attempts an overarching analysis of the kind of urban citizenship that has been constructed for residents of informal settlements. This is approached by considering key elements of the local state conception of urban citizenship for this vulnerable category of city residents, based on the respondents’ accounts. The final question considered in this chapter is how the two local authorities studied here differ in their approaches to informal settlement and housing during the first decade of local democracy in South Africa.

6.2 How have the policy and practice towards informal settlement and housing developed over time?

6.2.1 Democracy arrives at the local level in 2000
During the early part of the period covered by this study, the local state contributed to an impressive pace of housing delivery while acting as developer for the provincial government of Gauteng, which controlled funds for housing in the province. However, the two cities in this study had entered the era of democratic local government from two different sets of starting blocks.

While democratic elections had been held at the national level in South Africa in 1994, the first fully democratic local government elections were held in December 2000. The City of Johannesburg and the City of Tshwane were two of a number of new municipalities that were formally established on election day. A Johannesburg official, Shireen, said that two
tiers of local government that had been in place in metropolitan areas from 1995 up until the
democratic elections in December 2000 had caused fragmentation in the governance of
cities. In contrast with Tswane, she said, the municipalities that together formed the City of
Johannesburg had cooperatively governed a single geographical area for the duration of its
existence. While the exuberant spending on infrastructure that characterised the early post-
apartheid period had left the city with financial difficulties, this experience no longer had any
significant influence. Shireen’s words reveal that since the city administration had been
transformed efficiently early on, the 2000 election marked the beginning of a period of
political and institutional stability for the City of Johannesburg:

I think very early on at the topmost level it kind of got transformed, like the City Manager. I don’t
think it was just replacing whites and putting blacks in there, I think there was quite a measured
sense in which that was done. In other words you don’t just plonk in anyone […] and also Joburg
being Joburg, because we are paying the right sorts of salaries, you also attract the best talent
around. We have seen it over the years, if you are a well-qualified person with a PhD or a
Master’s and lots of good qualification and experience, you will come to Joburg. You don’t feel
embarrassed to work in a place like this.

The City of Johannesburg was therefore able to set up a corporate governance structure
that responded sensibly to its needs, because local government was not bound by the rules
that applied to the national and provincial public service. The City of Johannesburg was
able to attract and retain competitive personnel with top qualifications and such candidates
had been appointed in senior positions in the city very soon after the consolidation of the
city into a single municipality, Shireen said. Shireen added that even though the city had
battled with a protracted strike by the South African Municipal Workers Union (SAMWU) in
2000, the city had generally had the benefit of stability, which allowed it to resolve certain
matters. The Mayoral Committee was established as a working body to support the
Executive Mayor. Decisions about programmes were taken by the Mayoral Committee,
which then delegated implementation to the relevant city departments and officials. With
most systems in place according to Shireen, democratic Johannesburg was in an
apparently advantageous starting position compared to that of Tshwane.

In 2000, the City of Tshwane was only beginning its struggle to achieve consolidation and
institutional stability. The operations of the municipalities that were amalgamated by the
establishment of the City of Tshwane had not been integrated prior to this date. With the
amalgamation of other municipal areas outside Gauteng into the municipality, the
geographical area under the jurisdiction of the City of Tshwane had changed from the area
that had been governed by the defunct Greater Pretoria Metropolitan Council (GPMC). The
defunct municipalities within this area had had strained relations, while the newly
amalgamated areas brought with them a legacy of neglect and inadequate urban
management that had persisted up until the date of amalgamation. The City of Tshwane also struggled to appoint a new generation of professional staff, as officials who had worked in the defunct councils continued to dominate the administration for some time. A Tshwane official, Mary, said that when the City of Tshwane was established in 2000, 68 of the 75 urban planners employed by the city had been working in the city for over 20 years. “These are the people who, the way they were trained, were dealing with the master plan and that’s all, not the long-term vision”, she said. The city had experienced some instability as many black professionals had been absorbed by the private sector, some after spending a short time in government in order to gain experience. In the early period, city departments had often managed to spend only sixty per cent of their budget, Mary added. However, by 2010, about 60% of the city’s planners were new staff with a different approach, and spending levels had improved to over ninety per cent at the end of a financial year. While the approach in the early years after the city’s establishment had been one of needing to spend the allocated budget, Mary said, it had shifted to thinking about how money could be invested in projects that would benefit the city in the long run.

Transformation thus came more slowly to the City of Tshwane than to its neighbouring Johannesburg. Mary argued that the three years following the establishment of the City of Tshwane in 2000 focused on bringing together the many fragmented systems that had been in place prior to the amalgamation, so that up until the 2005 local government elections, a substantial portion of the administration’s energy was consumed by managing this change.

National politicians had articulated the goal of eradicating informal settlements by 2014. The City of Johannesburg had responded by identifying 182 informal settlements within its jurisdiction and conducting shack registration exercises in the settlements. While respondents now considered the eradication of informal settlements unachievable, Rose, a Johannesburg councillor, acknowledged that the goal had been firmly embraced during the early democratic period. Although respondents focused on the ways in which the city had adapted its practices away from eradication over time, the term eradication was still in use, and evidence of earlier support for the eradication agenda may be found in several reported evictions of residents of informal settlements during this period, including those in Alexandra, Eldorado Park, Langlaagte, Moffat Park and Kliptown (Murray 2008: 102-103).

The City of Tshwane had begun to service sites in informal settlements that had been established during the apartheid period. A total of 65 informal settlements were identified in the city and, by 2008, the city had proceeded to proclaim 23 of them.

While RDP developments in both cities responded to the fact that black people had not been allowed full property ownership before 1994, Maureen, a Johannesburg official, thought it was not realised at the time that this approach resulted in concentrating poor
people in outlying developments that government had no way of sustaining. The fully subsidised development model had privileged the delivery of lone-standing RDP houses in outlying areas and had thus contributed to urban sprawl. Respondents were aware that costs increased in terms of the need for additional bulk infrastructure delivery and that these kinds of projects tended to entrench and exacerbate the concentration of poor people in low-income ghettos at the urban edge. These problems were cited by respondents as reasons for having shifted from this approach. In this regard, Maureen said:

“When you go and do Stakeholder Management we pick up some of the issues and then as a team we will say we had a Stakeholder Management in Version A for example and these are some of the trends that are starting to come. How does this feed in into the current policies that we have? Do we need to be sending messages to Provincial and National to say look, these are the new trends that are coming and this is how the BNG was actually formulated because, feeds were starting to go in to say look, we are building houses, but we are not making any dent in terms of eradicating informal settlements. What is the issue and then you can begin to say not everybody wants a free house, number one and in actual fact not everyone qualifies for these houses. So we need to start doing something different ...”

Maureen elaborated that as city officials realised that the construction of houses was not leading to the eradication of informal settlement, the city established a research unit to look into the matter and feedback was provided to the provincial and national government to indicate that a substantial number of people in need of assistance to access adequate shelter either did not want that, or did not qualify for the fully subsidised RDP family units that were being provided. Engela from Johannesburg added that the city had also run out of available land that could be used for large-scale RDP-developments.

In the City of Tshwane, Peter, a Tshwane official, said that RDP developments had been implemented as well, but city officials had taken cognisance of challenges with regard to the quality of housing that was being provided and as a result had shifted its strategy to the provision of serviced sites.

In sum, although no respondents of their own accord discussed the evictions that were instituted prior to the policy shifts of 2004, officials in both cities were more likely than their elected colleagues to acknowledge mistakes from which the local state had learned. However, councillors did at times refer to lessons learned in their discussions of the rationale for the BNG policy.

As mentioned in Chapter 4, fieldwork for this study was conducted in two rounds, of which one took place in 2008 and the other in 2010. Respondents in the City of Tshwane were not able to comment on the early part of the period covered by this study in detail, indicating a loss of institutional memory due to relative institutional instability. In this respect, a clear difference was apparent between the City of Tshwane and the City of Johannesburg.
6.2.2 Breaking New Ground in 2004

In response to the shortcomings and unintended consequences of the RDP housing programme coupled with the informal settlement eradication agenda, a new “Comprehensive Plan for the Development of Sustainable Human Settlements”, called Breaking New Ground (BNG), was launched in 2004 under the leadership of then President Thabo Mbeki and Housing Minister Lindiwe Sisulu.

Respondents in the study understood that the Breaking New Ground policy had specific implications for their own practice. Breaking New Ground advocated mixed development on well-located land. It had become clear that the provision of a flood of RDP houses would not be sustainable, said Maureen, a Johannesburg official, and the policy advocated mixed development on well-located land. Spatial, economic and social integration were all at stake. While needs and impact assessment had dictated integrated development, the local state also wanted to deconstruct the apartheid spatial distribution through spatial, economic and social integration. Respondents in both the cities emphasised the need for spatially integrated development for service delivery and so that housing could make efficient use of bulk services. The BNG approach further involved avoiding the delayed delivery of social services such as schools, creches and clinics only after housing projects had been implemented. Instead, these services were to be planned at the initiation of housing projects so that they could be delivered simultaneously. In Johannesburg, officials emphasised the need to avoid urban sprawl and use the core infrastructure to capacity, because development in the urban core was much more cost effective when it came to the provision of infrastructure, facilities, services and transport. However, since it had become clear that the city could benefit from developing nodes, respondents in both cities preferred to develop several nodes in the city that already had the infrastructure to support certain developments, rather than to expect the infrastructure in the centre to carry all development. Maureen, a Johannesburg official, specifically noted that nodes such as Roodepoort and Randburg had been neglected by the unified city council of Johannesburg in favour of the centre. In the City of Tshwane, there was an additional emphasis on development corridors between various nodes in the city. While outlying low-income developments tended to become a liability, said Susan, a Johannesburg official, mixed development had the potential to increase property values, to lead to job creation and to contribute to greater social integration. Mixed development was therefore also more likely to assist in increasing the city’s rates base.

Respondents also understood the BNG policy to cater for all categories of people. If a person was in a province, there should be a housing product for that person, said Nigel, a provincial official. As a result of this, but also due to the shortage of well-located land in
metropolitan municipalities, social housing also became a priority in this policy. The increased reliance on rental housing provided some evidence of a shift of emphasis from individual instruments or individual beneficiary identification to that of geographical housing instruments, as argued by Susan, a Johannesburg official. This element of the policy incorporated an attempt to lower the dependency on government, as indicated by Malcolm, a national official.

It transpired that a development model that privileged the delivery of lone-standing RDP houses served to exacerbate and entrench the concentration of the poor in low-income ghettos far from infrastructure and contributed to urban sprawl. Increased urban sprawl was expensive for the local state in terms of the need for additional bulk infrastructure. Economic benefits to both residents and to the local state were therefore promised by spatial, economic and social integration in housing development.

The provision of affordable rental housing, which included social housing, also became a top priority. The Johannesburg Social Housing Company (Joshco) was founded in 2005. The number of units administered by the company grew from 1 088 at its launch in 2005, to over 8 000 in 2010, as recorded by Roman, a Johannesburg official.

According to Maureen, a Johannesburg official, the City of Johannesburg also aimed to provide a mix of housing opportunities in its housing developments, which would include fifty per cent RDP housing, thirty per cent housing for the gap market of residents who earn too much to qualify for fully subsidised housing, but too little to pay transfer fees or deposits in order to purchase homes in the bonded property market, and twenty per cent bonded houses. The Policy and Research Unit of the City of Johannesburg would monitor the impact of these city developments.

Respondents in the City of Johannesburg made it clear that housing goals could not be achieved with the funds at the disposal of the local state. Interviewed in 2008, Susan, a Johannesburg official, said that the city would request proposals from all council departments and would seek the best, bankable business plan that could be taken forward with the help of the subsidy, the Municipal Infrastructure Grant and a small amount of funding from the municipality in order to achieve integrated sustainable human settlement developments. The local state was attempting to “crowd in” private sector investment led by public sector investment, said Shireen, a Johannesburg official.

Finally, respondents said that informal settlements were being formalised and upgraded rather than eradicated. Earlier, when national politicians had articulated the goal of eradicating informal settlements by 2014, the city had responded by identifying 182 informal settlements within its jurisdiction and conducting needs assessment and shack registration exercises in the settlements. Based on this, it was estimated that about 200 000 housing
units would be required to address the need. Since it would not be possible to provide this by 2014, Maureen explained, the city had decided to focus on township proclamation and where possible, to give the residents of informal settlements certainty that they would not be evicted.

Maureen also mentioned that the approach taken in Porto Alegre, Brazil was informing the city’s approach. *In situ* upgrading would allow the local state to make sense of the environment rather than to uproot people. In the past, the city had often looked to the United States and Britain for inspiration on how to approach housing; however, lessons from South America were more appropriate and useful. South Americans were good at embracing informality and making sense of that environment, she said.

In the City of Tshwane, the introduction of the BNG policy at national level meant that the municipality had to plan for the construction of housing as it had done in the past, but this time in well-located, integrated housing developments. Peter, an official, said that BNG projects were expensive and that the funds allocated to the city were inadequate, so that the city had to combine BNG with other tools. Given the cost of BNG developments, the option of servicing sites was being championed by the city, but Peter noted that the approach was unpopular with private developers and received a mixed reception from communities.

The City of Tshwane also urgently needed more rental stock, said Dorothy, a Tshwane councillor. Respondents in the city, however, made no mention of specific plans to provide rental or social housing. While the city had established a housing company in 2001 to manage council stock and develop social housing, its potential disestablishment was being considered at the end of the period covered by this project as the company had reportedly failed to develop new social housing opportunities. This was the company responsible for council-owned stock including the Schubart Park tenement buildings from which residents were later evicted without a court order (Bilchitz & Tuovinen 2011: ¶1).

The city was also proceeding with plans for all informal settlements that had been identified earlier. Out of 65 informal settlements, 23 had been formalised by 2008, and another ten would be formalised by the end of the following financial year, said Dorothy. In the meantime, the city took the approach of preventing new informal settlement by means of its Land Invasion Management Plan. In terms of the plan, private security companies were hired to prevent new informal settlement on all land owned by the state and parastatal bodies. Respondents felt that the plan was not working as new land occupations were rare, but were not entirely being prevented by the security companies.

Respondents in the local state said that there had been a shift away from eradication to formalising and upgrading. They now relied on the proclamation, formalising and upgrading
of informal settlements on the one hand, and the provision of a range of housing and economic opportunities on the other, as their contribution to the eventual eradication of illegal informal settlements. The word eradicate was used somewhat differently by respondents in the provincial government, who saw eradication as the second part of a two-phase process of first formalising informal settlements by legally proclaiming a township and providing infrastructure and services, and later building formal homes, after which informal structures would be eradicated. The provincial government had a project in which informal backyard structures in formal townships were being eradicated and replaced with formal backyard structures. The agenda of eradicating informal settlements had therefore not been replaced by that of upgrading. This approach was aligned to the BNG policy, which provides the option of eradicating “through upgrading” informal settlement (Department of Housing 2004: 6).

Breaking New Ground had changed the focus of the national housing policy from that of pure housing provision to the creation of sustainable human settlements, but the budget had still operated as a housing budget and the national department was still structured as a housing department, said Andrea, a national official. It was a priority for the national department to ensure that the provincial and local authorities responsible for implementing the policy understood its aims and what was required. Engela, a Johannesburg official, commented;

[Y]ou know that there is always this conflict between planners and the housing providers, they want to do large scale numbers and we want to say they must be at appropriate locations where they can be well integrated and they can become sustainable for the future. Those are conflicts when you chase numbers all the time and now that they have been merged on that side [provincial Department of Local Government and Housing], […] there is a larger commitment […] to provide housing projects in a more responsible way.

While a variety of options were supported by the BNG policy, a one-size-fits-all mentality had persisted for some time, because large-scale developments with a high number of RDP houses were the easiest way to spend the available budget, said Andrea, a national official.

While respondents in both cities were positive about the potential of BNG, several, including Mary, a Tshwane official and Engela, a Johannesburg official, mentioned that the allocated resources were insufficient. Although BNG was based on sound principles, it was unlikely to cater for all people needing adequate shelter, they argued. As long as the allocated budget did not allow the provincial government to clear the housing backlog in Gauteng, it would not be possible to deal effectively with newcomers, said Nigel, a provincial official. If an adequate budget was allocated, however, the province could begin to set up reception areas for newcomers.
The views of elected and appointed respondents broadly converged within each city administration. However, some divergence between the two local authorities was evident with regard to the implementation of BNG. In Johannesburg, councillors and officials had identified innovative ways to increase their ability to realise some of the new ambitions of BNG. Senior city councillors and officials considered Johannesburg to be a country leader with regard to their success with realising and increasing such development by means of collaboration with the private sector. In the City of Tshwane, however, the uptake of BNG was cautious given the high cost and a lower level of reliance on private sector investment.

By December 2007, change of some kind appeared imminent as the election of former Deputy President Jacob Zuma as President of the ANC coincided with a global economic downturn. Breaking New Ground was being implemented in the context of a recession that affected state spending in South Africa. As mentioned above, the provincial housing budget in Gauteng increased only marginally from 2008, while a high rate of inflation applied to the construction industry.

6.2.3 The Zuma administration governs from 2009

Jacob Zuma took office as South Africa’s newly elected President in May 2009, with the global recession of the late 2000s in full swing. In line with the philosophy and language of the BNG policy, the name of the Department of Housing was changed to the Department of Human Settlements. The name change signalled that the internal restructuring of the national department would have it prepared to respond to the imperatives of a human settlements approach rather than one that was limited to housing, said Andrea, a national official. Despite the changes that had been accomplished, Andrea said in 2010 that the necessary institutional systems to support the plan, including appropriate performance management, were receiving attention.

Zuma had introduced a system of outcomes-linked performance contracts for Ministers in his national cabinet. This approach was experienced as a welcome change by respondents in the local state. Local officials said that it made politicians more accountable and could curb empty promises to communities. In the past, Ministers would make pronouncements about what would be delivered without being accountable for channelling the necessary resources to those responsible for implementation. However, the outcomes-focused approach meant that overarching goals were broken down according to provinces and municipal areas, respondents felt. It also forced politicians to be more careful about the promises they made, as Maureen, a Johannesburg official, said:

Now, the fact that not only the DGs but the Ministers are signing the performance contract, it makes a difference. It makes the Minister’s duty to make sure that what he or she signs, is what is feasible in terms of budget, in terms of what is ready and what exists.
Government was also moving in the direction of linking expenditure to outcomes, although this had not yet been fully achieved, said Tony, a provincial official. A further positive shift was built into the new approach to public sector performance management, as the outcomes linked performance contracts were not only about delivery statistics. Not only was the portion of a budget that was spent being measured, but also non-financial or qualitative outcomes, said Andrea, a national official.

The cabinet appointed by Zuma included Human Settlements Minister Tokyo Sexwale. Respondents in the local state welcomed the latest change of Minister in the South African portfolio responsible for informal settlement and housing. Previously, said Mandy, a Johannesburg councillor, “a lot of blaming of local government” had been heard from the office of the housing ministry. The relations between local government and the national ministry were much more positive with Sexwale at the helm, Mandy added. Local government stakeholders had even been consulted about the content of the performance agreement that was signed between the President and the Minister of Human Settlements. Senior staff at Joshco had, for example, been given the opportunity to comment on aspects of the social housing goals, related Gladys, a Johannesburg official. The upgrading agenda was also strengthened by a presidential announcement early in 2010 of new in situ upgrading targets for 400 000 households (Huchzermeyer 2011: 172).

Also very popular among respondents in the local state, was the resolution of the long-standing accreditation agenda. The possibility of accrediting municipalities to become implementers of national housing programmes so that they could receive funds directly from the national government had been raised much earlier, and was informed by the outlook of the ruling party, who had not advocated strong provincial government. However, accreditation had been bedevilled and delayed by provincial authorities, according to respondents in the local state, potentially because of fears that the provincial department would become obsolete. While direct engagement between the national and the local level was not the norm, the delegation of housing from provinces to municipalities made sense, according to Michael, a national official, because municipalities were already delivering services that went hand in glove with housing. This engagement had the potential to strengthen delivery, Andrea, a national official, agreed.

Under Sexwale’s leadership, the process of accrediting municipalities to receive funds for housing directly from the national government has at long last been finalised. However, it was only expected to be implemented by July 2011, after the period covered by this project. Respondents in the local state anticipated their ability to respond to housing need to improve with accreditation. Respondents at the provincial level, however, expressed various reservations about the accreditation of municipalities for housing delivery. Due to the lack of a single public service, tension could be expected around the substantial salary
differences between municipal staff and their provincial counterparts who were likely to be seconded to municipalities in the event of accreditation, said Tony, a provincial official. Municipalities wanted Level 3 accreditation in order to “lay their hands on the R540 million to do other things with it”, not necessarily to use it for housing provision, claimed Mabel, a provincial official. Municipalities would have to prove that their financial management systems were above board and ready for the responsibility of housing delivery before they would be accredited, said Mabel. The apparent competition between the Gauteng provincial government and municipalities in the province over the housing budget has been noted elsewhere (Huchzermeyer 2011: 124). Respondents at the national level had fewer reservations. Martin, a national official, said that municipalities that could demonstrate that they had the necessary capacity to deliver housing would be accredited, and that this could avail provincial governments the time and opportunity to concentrate on delivery in less capacitated municipalities.

While local state respondents saw accreditation as a way of ensuring that the municipality received all the funds allocated for development, respondents in the national government held that accreditation would promote accountability not only because housing would be delivered by those closest to communities. If accredited, local government would then be more accountable for the development they implemented using funds raised through rates and taxes as well, said Martin, a national official. “That is aimed at devolving housing functions to local authorities, because we strongly believe that municipalities are a logical site where, when all these other functions including housing are better coordinated, they are able to respond accordingly to the needs of the people”, said Michael, a national official. After accreditation was finalised, the national department’s quarterly monitoring of provinces would include accredited municipalities, Michael said.

Respondents in both cities were adamantly in favour of accreditation of their municipality by the national Department of Human Settlements to allow them to plan, approve and implement state housing projects at the local level, rather than as an agent of the provincial government. In short, local respondents felt that delivery would improve if they received housing-related funding directly from the national government to spend on locally planned projects. Local level respondents had several reasons for advocating accreditation, which had the potential to overcome many of the intergovernmental tensions mentioned above. Community protest action calling for housing development often targeted local authorities, while they were not in a position to respond directly to communities’ demands as long as the function was controlled by the provincial government, said Shireen, a Johannesburg official.

Respondents in both cities, officials as well as councillors, could not have been more pleased that the drawn-out accreditation process was finally about to bear fruit at the end of
the period covered by this project. Accreditation was anticipated to be finalised by July 2011 which Mandy, a Johannesburg councillor, ascribed directly to Sexwale’s different attitude towards local government.

Respondents anticipated positive results with regard to housing programmes in the event that they received accreditation. In the City of Tshwane, the housing backlog as estimated based on the needs database, could be cleared in as little as three years if the city received accreditation, claimed Nellie, a Tswane councillor. The City of Johannesburg already contributed bridging finance over and above subsidy transfers to fund the projects for which it received subsidy from the provincial government, said Gladys, a Johannesburg official. In addition, Shireen, a Johannesburg official, suspected that provincial governments were top-slicing funds intended for housing. Municipalities therefore anticipated that a larger portion of human settlements funding could be used for human settlements rather than related operational or administrative expenses. On the other hand, a portion of funds would potentially have to be used for the salaries of the provincial staff expected to be seconded to municipalities after accreditation, according to Tony, a provincial official. Once the local state received accreditation to allow it to receive funding directly from the national government for the implementation of the national housing programme, the province could monitor municipal housing delivery, said Maureen, a Johannesburg official.

A third characteristic of the new administration was an increased emphasis on private sector collaboration. As described above, a shift towards increased local state collaboration with the private sector for the purpose of housing development had been apparent by 2008, before Zuma was elected President or appointed Sexwale. While then Housing Minister Lindiwe Sisulu had not managed to raise new money for housing development, her charter initiative had given the banks a BEE rating for cooperating with state housing developments, said Andrea, a national official. Local respondents agreed that the appointment of Sexwale as Minister of Human Settlements would serve to reinforce and increase private sector partnerships. The approach of the new Minister was likely to attract much more interest and involvement from the private sector, said Andrea, a national official. Sexwale’s success in getting financial institutions to pledge support for housing developments had opened up new possibilities for using state-owned land, said Maureen, a Johannesburg official. Despite these shifts, Sexwale has avoided committing to eradication deadlines (Huchzermeyer 2011: 169-170).

Respondents in Johannesburg had earlier argued that it was not possible for the state to meet housing need on its own and a broadened focus on the “housing ladder” made collaboration more attractive for the private sector. With regard to new development, private sector investment would facilitate a degree of subsidisation of low-income units with private sector investment. With regard to developments in the urban core, the city was able to sell
housing opportunities to private sector developers in order to leverage funds at an earlier stage than subsidies that flowed at the end of the process, Maureen explained.

Respondents in both cities in the study therefore indicated that they were increasingly relying on cooperation with the private sector to be able to realise their targets with regard to informal settlement and housing. In both cities, officials indicated that private developers were not keen to become involved in the smaller-scale projects that could be implemented on well-located land in the urban core, but preferred projects that involved the delivery of large numbers of houses, which usually required large tracts of land, more often found on the urban periphery. These large-scale projects in outlying areas, however, tended to entrench the apartheid spatial character of cities, as emphasised by Engela, a Johannesburg official and other respondents. Because of the numbers of people in need of adequate shelter combined with the subsidy approach, the housing departments of both the provincial government and the municipality had often tended to go for projects that could deliver high numbers of houses, said Engela, a Johannesburg official. This preference was not shared by urban planners. While the BNG policy had been designed to change this, successful integrated development had already been argued to tend to exclude the poorest residents.

Certain differences between the two cities were also apparent. In the City of Johannesburg, respondents described how the city actively involved the private sector in the creation of mixed income brickfields developments for the purpose of creating affordable rental opportunities in the city. The city also provided incentives to private developers to make a portion of private developments accessible to low-income tenants. Such cross-subsidised projects were undertaken by the city Department of Housing in collaboration with both the private sector and with Joshco. Private sector involvement was particularly important for ensuring provision to the gap market of individuals in the income category of just more than R3 500 per month, according to Shireen and Maureen, both Johannesburg officials.

In the City of Tshwane, Mary, an official, said that the city needed to invest money in infrastructure in order to attract private sector investment, in particular to underdeveloped areas that had been amalgamated with the City of Tshwane. While respondents made no mention of city housing projects with private sector partners, the city used private contractors to do work on housing project. Private contractors were not pleased with the city’s plans to increase its focus on the provision of serviced sites and on informal settlement upgrading, because housing provision was more lucrative for the private sector and because improvement was less visible, said Peter, a Tshwane official. Private developers were keen to benefit from state subsidies, which could only be offered in formal housing projects funded by the provincial government, said Nellie, a Tshwane councillor. Nellie also cautioned that it was in the interest of consultants and private sector developers
to ensure that government would continue to need them in future and that this might have implications for their practice.

Three critical concerns arise in relation to income integrated development in the urban core, all of them exacerbated by private sector involvement.

Firstly, this approach tends to obscure the relationship between the assessed need for subsidised housing and the delivery of housing, since only a portion of beneficiaries of an income integrated development will belong to the lowest income category. The remaining beneficiaries will in all likelihood belong to the gap market. That means that the number of housing units provided in such a development substantially exceeds the number of people in the poorest income category or who qualify as beneficiaries on the national housing demand database. While none of these points trump the arguments in favour of integrated development, it is important to note that the degree to which integrated delivery responds to the needs of the poorest city residents may be inflated by simplistic reporting of the numbers.

Secondly, a further risk of artificial inflation of delivery numbers arises where the creation of affordable rental housing opportunities relies on the refurbishment or re-development of bad buildings in the urban core. In all likelihood, reporting of the number of housing units created in such instances fails to take account of displaced residents of such buildings. These former residents who are replaced by the formal beneficiaries of bad buildings refurbishment projects may well be left without suitable shelter. They are also likely to outnumber the formal beneficiaries. This could lead to an increase in informal settlements or informal tenure in other city buildings, which may or may not become a priority to address at a later stage. In such a scenario, the number of housing opportunities that has been created would be artificially inflated, but worse, cities would have exacerbated the vulnerability of the poorest residents – both those evicted for the purpose of development and those later metaphorically evicted by sheer unaffordability.

Finally, since little land is available for greenfields developments in the urban core, housing provision in the core is likely to rely more heavily on social housing and affordable rental housing opportunities. The purported wealth creation benefits of integrated development, however, rely on the ownership of housing that either increases in value over time, or allows the owner to rent out a portion of the property. In the case of rental accommodation, any increase in value would benefit the owner rather than the tenant of a property. Tenants of affordable rental benefit from proximity to jobs and potentially lower transport costs, but not from increases in property values, which lead to higher rents. In the absence of rent control, the poorest residents are likely to be excluded from integrated rental development within a short period of time if increased property values drive up rental rates, as in the case of Thatcher’s programme of privatised social housing. The state would have funded
gentrification and once again exacerbated the vulnerability of the poorest households, who would be soon be forced to move.

Left to the market, large-scale integrated development, including affordable rental stock, especially on well-located land, cannot be expected to relieve the plight of the poor. This conclusion is supported by the negative assessment that scholars have given programmes to provide ownership to tenants of social housing in Britain. The policy had succeeded in the sense of increasing ownership levels, but it had contributed to greater spatial isolation of those unable to afford ownership, to a decline in the affordability of former social housing units, and to a decrease in the overall number of social housing units available to assist the poorest city residents (Jones 2007: 135, 148). While the programmes implemented by the local state in these two South African cities may well benefit people in the gap market and the lowest end of the bonded market, they are likely to become out of reach of the poorest and most vulnerable majority within a short space of time. The unintended consequences of integrated development were likely to be exacerbated by a substantial reliance on the private sector, which continued to be driven by a profit motive. All attempts to encourage benevolent private sector involvement in low-income housing had basically failed. The private sector invested heavily in mixed housing development that protected its own interests over those of the poor.

The most important characteristics of the Zuma administration, that of outcomes-linked performance management and increased collaboration with the private sector, appeared to be received enthusiastically in the City of Johannesburg where these changes fit well with the institutional culture of the local state, whereas the City of Tshwane was more reactive and less enthusiastic, most likely as a result of the city’s struggle to develop and sustain a long-term vision in the context of fluctuation in leadership.

6.3 How has urban citizenship for the residents of informal settlements been delineated?

6.3.1 Residents of informal settlements are expected to be patient
The local state in both cities dedicated resources to the formalising and upgrading of informal settlements. In this regard, the plans of the City of Johannesburg were more transparent than those of the City of Tshwane. After various changes of strategy, the City of Tshwane had by 2010 settled on the servicing of sites as the mode of delivery that it could champion with its own funds. In the City of Johannesburg, the local state also contributed bridge funding to the implementation of various provincial housing projects and developed social housing and affordable rental stock.
In principle, housing programmes responded to the need of poor residents without adequate shelter. The pace of housing provision has been fast; the numbers impressive. Yet proportionally speaking, the numbers add up to a drop in the ocean. The numbers of housing opportunities provided by the state lag so far behind the known numbers of need for adequate shelter, that more than one respondent in the study concluded that housing backlogs could be expected to remain constant. For this to be true, however, housing provision would have to keep up with the increase – through both internal growth and net in-migration - in the number of households in the income categories that qualify for subsidised housing. That is not the case. Housing provision is nowhere near keeping up with the estimated growth rates in the two cities, which means that housing backlogs can realistically be expected to be on the increase.

The shift of focus, in line with the BNG policy, from seeing low-income housing in isolation to considering the housing ladder, means that the degree to which housing programmes are catering for the poor is being inflated, as described above. This approach was therefore likely to result in a longer waiting period before the poorest city residents could be assisted. Rather than recognise the agency of poor people who use self-help strategies like informal settlement (Kasarda & Crenshaw 1991: 477), the state expected the residents of informal settlements to wait for delivery. Urban citizenship was therefore interpreted as a status allocated by the local state, rather than membership claimed by citizens, as distinguished by Ritzer (2005: 95-96).

6.3.2 Local state independence is limited
The funds available to local government were allocated to specific functions and were insufficient to allow it to pursue specific goals. With regard to funding transfers, local state respondents were disaffected with their experience of receiving funding for housing via the provincial government. Across the board, respondents in the local state anticipated that accreditation to receive funds directly from the national government would result in a significant boost of their ability to respond to informal settlement and housing need. Their overall assessment was however that sustainable policies were in place with regard to housing and informal settlement, but had yet to be adequately funded for broad-based implementation.

Municipalities were expected to combine bottom-up local planning based on community consultation with the longer-term strategic priorities of government, and with the priorities of the ruling party as embodied in its election manifesto and in politicians’ budget vote speeches. If they failed to do so, a resulting lack of alignment between their plans and provincial plans would provide a rationale to withhold funding.
While local state officials cooperated with their peers in the provincial administration on a regular basis, tension in intergovernmental relations were rife due to a widely perceived disregard of local planning processes by the provincial government. The structure and character of intergovernmental relations had serious implications for the ability of local authorities to be responsive to the information they gathered by means of regular community consultation and needs assessment. The power to veto local plans was effectively accorded to the provincial government.

In contrast to Hankla’s (2008: 636-646) recommendation that the local state in the developing world should be assigned the authority over expenditure related to its responsibilities, the independence of the local state is constrained by the structure of intergovernmental relations in these two cities within the Gauteng Province.

6.3.3 Responsiveness to community needs is inhibited
Councillors and officials in the local state took community consultation seriously. Respondents were personally involved in consultation opportunities and reported regular, structured engagement with communities as part of the IDP process. In both cities, this was complemented by service delivery satisfaction surveys and various ad hoc consultation opportunities, including those arranged by the Mayors, Members of the Mayoral Committees and by city departments. These meetings were used to identify strategic priorities that fed into the municipal Integrated Development Plan, which directly governed departmental plans and led local state practice. Using different approaches, the two cities both had systems in place for assigning the available budget first to those programmes that were priorities in terms of the IDP. To be included as beneficiaries on this needs database in the first place however, prospective beneficiaries had to identify their need to the state.

Given that programmes had already been prioritised according to the input of communities in all wards in the cities, and a lack of additional funding, the local state did not have the capacity to meet the range of expectations raised by opportunities for consultation. Respondents in the local state as well as the provincial state reported instances where money had been shifted from projects responding to the clear need of a poor community prioritised by the IDP process, to a new project intended to respond to protest action or a promise made by a senior politician or the President. Since no new funding accompanied these political responses, the changes pitted one poor community against another. Such knee-jerk shifts of funding were consistently to the detriment of a poor community whose needs had been identified as part of the IDP and who would have to wait longer for a new project. Although this was not mentioned by respondents, these political pacification exercises offer one explanation of a reported prevalence of programme beneficiaries who...
have not appeared on the housing demand database and have bypassed beneficiaries on the waiting list.

As discussed above, the budget available for housing programmes in these cities had been exhausted in recent years. However, since respondents were aware that the funded programmes were entirely out of proportion with known need, they were often required to tell residents at community meetings that their needs could not be met. Finally, accountability to grassroots communities is removed from provincial officials who implement projects that affect those communities, but, at the same time, local authorities who are constrained by limited budgets are held accountable. This housing dynamic forms part of a larger problem of often undercapacitated local authorities in post-apartheid South Africa (Huchzermeyer, 2002: 94, in reference to Chipkin). Given the level of funding and the resulting rate of state provision, there was no prospect of any adequate response to the need for shelter.

The distance between need and provision and the separation of accountability and implementation both led the local state to push responsibility for responding to informal settlement and housing need onto the private sector and onto residents, and has enabled the two spheres of state to shift particular responsibilities onto the other. Respondents in the local state argued that policy and funding needed to be aligned and that the local state had the necessary capacity to implement policies that were properly funded.

All respondents in the local state identified underfunding as the single most important obstacle to the implementation of an adequate response to informal settlement and housing need, as discussed in Chapter 5. This point has implications for the theory that active citizenship could elicit a response from the state that would better serve poor city residents. Three kinds of consultation have been distinguished in the literature, ie “The Voice of the Community”, “The Voices of Civil Society” and “Our Own Words and Deeds: Active Citizenship” (Friedman 2007: 3). The expectation that active citizenship would improve the fate of the poorest citizens did not materialise in practice. Friedman (2007:3) rejects structured consultation for treating communities as homogeneous, and is disaffected with the civil society model because it favours the organised minority over the unorganised majority. The most serious obstacle to local state actions that serve the interests of residents of informal settlements emerging from respondents’ accounts, however, appears to be the severe limitations that have been placed on the ability of the local state to be responsive to both community consultation and needs assessment. The most important limitations reported by respondents are inadequate funding and the requirement to align local plans to strategic priorities of the provincial and national government. In cases where the local state responded to expressions of active citizenship by means of protest action, no new funds had been forthcoming from the provincial or national government. Such changes
to consultation-based planning therefore simply pitted the needs of one poor community against those of another.

6.3.4 The courts have failed to provide consistent protection to the poor
A series of court cases between city residents and the local state have not consistently resulted in the protection of the poor. Yet officials and councillors in both cities declared that they had no choice but to adhere to court judgments. However, they sometimes acted in contravention of the law by evicting residents without a court order, in particular in the City of Tshwane. While respondents cited a desire to respond to housing need as articulated in various court cases, the local state in both cities had successfully applied for several eviction orders issued under various circumstances. In the light of the tensions between the rights of different parties in occupations of land or buildings, court judgments were not providing consistent relief to the poor.

While officials and councillors broadly rejected eviction as a strategy during interviews, the residents of informal settlements remained at risk of forced removal in the event that their settlements were recent, established on privately owned land, or located on land considered unsafe or unsuitable for development.

6.3.5 Performance management limits unrealistic promises
A New Public Management approach had influenced post-apartheid reform of the civil service and made performance management a reality by 1996 (Cameron 2009: 3). During the early period of local democracy, the impetus to deliver large numbers of houses had led to unsustainable developments that isolated poverty on the outskirts of cities. The comment of Engela, a Johannesburg official, that this strategy had helped housing departments to meet purely quantitative performance targets, provided support for Lipsky’s (1980: 50-51) argument that when performance management relied on proxy indicators, this could contribute to a gap between practice and overarching policy goals.

Performance management has been refined over time and has resulted in instances of both divergence from and support for overarching goals. While councillors did not have scorecards, local state officials were expected to meet clear targets against which performance was measured on a regular basis. The upgrading of informal settlements was reflected as a priority in these scorecards. Respondents’ focus on the 2014 deadline suggests that the MDGs have informed performance indicators with regard to informal settlements. Government has made public promises about its ability to meet and exceed MDGs. In the face of a potential negative assessment against the MDGs by external parties, concrete performance indicators would protect officials against a need for
politicians to identify scapegoats. Indirectly, therefore, the outcomes-linked system of performance management could serve to protect communities against false or unrealistic promises by politicians.

6.4 How have the two cities differed in their approaches to residents of informal settlements?

The City of Johannesburg and the City of Tshwane had different experiences of the transition to local democracy, as discussed above. The City of Johannesburg had experienced a substantial degree of continuity between the period before and after the 2000 local government elections and had benefited from political, institutional and geographical stability. The Johannesburg local state administration had been restructured and had adapted to political change fairly quickly. The City of Tshwane, on the other hand, only began its efforts to consolidate the municipalities that were amalgamated to constitute the city following the 2000 elections. The city had suffered from relative instability in the offices of the Mayor and City Manager and the transformation of the administration had been slow. Municipal restructuring implemented in 2007 was credited with having improved horizontal integration in Tshwane. As a result, Johannesburg was able to take a leading role with regard to urban policy and had provided feedback about elements of the national informal settlement and housing policy to the provincial and national government. In contrast, the City of Tshwane had been caught somewhat unaware by policy shifts in 2004.

During the second electoral term covered by this study, the City of Johannesburg and the City of Tshwane also differed with regard to their plans for informal settlements, their inclination to institute evictions, and their treatment of foreign residents.

The two cities differed to some degree with regard to their planning processes. In the City of Johannesburg, strategic priorities identified in the IDP and the city’s Growth and Development Strategy were loaded onto a Capital Investment Management System (Cims), which then allocated the available budget to projects according to these priorities until the budget was exhausted. In the City of Tshwane, the City Planning department participated in all cluster meetings regarding the IDP process, which placed the department in a position to provide the Mayoral Committee with a global picture that could inform budget decisions.

The City of Tshwane had more repressive relations with residents than was the case in the City of Johannesburg. Although the local state in both cities had a history of instituting eviction orders against residents, the City of Johannesburg largely avoided evicting the residents of informal settlements after the formalisation and upgrading approach had been embraced, although evictions from unsuitable land were defended. In the City of Tshwane, however, evictions were more frequent and respondents attempted to justify them with reference to the inability of the local state to deal with challenges of urban growth, and in
particular, in-migration. While the City of Johannesburg had made its plans for all of its 182 informal settlements a matter of public record, the exact plans for the 65 informal settlements in the City of Tshwane were considered sensitive.

With regard to the in-migration of poor foreign citizens, a stark contrast between the two cities was apparent. Respondents in the City of Johannesburg all indicated that they understood the BNG policy to make provision for foreigners in informal settlement upgrading programmes as well as rental stock. One exception in this regard was Maureen, who complained that illegal foreign residents made no contribution to the economy other than VAT. Maureen also said that residents of informal settlements had been asked to prevent internal growth of their settlements so that they would not need to wait for housing longer, potentially encouraging conflict with newcomers or those considered outsiders. Maureen’s peers, however, argued that in-migration could not be controlled by a democratic local state.

In contrast, respondents in the City of Tshwane rejected any responsibility for accommodating foreigners in informal settlements or housing. In reference to poor foreign residents, Peter, a Tshwane official, used the term “foreigners” interchangeably with that of “illegal foreigners”. He would however acknowledge no responsibility for the incidents of burning down of informal settlements that had been reported, as they claimed this had been done by the city’s Metro Police without consultation of the Housing Department.

Given the fact that Johannesburg and Tshwane both experienced high rates of in-migration, that the local state in both cities had been challenged in court with regard to housing, and that the same party was the majority, ruling party in both cities, these factors cannot be used to explain the differences between the cities. The two research sites are similar in many other respects as well: they are both metropolitan municipalities, both cities are located in the economic powerhouse province of Gauteng, and they score highest in the country with regard to their labour productivity rate. The institutional culture of the local state in the two cities has however developed very differently over time.

The local state in the City of Johannesburg has nurtured an efficient, growth-oriented corporate culture, as manifested in the corporatisation of certain city departments. This local state culture reflects the character of the city that it governs, as Johannesburg was founded because of the discovery of gold and is home to a substantial portion of South Africa’s corporate and industrial headquarters. Change and fast urban growth have therefore characterised the history of Johannesburg. The local state has been open to innovation, including the ideas of academic researchers. As a result, the local state in Johannesburg has been receptive to engagement initiated by the Forced Migration Studies Programme at the University of the Witwatersrand, which has worked to place the reception and rights of foreign migrants on the local state agenda.
The City of Tshwane, on the other hand, was founded as a national capital city and has remained one ever since. Perhaps as a result of this, the local state has served to groom several politicians for a career in the provincial or national state, including the immediate past Mayor, Dr Gwen Ramokgopa, who resigned from her position to join the national cabinet. Given this longstanding role of the local state, it had cultivated a conservative institutional culture in which the emphasis was on diplomatic and bureaucratic authority. The city’s struggles with corruption and instability may well have accentuated the tendency to exert authority rather than to engage the community.

Given the many similarities between the two cities, these differences in institutional culture represent an avenue of explanation for the differences between the local state in the two cities with regard to the treatment of foreigners and other poor city residents.

6.5 Conclusion

During the early part of the period covered by this study, the local state had focused on institutional consolidation to varying degrees. In both cities, the local state had nevertheless contributed to the impressive pace of housing delivery, which culminated in the construction of over 2 million housing opportunities by 2004. Implemented by means of the efficient construction of houses on large tracts of vacant land typically available on the urban edge, these projects served to entrench the apartheid spatial distribution of South Africa’s cities. Coupled with a misguided interpretation of the MDGs that informed the drive to eradicate informal settlements by 2014, the approach may well have exacerbated the plight of the poorest, most vulnerable city residents.

In 2004, the government of the day introduced its new policy for human settlements development. The respondents in this study conceived of Breaking New Ground as a shift from emphasis on the quantity of delivery to the quality of delivery and interpreted it as a recommendation to combine the development of integrated housing projects on well-located land with various tools that catered for people other than those who strictly qualified for fully subsidised housing. A sloped subsidy for higher income groups was introduced to make this possible. In addition, informal settlements were to be formalised and upgraded. In successful cases, integrated developments were ironically more likely to drive out the poorest residents. Coupled with the constraints of a global recession, the high cost of implementing BNG developments has encouraged the local state in both cities to increase its reliance on the private sector, an approach reinforced by the appointment of leading businessman Tokyo Sexwale as Minister of Human Settlements in 2009.

As argued above, a broad shift of focus from viewing low-income housing in isolation to addressing the housing ladder has inflated the success of housing programmes, as almost
half of these numbers responded to people other than the most vulnerable group who qualified for fully subsidised housing. If successful, these integrated developments were likely to drive out the poorest beneficiaries within a short space of time. These concerns were exacerbated by a heavy reliance on private sector involvement, which left the local state open to greater influence by the private sector and made it more likely that developments would be geared towards profits rather than the protection of the poor. While these programmes may well benefit people in the gap market and the lowest end of the bonded market, they are likely to become out of reach of the poorest and most vulnerable majority within a short space of time, as property values and rents increase.

The respondents in the South African local state, ostensibly overwhelmed by the challenge of housing delivery in this context, accepted and internalised three kinds of responses to the considerable and acute need for housing. The first category of response was that of fast-paced, targeted delivery informed by community consultation and needs assessment in conjunction with strategic priorities. This included informal settlement upgrading and the development of RDP housing, social housing and rental stock in integrated housing developments, as well as economic development. Despite the absolute numbers of upgrading and housing units, this strategy has had little effect on overall need. The second category of response was that of repression, which included the prevention of informal settlement and the forced removal of residents of informal settlements. Despite the devastating effect on poor and vulnerable city residents, these strategies also had little effect on overall need. The third category of response was that of superficial or window-dressing strategies that allowed local state councillors and officials to demonstrate progress towards quantified targets. These included the direct limiting of liability by means of a narrow interpretation of the Housing Code and the somewhat more indirect ring-fencing of responsibility through the use of limiting definitions.

Despite various similarities in their approaches, this chapter has shown that the treatment of residents of informal settlements and of poor foreign residents by the two local authorities has differed, arguably as a result of the different histories and institutional culture in the local state of the two cities. The interpretation in this chapter provides a foundation for identifying key findings and considering their theoretical significance. The implications of the analysis presented here for previous interpretations of the state in the developing world and the post-apartheid state in particular, are considered in Chapter 7.
Chapter 7
Conclusion: Trapped in elusion

7.1 Introduction
This study asks how officials and councillors responsible for housing in the local state contribute to the construction of urban citizenship for the residents of informal settlements. The question has been approached by exploring the interaction of the local state with the provincial and national government, the ways in which those in positions of power have taken account of the voices of residents, the strategies that those responsible for housing employ to cope with the responsibility of responding to informal settlement, the development of policy and practice towards informal settlements over the course of the first decade of local democracy, and the differences between the two cities of Johannesburg and Tshwane. The selected methodology of studying up has successfully facilitated a multi-faceted analysis of local state approaches to informal settlement and housing need in the cities of Johannesburg and Tshwane. The findings complement those of bottom-up studies, because they elucidate the mode of rule employed by the contemporary South African local state.

This chapter attempts to analyse the significance of this study for theoretical debates on the state in the developing world and in particular, the post-apartheid state, and on the kind of citizenship that is constructed for the residents of informal settlements in post-apartheid South Africa. In conclusion, the local state construction of urban citizenship for residents of informal settlements is assessed against the utopian ideal of the Right to the City as conceptualised by Lefebvre (1968) and Harvey (2008).

While the citizenship benefits for residents cannot be reduced to adequate housing, the policy area of housing has been studied here as one critical response to informal settlement. Since different parts of the same state can differ in their autonomy, capacity and efficiency (Evans 1989: 576; Skocpol 1985: 17-18; Von Holdt 2010: 7), the findings discussed here apply only in the policy area of housing within the local state in Johannesburg and Tshwane. Although the findings cannot be generalised, it should be possible to formulate suppositions about the metropolitan municipalities of South Africa.
7.2 Key findings

7.2.1 A constrained developmental local state has emerged

The review of the key pieces of legislation enacted during the early post-apartheid period and the delayed transition at the local level shows that the local state is constrained by limited autonomy, limited revenue, and a disadvantaged position in intergovernmental relations despite the constitutional equality of the three spheres of government in South Africa. Wallis' (1989: 140-141) warning that development suffers when developing states pay lip service to decentralisation and citizen participation at the local level while sustaining a high degree of centralisation, has therefore not been heeded. The notion of a developmental state informed the language of the Constitution and of local government legislation, but the outcome has been a design that significantly constrains the ability of the local state to realise critical objectives, which are always secondary to fiscal discipline.

Beyond the formal requirements for metropolitan government, the local authorities of the City of Johannesburg and the City of Tshwane have had to respond to the pressure of the notion and ideology of a developmental state. In the case of the City of Johannesburg, the administration was transformed early in the period of transition, which meant that the politicians and officials who governed the city during the first decade of democracy had already gained a fair amount of experience of public administration. Officials in both cities were well qualified and many had postgraduate qualifications or were studying at a postgraduate level. Respondents valued postgraduate studies not only for broadening their background, but also for building links with peers and other professionals. Salaries were also reported to be sufficient to attract candidates of a high calibre. The relative autonomy of the local state with regard to its organisational structure and staff remuneration was credited with these positive outcomes. In contrast to the ambivalence about hierarchy that Von Holdt (2010: 9) found in provincial hospital administrations, however, several respondents commented positively on the institutional structure of their local authority.

Councillors responded to their limited ability to meet developmental objectives both by articulating their criticism of national policy and inadequate funding, and by developing a range of practical strategies to meet need, limit responsibility and supplement funds. Nevertheless, the local state is prevented from realising its objectives by insufficient funding and a disadvantaged position in intergovernmental relations. Given Skocpol’s (1985: 9-18) definition of autonomy as the ability to articulate independent goals and of capacity as the ability to act on these goals, local state capacity therefore appears to be limited despite the competencies of individuals who populate the administration. A constrained developmental local state has therefore emerged in the South African cities studied here. Substantive local democracy appears to elude the urban citizens of contemporary South Africa.
7.2.2 Weberian and non-Weberian traits can be identified

While Weber presents an insulated, merit-based bureaucracy as the ideal public administration, the use of various non-Weberian strategies has led to the characterisation of the state in the developing world according to its location on the continuum from developmental to predatory, which has in turn been linked to levels of poverty. The constrained developmental local state that has emerged in the post-apartheid period in South Africa exhibits both Weberian and non-Weberian qualities. In the policy area of housing, the local authorities studied here have shared certain non-Weberian traits of the post-apartheid state bureaucracy, and escaped others.

Little evidence of a skills shortage or limited capacity has surfaced in the policy area of housing in the metropolitan municipalities of Johannesburg and Tshwane. The officials and councillors interviewed in the local state in Johannesburg and Tshwane were qualified professionals, of whom many reported having postgraduate qualifications. It was evident that the respondents were familiar with the requirements of their performance management scorecards as well as the recommendations of recent scholarship in the field of informal settlement and housing. They took their work seriously and expected it to be evaluated on merit. Given their inability to meet the substantial and growing housing need, however, performance management had a dual role. Not only was it used to monitor delivery, but also to place limits on the delivery that could be expected, as discussed in Chapter 5.

The officials in this study were also able to articulate their own reasons for supporting or criticising policy, but were generally supportive of the broad strategies of the ruling party. This could be expected, since senior officials were appointed by the political executive, and vacant senior positions would therefore not be filled in the run-up to local government elections. It would appear therefore, that both merit and broad political affiliation influenced appointments.

As mentioned above, a particular political-administrative interface has developed in post-apartheid South Africa. The introduction of performance management in the public sector represents a shift from Weberian civil service careers to private-like contract employment (Cameron 2009: 20) In the central state, this is reflected in an overlap between the functions of an elected Minister and an appointed Director-General (Miller 2005: 94). The contract system therefore contributes to a high turnover of senior officials which has resulted from the altered relationship between politicians and top officials, whose tenure security depends on their political head. This has led to a loss of skills and institutional memory to the private sector (Cameron 2009: 20-22). In the two metropolitan municipalities studied here, Members of the Mayoral Committee have been hand-picked by each new
Executive Mayor, and each MMC for Housing has taken a hands-on approach while working closely with senior officials in the relevant council departments. The effects of the post-apartheid political-administrative interface that have been observed in the central state therefore appear to have permeated the local state.

Due to stability in the political leadership in the City of Johannesburg this relationship brought about relative institutional stability. This strength was reflected in the ability of councillors and officials to develop and begin to pursue a long-term vision, which indicates a high degree of autonomy and capacity, even though capacity relied on private sector collaboration. In the City of Tshwane, on the other hand, a high degree of instability in the political and official leadership of the city has been reflected in a reactive stance on the part of senior officials, who lacked the benefit of a consistent vision over the course of a single decade. The City of Tshwane also relied more on staff who filled acting positions. The political-administrative interface was therefore linked to the relative stability of the local state, in the same way as Cameron (2009: 20) reported with respect to the central state.

In the context of this interface, it would seem appropriate to consider the state nobility or the elite who populate the state as one segment of the ruling class, rather than to distinguish sharply between politicians and officials. In each local authority, politicians and officials appeared to act in concert with regard to their relationship with capital. While this peculiar political-administrative interface contradicts the Weberian ideal, one characteristic of the ideal type Weberian bureaucrat, dispassion, is mimicked as a result of this interface. The attitudes of politicians certainly appear to be more important and more effectual than the attitudes of officials. On this basis, Pithouse’s (2009) notion that failures on the part of the state can be attributed to technocrats who essentially hijack a politically progressive state is not corroborated. In fact, in the context of housing by the local state in Johannesburg and Tshwane, that explanation must be rejected. Rather, a political executive is engaging in the hands-on management of the local state response to informal settlement and housing need.

The implementation of private-like management was ostensibly responsible for the success that Johannesburg had experienced in increasing its housing delivery, but it has also been sufficiently successful to produce the risk of diminished state hegemony that Evans (1989: 575) identifies with regard to embedded autonomy. While the local state struggled to obtain certain information from the private sector, developers have been adept at navigating local and provincial regulations for their own profit. The interests of the private sector therefore did not overlap consistently with the autonomous interests of the local state.

Within the local state, however, a high degree of continuity was apparent between the interests of councillors and officials. The hands-on approach of the political executive indicates that the political-administrative interface that Miller and Cameron describe in the central state, has been duplicated in the local state in urban South Africa. As a result, the
elected and appointed actors who populate the local state apparatus together constitute a state elite whose interests are shared across its senior ranks, rather than sharply differentiated groups along the dividing line between politicians and bureaucrats. This solidarity suggests that the local state elite constitutes a single segment of the ruling class. In the debate implied between Hassim’s (2008) view of conservative political underpinnings as responsible for the persistence of inequality in post-apartheid South Africa and Pithouse’s (2009) view of technocrats who undermine progressive policy, this study lends support to the former view over the latter.

Since this study did not investigate appointment processes, it is not possible to say to what degree the rationale of black class formation has influenced appointments. Financial institutions were however able to improve their own Black Economic Empowerment (BEE) score by collaborating with the city on development projects, a strategy that supported the city’s developmental objectives. This practice could superficially inflate the degree to which black people were being empowered in financial institutions. In the City of Johannesburg, there was also no evidence of a “culture of moving onwards and upwards”, such as the culture identified in public hospitals. To a degree, such a culture may be present among politicians rather than officials in the City of Tshwane, but this did not originate in the post-apartheid period, as indicated in Chapter 3. Instances of vacant posts and officials appointed in acting positions in the policy area of housing did not seem to present a serious problem. Nevertheless, several respondents reported that they had at one stage “been acting” in their position. In contrast to the staffing moratoriums that had been experienced in other spheres of the state, the rationale for acting appointments made during the run-up to local government elections was to avoid tying a new political leadership to official appointments made by the previous political leadership. Progression based on merit was therefore constrained in the local state, a problem which corroborated Von Holdt’s (2010: 11) findings with regard to post-apartheid public hospitals.

While ambivalence towards skill and knowledge was a non-Weberian rationale of public hospitals, the councillors and officials in this study expressed no such ambivalence. On the contrary, they valued knowledge and research. This was apparent in their own levels of education, their familiarity with the arguments raised in recent scholarship, their tendency to commission and conduct research and to participate in studies involving the local state, and in the inclusion of tertiary institutions in consultative or stakeholder fora. Several respondents also indicated that they would welcome some form of feedback or follow-up based on this study.
7.2.3 Inadequate funding restricts local state responsiveness

While the central design of the local state in post-apartheid South Africa has placed constraints on the local developmental state, neither a shortage of skills or capacity, nor ambivalence towards knowledge has hindered local state responsiveness to informal settlement and housing need. Rather, in both sites, the available funds from the central state were vastly insufficient for addressing the identified housing need. This claim on the part of respondents is supported by two pieces of evidence. Firstly, the central allocation for Housing has never reached the 5 per cent of the national budget that the ANC envisaged during the transition. Secondly, the number of houses that can be delivered by the local authorities based on the available subsidies constitute a small fraction of the known housing need. Given the strict criteria for subsidised housing stipulated by the national Housing Code, however, estimates of housing need are likely to underrepresent the population in need of assistance with regard to adequate shelter. As mentioned in Chapter 5, the state has also placed the burden of self-identification on those who wanted to register their need on the housing demand database. Such an indigent approach that shifts the burden of proof of poverty onto marginalised households ignores their lack of resources to prove that they qualify for assistance (McDonald & Pape 2002: 5). For this reason, the burden of self-identification could contribute to a further underestimation of need.

The severe shortage of funds limits the capacity of the local state to respond meaningfully to the priorities identified by both community consultation and systematic needs assessment. Projections did not play an important role in planning as it was not even possible to plan for the backlog. Local state politicians and officials have spent a substantial amount of time consulting their constituent communities. The priorities identified during these consultation opportunities and those identified in the most recent ruling party election manifesto together inform the Integrated Development Plan (IDP) of each local authority. The priorities captured in the IDP determine the order in which the proposed projects for a specific financial year are funded, until the budget has been fully allocated. Once the allocations have been depleted, no further projects can be approved. The inadequate funding of the local state therefore limits the influence of community consultation to that of prioritising expenditure, which essentially pits one poor community against another.

The value of prioritisation is severely diminished by the fact that only a small proportion of the population in need of assistance can be assisted with the available budget. The waiting periods that result from this relationship of need to provision vary widely, but have been roughly estimated at a decade. The burden of self-identification placed on the poor was therefore deepened by the obligation to retain the status of a qualifier for more than a decade, by remaining in the lowest income category and continuing to have dependents. Should the ten-year period be sufficient for the state to provide in that person’s needs, but
the dependents reach majority age after nine years, the prospective beneficiary would be disqualified from receiving subsidised housing. The prospective beneficiaries are effectively expected to be patient indefinitely. The substantial waiting periods must necessarily give rise to severe frustration among potential beneficiaries while adequate shelter continues to elude them.

Corruption Watch has also raised concerns about the lack of transparency of the housing demand database, but the provision is so inadequate that the frustrations of potential beneficiaries are unlikely to be significantly alleviated if the database were to be made available publicly while funding levels and programmes remained constant.

The situation is aggravated by the fact that concerns about the lack of transparency with regard to the demand database seem to be justified. Despite its limitations, the IDP is a critical document, since its adoption makes the community priorities that it contains binding on the local state. Yet, respondents mentioned a number of instances where senior national politicians had instructed the local state to deviate from the IDP. Interventions by national politicians usually followed either urban protests that caught their attention, or visits by national politicians to local communities. Pressure on the local state to provide for specific communities was generally not accompanied by the transfer of additional funds to the local authority. It would therefore require aborting a project for one poor community in order to implement a project for a different poor community, thereby overriding the priorities identified in the IDP.

Democratic control over local state planning has therefore eluded the residents of South African cities during the period of local democracy. Consultation alone has not translated into the ability of the poor to make their voices heard. Informal settlements in post-apartheid South Africa therefore fit the bill of ‘social exclusion’, a phrase used when the multiple deprivation associated with poverty pushes people to the margins of society to the extent that the advantages of citizenship elude them (Abercrombie et al 2000: 274). So, while South Africa’s local participation processes oblige local authorities to treat different communities as equal, they have failed to remove class-related constraints to participation in formal consultation processes.

In addition to limiting the number of upgrading programmes and housing developments, the inadequate budget has resulted in a perceived imperative to limit responsibility and supplement funds.

7.2.4 Strategies limit responsibility and supplement funds

In addition to upgrading informal settlements and providing housing, respondents perceived an imperative to limit the responsibility of the local state and to supplement its funds. They
took account of both development experience and recent, progressive scholarship in developing their strategies for meeting these alternative requirements. Firstly, the two local authorities have managed their level of responsibility by changing definitions of informal settlement. Secondly, they have moved some responsibility for responding to informal settlement and housing need away from the local state, in an attempt to lower dependence on the local state.

Definitions of informality have been adapted away from a focus on the top structure or informally constructed dwelling towards recognition of tenure insecurity as a critical characteristic of informal settlements, as advocated by Huchzermeyer and Karam (2006: 3). This definition allows officials to limit the range of settlements that could be counted as informal and begins to protect the state and its officials against a possible negative assessment in the face of looming internal and MDG deadlines. Respondents also expected formal proclamation of settlements and the resulting creation of a formal address to provided residents with access to financial institutions where they could apply for loans. The limited definition of formalisation allowed the state to prepare to shift part of its responsibility to the private sector and to residents respectively.

Over and above changing definitions of informal settlement, the responsibility of the local state was also limited by shifting responsibility away from the local state in other ways. In the City of Johannesburg, this was done by relying heavily on private sector investment to extend the reach of housing programmes, while the City of Tshwane tended to shift the burden of integration with the urban fabric back onto poor residents, who were excluded from city programmes unless they met the formal criteria.

The debate with regard to the role of the state in maintaining power relations in favour of capital is complicated in the developing world, where Evans (1989: 575) argues that the relationship between autonomy and capacity is reversed, as a coherent business class is a requirement for the embedded autonomy of a successful developmental state.

The province of Gauteng, where both the local authorities studied here are located, is the commercial capital of South Africa and therefore has no shortage of prospective private sector collaborators. Yet, ties to the private sector were much stronger in the City of Johannesburg than in the City of Tshwane. No claims of corruption with regard to housing programmes in the City of Johannesburg surfaced during the course of the study. The City achieved success in its collaborations with the private sector in the form of increases in its social housing stock and several completed integrated developments in the inner city and other well-located areas.

Private sector involvement had certain benefits. Firstly, it facilitated the city’s ability to provide integrated development at all, as opposed to providing only fully subsidised
housing, which was responsible for the problem of isolating the poor. As state subsidies were only paid for qualifying beneficiaries, and the city’s own funds were already being used to develop using higher standards of services and finishes than were covered by the central state infrastructure grants, integrated development effectively depended on private sector investment. The 50 per cent of integrated developments that was intended for the gap market and credit-linked housing rather than for residents who qualified for subsidised housing, was made possible by private sector involvement. Secondly, the local state was able to use funds from these developments to pay for low-cost housing development, which was increased. Thirdly, funds for development were being accessed much more efficiently and reliably by means of private sector collaboration than by relying on the transfer of subsidies from the provincial government, which was at times unable to meet its financial commitments. Housing development therefore happened faster. Finally, since private sector investment facilitated a higher amount of development by the local state, construction sector jobs were created. These kinds of considerations explain why Evans considers the presence of a coherent business class a prerequisite for a successful development state.

However, a heavy reliance on the private sector also came at a substantial cost. Since integrated development depended on private sector interest and investment, this effectively meant that the private sector would have to be willing to support the location of and plans for integrated housing development. Private developers are not accountable to the local state constituency, and are concerned with the bottom line rather than benevolence (Wallis 1989: 121; Hirschmann 1999: 301-302). The lack of sufficient funding from the central state compelled the local state to forge such a dependent relationship with the private sector. This dependence means that the local state would increasingly have to plan its integrated housing development in a way that was agreeable to the private sector, rather than the ordinary people who were intended to benefit from the programmes. The result of this was that a disproportionate amount of influence was ceded to the private sector in comparison to the ordinary people who constitute the poor majority. The lack of political will on the part of the central state to commit funds to distributive programmes was therefore responsible for limiting the influence of poor people over the local state.

While Harvey (2008) emphasises the need for democratic control over local state finances, the study therefore demonstrates the significance of democratic control over the terms of finance and development (see Hendler 1991: 206-207). Apart from the resources, incentives, and public service ethic that must underpin the state bureaucracy, another important requirement is that of legitimacy (Hirschmann 1999: 302-303). Distrust in the South African state has increased substantially over the last electoral term (Khumalo 2012: ¶11-5). This distrust reflects a concern with corruption, most invited by the prevalence of tender opportunities that allow private sector companies to profit from state investment.
(Lewis 2012; Sole 2012). The reliance of the local state on private capital therefore also raises concerns with regard to legitimacy.

While the City of Tshwane relied on private sector investment for the purpose of extending its housing provision to a lesser extent, it too was influenced by contracted private developers. While their preferred option of serviced sites would reach a larger portion of the population in need of assistance, it was less lucrative for the private sector. City contractors therefore preferred RDP-housing developments over city councillors and officials’ strategies of upgrading informal settlements and providing serviced sites.

Evans’ (1989: 575) warning that success with embedded autonomy may cause top candidates for recruitment to choose private sector employment over a career in the civil service leading to a decline of the state bureaucracy, has not materialised in the City of Johannesburg where respondents indicated that local state salaries were competitive. In the City of Tshwane, however, a number of graduates had reportedly used the local state to gain short-term experience before moving on to private sector employment, especially during the first electoral term after local democracy was established in 2000. Since salary levels have not been investigated, it is not possible to conclude whether this difference was more likely to have resulted from institutional or salary differences. Despite the differences between the two cities, the risk of reduced state hegemony of which Evans (1989: 575) warns, does appear to have increased, as the private sector has gained a disproportionate amount of influence over the local state compared to ordinary people.

The widespread urban protest and several court cases that residents have brought against the two metropolitan municipalities with regard to the forced removal of informal settlements, also resonate with Evans’ (1989: 575) argument that poor city dwellers are unlikely to experience either an insulated state apparatus or a state bureaucracy with close ties to an elite minority as a benefit.

A consistent underestimation of the housing need by the provincial and central state has also contributed to the proportional inflation of housing achievements. The discussion here shows how the strategies of changing definitions and private-sector supported integrated development that have been adopted by the local state, further inflate housing achievements. A narrow definition of informality helped to improve the tenure security of residents of the most vulnerable informal settlements, whose proclamation was prioritised. Proclamation was a step in the direction of being able to claim that an informal settlement had been eradicated, since it was no longer strictly informal. The number of informal settlements in the jurisdiction of a city was therefore reduced in this manner. For the residents, their tenure security and access to the city improved, but their right to housing was not addressed. Neither did these definitions replace stereotypical and pathological definitions, which were still used to rationalise a repressive approach to informal settlement.
It must be acknowledged that private sector collaboration has allowed the City of Johannesburg to increase its development of low-income housing substantially. As argued earlier, however, private-sector supported integrated delivery also inflated the housing achievements of the local state. This occurred in three main ways. Firstly, the numbers for integrated development included half of the units which were not intended for the poorest category of qualifiers, but for the gap market as well as non-qualifiers. These categories of beneficiaries were however not included in the reported housing backlogs. Secondly, brickfields developments in the urban core often relied on the eviction of residents from bad buildings. The number of poor households who were displaced in this manner was not subtracted from the numbers of units reported to have been delivered later. One group of poor people therefore replaced another. Thirdly, in the absence of rent control, integrated development was more likely to increase in value and become unaffordable to the poorest, most vulnerable beneficiaries, which is how they are pushed out of the urban core.

With regard to application, it has been argued that these points do not trump the imperative for integrated development, which contributes to economic opportunity and integration in the urban fabric, rather than to isolate the poor in peripheral ghettos. The findings suggest, however, that three local state practices could increase the likelihood for the most vulnerable city residents to benefit from inner city developments. These are firstly, that any residents evicted from bad buildings should be provided with alternative, well-located housing, secondly, that units intended for the lowest income categories should be reserved for this category and subject to rent control, and the third is that democratic control over development decisions should be increased to prevent either the private sector or national politicians from overriding IDP priorities. Nevertheless, inadequate funding limits the potential of such measures.

7.2.5 Specific local histories matter

As discussed in Chapter 2, the particular nature of the preceding colonial state, according to Barkey and Parikh (1991: 528-529), is the most important factor to contribute to the emerging character of a state during state-building. In Chapter 5, the different strategies selected by the two local authorities have been linked to the sense of place of each city, which is also reflected in the institutional culture of the local state. A sense of place is not only about environmental variations at different geographical coordinates, but is a unique factor leading to different results in different places. The sense of place and the characteristics of the response from each local authority can be traced back to elements of the colonial and apartheid history.
In the City of Johannesburg, the local state recognised that housing shortages and informal settlement could not be adequately addressed if categories of non-qualifiers such as foreigners were excluded from city programmes. Here, elected councillors argued for a relaxation of the qualifying criteria in the national Housing Code. In an attempt to increase its capacity in the context of insufficient funds, the local state has relied heavily on the private sector. Over time, this is likely to have the effect of pushing the poor out of the urban centre, which isolates them from economic opportunities and reinforces the apartheid spatial distribution.

Depending on the characteristics of their specific settlement, residents of longstanding informal settlements in the City of Johannesburg were likely to have been identified as beneficiaries of either in situ upgrading programmes or of planned formal housing developments. These programmes would benefit residents who had been registered, and could not accommodate additional residents. Residents were therefore asked by the local state to participate in preventing the internal growth in informal settlements.

The City of Tshwane recognised that it would not be able to provide in the ever-growing need for housing with the current funding levels. But its elected councillors preferred to focus the city’s efforts on the provision of serviced sites rather than housing, in order to reach a larger portion of the population in need of assistance. This strategy was implemented in addition to severe repression in the form of forced removal of informal settlements, as well as a policy of zero tolerance of new informal settlement. The two related rationalisations that were used by councillors and officials in this study were the high portion of non-qualifiers present in informal settlements everywhere and, in particular, the presence of foreigners, for whom they would not accept responsibility.

Residents of longstanding informal settlements on developable land in the City of Tshwane could expect their settlements to be proclaimed and serviced at some point before 2014. Residents of newer informal settlements could expect to be evicted within a short period of time. Residents of informal settlements who did not qualify for state-subsidised housing were unlikely to benefit from city programmes responding to housing need.

While the City of Johannesburg and the City of Tshwane implemented different strategies to respond to informal settlement and housing need, in both cases, the result is a degree of continuity with the early colonial administrations and the apartheid government.

The City of Johannesburg’s turn to outsourcing of low-income housing serves to extend the disproportionate influence of the private sector over elements of urban citizenship, resulting in a degree of continuity from the first colonial administration of the multinational VOC, through the period of British rule and unification dominated by the labour practices of mining companies, through the apartheid government’s use of state corporations.
The City of Tshwane’s exclusion of non-qualifiers and its forced removal of informal settlements extend a unilateral approach to constructing citizenship. Tshwane’s contraction of the category of citizen and the package of rights attached to it, accords to the local state absolute control over the urban citizenship of the poor majority, resulting in continuity with the unilateral, top-down citizenship practices of the state in South African territory from the declaration of all people present in the territory as British subjects in 1795, through the disregard of the broad opposition to unification by black people, to the apartheid government’s repeal of the citizenship rights and involuntary allocation of homeland citizenship to black people. This resonates with Connell’s (2007: 215) claim that the “developmentalist state” carries forward the rupture of colonial conquest in post-colonial society. The residents of informal settlements in the period of local democracy therefore remain trapped in colonial constructions of urban citizenship; their postcolony eludes them.

In the South African context, where the planning profession has been linked to the implementation of apartheid and its broad normative framework to the built environment (Smith 1992: 295), a widespread distrust of formal planning processes may present further difficulties for attempts to change the spatial organisation of cities to ameliorate the concentration of poverty in peripheral ghettos.

As predicted by Evans, the embeddedness of the contemporary South African local state in its social structure has therefore emerged as a critical quality. The study shows that the specific history of a local state is significant, since the specific reactions of local authorities in this study to their responsibilities display continuities with their colonial and apartheid histories. The study therefore indicates that historical geopolitics have played a part in shaping the contemporary position of residents of informal settlements in local power relations.

Although the influence of the global recession has not specifically been interrogated, this finding appears to corroborate Kazepov’s (2005: 19-20) conclusion that global economic changes tend to heighten the effect of historical context and pre-existing institutional arrangements at local level and beyond. The findings further underscore the importance of complementing an analysis of the reciprocity between structure and agent with careful attention to the strategies of self-replication and mitosis of the ruling class (see Foucault 1975: 27-28; Bourdieu 1989: 2-4, xvi). The findings suggest that in the developing world, the precise nature of the relationship between the state and capital purposefully determines the degree of democratic influence over state policy and practice, with critical consequences for the kind of citizenship that is constructed.
7.2.6 Urban citizenship is constrained

Given the local state strategies described above, the overall result is that a narrow, shallow and punitive urban citizenship has been constructed for residents of informal settlements in South Africa during the period of local democracy since 2000. This has been achieved by relegating informal settlers to an indefinite housing waiting list, welcoming their own contribution of self-help housing only within restricted parameters, and barring them from integration with the urban fabric.

The limited and unresponsive urban citizenship for residents of informal settlements has resulted both from local government design and from the severely inadequate allocation of funds for housing by the central state. Both local state autonomy and capacity are therefore constrained, which limits the ability of local authorities to be responsive to communities and to systematically identified need.

During the first decade of local democracy, however, local state responses and interventions have not ended with upgrading and housing programmes. Three other kinds of strategies have been used in the face of the daunting responsibility for informal settlement and housing need. These are strategies to limit responsibility by changing definitions; strategies to shift responsibility away from the local state and onto poor residents and the private sector, respectively; and severe repression in the form of forced removal of informal settlements. Where poor residents have turned to the courts, they have not consistently received protection, although there have been limited victories.

In order to assess the constructions of urban citizenship that have been found in the local state in these two cities, they have been measured against the yardstick of the utopian idea of the Right to the City, as developed by Lefebvre (1968) and Harvey (2008). As conceived by Lefebvre (1968), the Right to the City includes the right of ordinary people to urban life, the freedom to aspire to individual realisation by participating directly in decision-making about and the use of city space, and a claim on the institutions of the city to ensure that rights are progressively realised and basic needs are met. The combination of these civil, political and social elements amounts to the right to produce the city. The Right to the City therefore assumes the agency of a changing community of inhabitants. To conduct this assessment, three key questions must be answered: firstly, whether the civil right of ordinary people to seek and fashion a unique place in urban society is recognised, secondly, whether the political right to direct participation in decisions about and the use of city space is realised, and thirdly, whether the institutions of the city progressively realise social rights and meet basic needs. The outlook for people living in informal settlements in the two selected cities is bleak with regard to all of these elements.

The civil right of the poor to forge a space for themselves within the urban core appears not to be recognised by the local state. A shift with regard to the definition of informal
settlement had made the tenure security of residents of vulnerable informal settlements a particular priority. But, along with the upgrading and housing provision programmes of the local state, repression in the form of the forced removal of informal settlements continued throughout the first decade of democratic local government since 2000. The most powerful way in which residents of informal settlements could claim urban citizenship, was by means of the self-provision of housing, an action which the state did not welcome. This element of the Right to the City was therefore precluded by the local state.

With regard to the political right to direct participation in decision-making, various constraints were evident. The structure of intergovernmental relations and their implications for the capacity of the local state to respond to priorities identified by local residents, has detracted from the rights entrenched in the Constitution of the Republic of South Africa. As a result of the overwhelming quantity of housing need, the political right to self-management and participation in decision-making by residents of informal settlements became less meaningful. Inadequate resources to implement the priorities that residents raised contributed to a local state preference for engagement with the private sector.

Social welfare was absent for residents of informal settlements in the two selected cities. As discussed in Chapter 3, constitutionally entrenched housing rights were limited in the very legislation that was enacted to secure those rights. Conditions of informal settlements vary greatly and these variations have been described in detail in a number of empirical studies. Access to adequate housing, was a promise from which a substantial number of poor people was excluded, but in the case of those who qualified, they could expect a waiting period of a decade, at which point they still had to meet the Housing Code criteria to qualify for subsidised housing. Residents of several categories of informal settlements remained vulnerable to forced removal. All these residents were unable to realise their right to social security, an environment that is not harmful, and adequate housing.

Apart from the key elements of the Right to the City identified by Lefebvre (1968), Harvey (2008) condenses the Right to the City into democratic control of the surplus, since the key factor that limits such control is the disproportionate influence of the property owning classes over taxation and the size of the public share and over the way in which public funds are spent. Harvey's (2008) reading makes it important to explicitly assess the extent to which the size of the city budget and its application is controlled democratically or by an alliance between the state and corporate capital. While informality has been shown in the literature to limit the ability of residents to participate in formal consultative fora, this study has found their influence to be severely curtailed by the limited autonomy and funding available to the local state. A variety of mechanisms intersect to obscure the voices of residents of informal settlements. Given the severe inadequacy of funding, even full participatory budgeting could leave residents frustrated, as only a very small portion of
priorities can be addressed with the available budget. This necessitates trade-offs between the levels of basic service provision, new housing developments and social services. The little influence that residents are able to exert, therefore, is with regard to prioritising project expenditure. Intergovernmental relations, however, favour the central state, which has in more than one instance demonstrated a disregard of the local state IDP, the critical instrument by means of which the local state builds the priorities of its constituent community into its budget and planning.

While councillors and officials already invest a substantial amount of time and effort in community consultation, the delegation of authority in a participatory budget process has the potential to improve this situation. The impact of participatory budgeting would be limited by the inadequacy of funds for developmental and distributive objectives. In the Porto Alegre system, operational and legal commitments are met first, while citizens’ direct decision-making controls the portion of capital expenditure called the “investment budget” (Wood & Murray 2007: 23). Clearly, the potential of a participatory budget to improve the lives of ordinary people depends on the availability of funds for the required scale of development. Nevertheless, the IDP process would be more accountable and the ability of the central state to override the IDP process would be reduced, if a participatory budget process were to be implemented. Sections of the bureaucracy with strong ties to the private sector were identified as presenting an obstacle to the implementation of participatory budgeting in Porto Alegre and elsewhere (Wood & Murray 2007: 30), indicating another potential drawback of heavy reliance on the private sector by the local state in South Africa. Overall, there is substantial room for improvement with regard to the political rights of the residents of informal settlements, even within the constraints of the limited budget.

A cautionary note may be appropriate. Where the apartheid spatial distribution persists, delegating control over a city budget down to the ward level has the potential to decrease the budget available for distributive purposes, for example, if wards with a concentration of well-off residents elected to allocate their portion of the investment budget in a ward-level beautification project. To moderate this effect, the distributive rationale of municipal demarcation would need to be extended to the demarcation of regions to which participatory budgeting could be delegated.

Since the study has only investigated the policy area of housing as a response to informal settlement, it is more difficult to come to conclusions about the social rights of residents. The option of participatory budgeting has the potential to improve political rights and accountability, but given current funding levels, is unlikely to bring the right to housing within reach of all residents. It was clear, however, that housing need could not be met in either city, given current funding levels. This was the main factor that detracted from the existing democratic influence over the local state investment budget.
A final element of the Right to the City that requires attention here is the responsiveness of the local state to a dynamic and changing city population. The two local authorities differed quite sharply in this regard. There was no progressive, expanding right to participate in creating and changing the city as envisaged by Lefebvre.

Respondents in the City of Johannesburg indicated that they did not want to be overly strict about who qualified for the benefits of citizenship, but their heavy reliance on private sector collaboration was likely to lead to delayed, indirect eviction by the market. The City had supported cross-border migrants with various strategies not directly related to housing. Where informal settlement residents were intended to benefit from earmarked formal housing, however, local state officials asked community members to ensure that no internal growth took place, as this would delay the housing programmes designed to assist them. Such a request has explosive potential in the context of competition for resources and the prevalence of xenophobic violence.

The City of Tshwane, on the other hand, attempted to prevent the mobility of poor migrants into the city by means of influx control in the form of private security companies deployed on state-owned land. City councillors and officials were clear about their rejection of responsibility for foreigners who, they argued, were likely to undercut the wage rates of locals and to land in conflict with local residents of informal settlements.

While the latter argument may have been used by local state officials seeking to limit their own responsibility, its availability stems from the widespread violence inflicted by locals on foreign residents of low-income parts of urban South Africa during the period covered by this study. On the one hand, the study has indicated that the state, including the local state, has set certain examples and made use of rhetoric that has the potential to inflame xenophobic violence. On the other hand, it should be recognised that the exclusion of foreigners from programmes that respond to informal settlement and housing need, is one practice that may not benefit from democratic budgeting.

In these two cities, the local state seems to fulfil the role of deflecting blame from the national state and attracting the focus of local protests about the quality of service delivery. Urban citizenship in these cities was constrained by the limits of national legislation, the inadequate decentralisation of resources and the structure of intergovernmental relations. These pressures have to some degree encouraged a focus on innovative ways of demonstrating progress, rather than actual delivery. Despite a superficial recognition of rights by the local state, therefore, a deep, inclusive urban citizenship continues to elude the residents of informal settlements in the cities of Johannesburg and Tshwane.
7.3 Conclusion

Urban and political sociology is dominated by theory developed in the global North. Studies of South African cities therefore have the potential to increase our current understanding. This study has done so in three important ways.

Firstly, claims about the exclusion of residents in informal settlements from the benefits of citizenship rely heavily on their sustained informality as evidence. This study has provided empirical evidence of strategies employed by those in power in their approaches to informal settlements and to housing need. Over and above programmes for upgrading informal settlements and providing housing and services, the local state was found to limit its responsibility and stretch its budget or supplement its funds. These strategies have included both instances of severe repression and of innovative delivery. They have, however, also served to inflate achievements with regard to the response to informal settlement and housing need.

Secondly, while a key component of recent citizenship debates has been an emphasis on participation, citizens’ views are often canvassed in formal consultation processes. These environments have been interpreted as restricted and exclusive of marginalised people, and in particular of those living in informal settlements. This study has brought to the fore additional ways in which the residents of informal settlements lose bargaining power. The fact that funding was so severely inadequate limited the role of regular consultation to that of prioritising projects in ways that required choices between different communities who displayed a clear need for assistance. To make matters worse, respondents reported that the central state politicians would sometimes override the priorities identified in the IDP by requiring the local state to respond to a specific protest or specific community without allocating new funds for this purpose.

Together, these accounts illustrate what kind of an urban citizenship has been conceived by the local state, and that the conception of citizenship has been contracted to the point that it largely excludes those living in informal settlements. The concrete local implications of distinct approaches to citizenship by the local state reflected a sense of place. The embeddedness of the democratic local state in its social structure was therefore a critical quality.

Finally, a comparison of these power relations and policy processes in two cities has demonstrated important differences between the two local authorities and continuities with specific elements of the local colonial and apartheid history. The study has therefore provided evidence of the contribution of local forces to the lives and chances of those in informal settlements. In sum, a substantive urban citizenship has eluded the residents of informal settlements during the period of local democracy, who appear to be trapped in colonial constructions of citizenship.
This study would be complemented by further studies of different segments of the post-apartheid state. A more comprehensive and nuanced picture of the autonomy and capacity of the post-apartheid state in respect of various policy areas could be developed by means of this research agenda. In particular, a concentrated focus on metropolitan municipalities can contribute to an understanding of different processes and manifestations of embeddedness, as well as the specific structural factors that affect developmental outcomes in the post-apartheid period, as compared to the structural factors in other post-colonial projects. Mamdani’s (1996: 297-298) reading of the rural-urban split as a marker of the confines of democratic reform suggests that studies of the local state in rural South Africa are also essential.

The most important items on the research agenda are arguably a systematic assessment of the potential of participatory budgeting for South African cities, given current funding levels and an investigation of the extent of profit resulting from both privatisation and private-like management not only for local capital, but also international corporations. A systematic assessment of the benefits of state-driven investment for the private sector could serve to moderate the influence of the private sector in favour of the state and its democratic constituency.
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Annexure A: Sample letter of informed consent

POSITION: NAME
STATE / DEPARTMENT

Dear RESPONDENT NAME,

REQUEST FOR MEETING FOR THE PURPOSE OF RESEARCH INTERVIEW FOR DOCTORAL STUDY, UNIVERSITY OF JOHANNESBURG

I am writing to request a meeting in order to conduct a research interview with you. The rationale for this request is that I am conducting research on housing processes and how they have evolved since 1994 for the purpose of my doctoral studies in the Department of Sociology at the University of Johannesburg. This research is funded by the Thuthuka programme of the National Research Foundation.

My research methods are qualitative, by which I mean that I will try to obtain a rich, detailed understanding of the issues and context by gathering information from interviews and documents. The question that my study is investigating is, in the post-apartheid period, how is urban citizenship conceptualized by the various spheres of state for people living in informal settlements in Tshwane and Johannesburg respectively?

I have been able to identify only a handful of key individuals in the national, provincial and local government whose input will be critical for a thorough understanding of government processes. It is particularly important for me to obtain your considered view. We should be able to complete the interview within an hour to ninety minutes. In the event that I need to clarify or confirm any of the matters that we discuss, I hope that I may also contact your office by e-mail afterwards. I should like to ask for permission to record the interview purely for the purpose of ensuring that my research notes are accurate and the recording will not be made available to anyone. You are welcome to indicate if any particular information should be handled in a discreet manner.

Thank you very much in advance for considering this request.

Kind regards,

Liela Groenewald
Email: leila@uj.ac.za / Telephone 011 559 2054
Department of Sociology, University of Johannesburg
Council member, South African Sociological Association
Secr: (27) 611 559 2879
CRing 626A, UJ Kingsway campus / PO Box 524 / 2006 Auckland Park / South Africa
## Annexure B: Interviews requested and conducted

<table>
<thead>
<tr>
<th>Sphere of state</th>
<th>Position</th>
<th>Status</th>
<th>Gender</th>
<th>Date if interviewed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gauteng provincial state</td>
<td>Head of Gauteng Planning Commission</td>
<td>Appointed</td>
<td>M</td>
<td>Not scheduled</td>
</tr>
<tr>
<td>Gauteng provincial state</td>
<td>Regional Manager: Tshwane / Metsweding</td>
<td>Appointed</td>
<td>M</td>
<td>19 August 2010</td>
</tr>
<tr>
<td>Gauteng provincial state</td>
<td>Head: Department of Human Settlements</td>
<td>Appointed</td>
<td>M</td>
<td>Not scheduled</td>
</tr>
<tr>
<td>Gauteng provincial state</td>
<td>Deputy Director in the City of Tshwane office, Department of Housing</td>
<td>Appointed</td>
<td>M</td>
<td>12 May 2008</td>
</tr>
<tr>
<td>Gauteng provincial state</td>
<td>Regional manager for Johannesburg, Department of Housing</td>
<td>Appointed</td>
<td>F</td>
<td>30 April 2008, 1 Sept 2010</td>
</tr>
<tr>
<td>Gauteng provincial state</td>
<td>Dir: Municipal Infrastructure Investment Unit</td>
<td>Appointed</td>
<td>F</td>
<td>3 August 2010</td>
</tr>
<tr>
<td>Gauteng provincial state</td>
<td>Director: Planning and Research</td>
<td>Appointed</td>
<td>F</td>
<td>4 August 2010</td>
</tr>
<tr>
<td>Gauteng provincial state</td>
<td>MEC for Co-operative Governance and Human Settlements Department</td>
<td>Elected</td>
<td>M</td>
<td>Not scheduled</td>
</tr>
<tr>
<td>Gauteng provincial state</td>
<td>Premier of Gauteng</td>
<td>Elected</td>
<td>F</td>
<td>Not scheduled</td>
</tr>
<tr>
<td>Local state: Johannesburg</td>
<td>Municipal Manager</td>
<td>Appointed</td>
<td>M</td>
<td>Not scheduled</td>
</tr>
<tr>
<td>Local state: Johannesburg</td>
<td>CEO: Jhb Social Housing Co (Joshco)</td>
<td>Appointed</td>
<td>M</td>
<td>20 August 2010</td>
</tr>
<tr>
<td>Local state: Johannesburg</td>
<td>Executive Director: Housing</td>
<td>Appointed</td>
<td>M</td>
<td>3 August 2010</td>
</tr>
<tr>
<td>Local state: Johannesburg</td>
<td>Lease Manager: Joshco</td>
<td>Appointed</td>
<td>F</td>
<td>13 August 2010</td>
</tr>
<tr>
<td>Local state: Johannesburg</td>
<td>Director, Central Strategy Unit</td>
<td>Appointed</td>
<td>M</td>
<td>2 August 2010</td>
</tr>
<tr>
<td>Local state: Johannesburg</td>
<td>Department of Housing, City of Johannesburg</td>
<td>Appointed</td>
<td>M</td>
<td>23 October 2008</td>
</tr>
<tr>
<td>Local state: Johannesburg</td>
<td>Mayor of Johannesburg</td>
<td>Elected</td>
<td>M</td>
<td>Not scheduled</td>
</tr>
<tr>
<td>Local state: Johannesburg</td>
<td>Member of the Mayoral Committee for Housing</td>
<td>Elected</td>
<td>M</td>
<td>13 May 2008</td>
</tr>
<tr>
<td>Local state: Johannesburg</td>
<td>Member of the Mayoral Committee for Planning</td>
<td>Elected</td>
<td>F</td>
<td>23 August 2010</td>
</tr>
<tr>
<td>Local state: Johannesburg</td>
<td>Administration: Planning</td>
<td>Appointed</td>
<td>M</td>
<td>23 August 2010</td>
</tr>
<tr>
<td>Local state: Johannesburg</td>
<td>Member of the Mayoral Committee for Housing</td>
<td>Elected</td>
<td>M</td>
<td>23 August 2010</td>
</tr>
<tr>
<td>Local state: Johannesburg</td>
<td>Acting SED: City Planning</td>
<td>Appointed</td>
<td>M</td>
<td>23 July 2010</td>
</tr>
<tr>
<td>Local state: Tshwane</td>
<td>(Acting) City Manager</td>
<td>Appointed</td>
<td>M</td>
<td>Postponed several times and then missed.</td>
</tr>
<tr>
<td>Local state: Tshwane</td>
<td>Head of Housing and Sustainable Development</td>
<td>Appointed</td>
<td>F</td>
<td>26 July 2010</td>
</tr>
<tr>
<td>Local state: Tshwane</td>
<td>Member of the Mayoral Committee for Housing</td>
<td>Elected</td>
<td>M</td>
<td>12 May 2008</td>
</tr>
<tr>
<td>Local state: Tshwane</td>
<td>MMC for Human Settlement</td>
<td>Elected</td>
<td>M</td>
<td>5 August 2010</td>
</tr>
<tr>
<td>Local state: Tshwane</td>
<td>Mayor of Tshwane</td>
<td>Elected</td>
<td>F</td>
<td>Not scheduled</td>
</tr>
<tr>
<td>National state:</td>
<td>Director: Intergovernmental Relations</td>
<td>Appointed</td>
<td>F</td>
<td>10 August 2010</td>
</tr>
<tr>
<td>National state:</td>
<td>Director General of Human Settlements</td>
<td>Appointed</td>
<td>M</td>
<td>Refused</td>
</tr>
<tr>
<td>National State:</td>
<td>Former MEC for Housing</td>
<td>Elected</td>
<td>M</td>
<td>Not scheduled</td>
</tr>
<tr>
<td>National state:</td>
<td>National Minister</td>
<td>Elected</td>
<td>M</td>
<td>Refused</td>
</tr>
<tr>
<td>National state:</td>
<td>Director: Public Info &amp; Marketing, Department of Human Settlements</td>
<td>Appointed</td>
<td>F</td>
<td>10 August 2010</td>
</tr>
<tr>
<td>National state:</td>
<td>CD: Human Settlement Planning</td>
<td>Appointed</td>
<td>M</td>
<td>31 August 2010</td>
</tr>
<tr>
<td>National state:</td>
<td>Director: Provincial Planning</td>
<td>Appointed</td>
<td>F</td>
<td>30 August 2010</td>
</tr>
<tr>
<td>National state:</td>
<td>National Deputy Minister</td>
<td>Elected</td>
<td>F</td>
<td>Not scheduled</td>
</tr>
<tr>
<td>National state:</td>
<td>Former Housing Minister</td>
<td>Elected</td>
<td>F</td>
<td>Not scheduled</td>
</tr>
</tbody>
</table>
### Annexure C: First round interview guide

<table>
<thead>
<tr>
<th>Interview theme</th>
<th>Question guide</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General housing focus</strong></td>
<td></td>
</tr>
<tr>
<td>1. Housing plans</td>
<td>Overview of all housing delivery plans for the city by sphere of government.</td>
</tr>
<tr>
<td>2. Certainty of plans</td>
<td>Breakdown into current financial year and thereafter; budget approved?</td>
</tr>
<tr>
<td>3. Certainty of delivery</td>
<td>Viability studies; projected outcomes; possible problems incorporated.</td>
</tr>
<tr>
<td>4. Process</td>
<td>Process to draw up a housing plan; self-identified key steps to finalise plan.</td>
</tr>
<tr>
<td>5. Priorities</td>
<td>Urgent need and priorities for housing delivery; where informal settlements fit.</td>
</tr>
<tr>
<td>6. Consultation</td>
<td>Viability; environmental impact or social impact assessment and consultation.</td>
</tr>
<tr>
<td>7. Consultation details</td>
<td>Who handles described consultation, how does it work, how does it contribute?</td>
</tr>
<tr>
<td>8. High profile events</td>
<td>Influence of high profile events like 2010 Soccer World Cup.</td>
</tr>
<tr>
<td>9. Needs assessment</td>
<td>Demographic data gathered? Census used? In-migration projected?</td>
</tr>
<tr>
<td>10. Intergovernmental</td>
<td>Interaction / coordination between province and local? Work relations?</td>
</tr>
<tr>
<td><strong>Informal settlement focus</strong></td>
<td></td>
</tr>
<tr>
<td>12. Incidence</td>
<td>Informal settlement growth in recent years? Can plans address problem?</td>
</tr>
<tr>
<td>13. Specific plans</td>
<td>Plans to alleviate the plight / improve the fate of those in informal settlements?</td>
</tr>
<tr>
<td>14. Eviction</td>
<td>Are evictions necessary to achieve plans? Interim provision?</td>
</tr>
<tr>
<td>15. Private / state land</td>
<td>Difference between informal settlements on private and state-owned land?</td>
</tr>
<tr>
<td>16. Integration</td>
<td>Which sectors should be involved in interventions? Who is involved in practice?</td>
</tr>
<tr>
<td>17. Consultation</td>
<td>Do you consult organisations representing people in informal settlements?</td>
</tr>
<tr>
<td>18. Agency</td>
<td>Options for desperate individuals in informal settlements?</td>
</tr>
<tr>
<td>19. Confidence</td>
<td>What can be achieved by confirmed plans? Will MDGs be met?</td>
</tr>
<tr>
<td>20. Open end</td>
<td>Please add any information that may have been overlooked.</td>
</tr>
</tbody>
</table>
# Annexure D: Second round interview guide

Informal Settlement and Urban Citizenship project - Liela Groenewald, University of Johannesburg

Interview guide for semi-structured interviews with state officials and elected councillors

All interviews conducted and recorded by Liela Groenewald

**Introductory questions on the housing process**

1. A basic challenge for everyone at management level in the public sector is to decide on how well policy objectives have been achieved after a certain period, say a three year term in office for example. What criteria are used to decide on ‘success’, ‘progress’, ‘failure’ in the City administration?.
2. What are your overall priorities for the city?
3. How were these priority areas identified?
4. How do you see the current housing situation in the City of Tshwane?
5. What are the priorities in terms of housing delivery plans?
6. Could you describe the process of selecting these priorities?

**Intergovernmental relations**

7. How do you see your role in housing delivery as the City of Tshwane?
8. What is your specific role in your position? What is the specific contribution / involvement of your position in the housing delivery process?
9. Does your approach differ from that of your predecessor? If yes, how?
10. What are the benefits and challenges of the current approach?
11. What other factors have contributed to a different approach?
12. How do you and how does your department cooperate and interact with the Mayor's office and various departments in the City of Tshwane?
13. Could we try to draw an organogram to illustrate your working relationships?
14. Who are the specific colleagues with whom you interact in the provincial government and local authorities on a regular basis?
15. How does the City of Tshwane interact with the Provincial Government of Gauteng?
16. Which fora do you use to work together?
17. Is this system working? Are the various roles and responsibilities clear and are the working relationships functioning well?
18. Has the approach of this City administration in general changed since 1994? How and why?
19. What or Who provides strategic direction to your office and to the city administration?
20. What is the process from policy development to practice in your department and in the city?
21. Do you think the city has the necessary capacity to implement the plans that are currently on the table? Do you expect implementation to be successful?

**State-society relations / urban citizenship**

23. Do you consult specific communities before drawing up housing strategies? If yes, what are your specific consultation mechanisms and how do they work?
24. Are the housing plans informed by projections of housing need in Tshwane? Which surveys or projections exactly? How often are they conducted?
25. To what degree are your approved housing plans likely to meet housing need in Tshwane?
26. How important is your role with regard to informal settlements?
27. To what extent do informal settlements feature in the formal plans of the city?
28. What do you consider the best course of action with regard to informal settlements?
29. Are you entitled to evict the residents of informal settlements?
30. Are the residents of informal settlements entitled to services?

Only if you are able to discuss this

31. Are residents of informal settlements and site-and-service schemes expected to pay for services? If yes, a flat rate or consumption-linked rate? What happens if they cannot pay?
32. How is it determined whether someone qualifies for services?
33. To what extent does your integrated development planning take account of informal settlement? How?
34. What portion of informal settlements in Tshwane is legal or illegal?
35. What portion is constituted by site-and-service schemes? Who delivers services in these schemes? Who drove the process of proclaiming them site-and-service schemes?
36. What are your plans with regard to illegal settlements?

Thank you very much for taking the time to respond to these issues.