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Cirota, Mervyn

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Towards an understanding of the limitations of the Alexandra renewal project: The ALPOA court interdict and its impact.

by Mervyn Cirota

A research report submitted to the Faculty of Engineering and the Built Environment, University of the Witwatersrand, in partial fulfillment of the requirements for the degree of Master of the Built Environment

Johannesburg, 2017

Declaration

I declare that this research report is my own unaided work. It is being submitted for the Degree of Master of the Built Environment (Housing) to the University of the Witwatersrand, Johannesburg. It has not been submitted before for any degree or examination to any other University.

……

(Signature of Candidate)

30th day of August 2017.

Plagiarism declaration

I, Mervyn Cirota, (student number 7214510), am a student registered for the degree of Master of the Built Environment (Housing) in the year 2017. I hereby declare the following:

I am aware that plagiarism (the use of someone else's work without permission and/or without acknowledging the original sources) is wrong. I confirm that the work submitted for assessment for the partial completion of the above degree is my own unaided work except where I have stated explicitly otherwise. I have followed the required conventions in referencing thoughts, ideas, and information of others. I understand that the University of the Witwatersrand may take legal disciplinary action against me if there is a finding that this is not my unaided work or that I have failed to acknowledge the source of the ideas or words in my own work.

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Abstract

Alexandra Township located north of Johannesburg was established in 1912. It has an infrastructural capacity of 70 000 people and is now populated by an estimated 400 000 residents. It covers 800 hectares including Alexandra Proper (Old Alexandra) and the East Bank. The Alexandra Renewal Project (ARP) was initiated in 2001 with an initial budget of R1.3 billion to be used over 7 years in furtherance of a programme that would improve infrastructural shortcomings in housing, roads, water supply and sanitation. It would also facilitate the upgrade of housing and create new housing opportunities.

Arising from discussions held between the City and two organizations representing the residents, Alexandra Land and Property Owners' Association (ALPOA) and the Alexandra Property Owners' Rights Organization (APOR), an amount of R50 000 was paid to some of the residents. A dispute then arose and ALPOA and APOR obtained an interdict against the City of Johannesburg to prevent the expropriation of their land without appropriate compensation. This court order has had the effect of restricting redevelopment in Old Alexandra thus preventing high density and mixed-use development, *in situ* upgrading and the roll out of rental stock. Despite an arbitration forum being set up and various proposals being considered by both sides, no solution has yet been reached.

The purpose of the study is to examine through a qualitative approach, the underlying causes leading to the dispute between the city and the residents, the basis for the granting of the court order, the impact this court order has had on the property owners, and the underlying reasons as to why the dispute has not been resolved. This study also seeks possible solutions to the dispute and makes certain recommendations in this regard.

The main research question will be 'What underlying factors created the environment that compelled ALPOA and others to seek a court interdict?' The research method will involve interviews with several stakeholders including City and Provincial officials, ALPOA and APOR executives as well as property owners and residents affected by the court interdict. The expected finding will be that government has failed to deal with

the problem, has failed to effectively bring the private sector on board, has systemic governmental problems and is beset with incompetence and corruption.

The research is underpinned by the inhumane and unacceptable living conditions in Alexandra and the motivation for the ARP project and its challenges. Key concepts of the research will be to pose the main research questions, to identify the problem and examine its underlying causes, to follow a systematic and organized procedure in collecting information, to analyze the information gathered and to determine whether the findings tie in with the hypothesis set out above.

Dedication

This project is in memory of my parents Anita and David Cirota whose guidance, support and direction has always been with me. Their presence has always been an inspiration and guiding light in any challenge I have undertaken.

Acknowledgements

Special thanks to my supervisor Marie Huchzermeyer for her exceptional motivational abilities, her continuous encouragement, her availability at all times, and for the art of creating interest in all aspects of the built environment

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I would finally wish to thank my wife Dana and my very special daughter Ashleigh for their continuous interest in the project and always being available when assistance was required. A special thanks to Ashleigh for spending hours on checking and correcting the document with me.

Acronyms

AAC:	Alexandra Action Committee
ACO:	Alexandra Civic Organization
ADF:	Alexandra Development Forum
ALPOA:	Alexandra Land and Property Owners Association
APOR:	Alexandra Property Owners' Rights Organization
ARP:	Alexandra Renewal Project
ASPVA:	Alexandra Standholders Protection and Vigilance Association
CID:	City Improvement Districts
CRLRO:	Commission on Restitution of Land Rights
DETR:	Department of the Environment, Transport and the Regions
GADF:	Greater Alexandra Development Forum
IDP:	Integrated Development Plan
JDA:	Johannesburg Development Agency
LCC:	The Land Claims Court
LDA:	The Department of Land Affairs
PELCRA:	Port Elizabeth Land and Community Restoration Association
PPP:	Public private partnerships
RDP:	Reconstruction and Development Programme
SANCO:	South African National Civic Organization
UDF:	Urban Development Framework
URP:	Urban Renewal Programme
WRAB:	The West Rand Administration Board

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CHAPTER ONE: INTRODUCTION

1.1 Introduction

Alexandra Township is situated 12KM north-west of Johannesburg and covers 800 hectares including Alexandra proper (Old Alexandra) and the East Bank. According to Neels Letter, a senior official in the Johannesburg Development Agency, which is the department currently, driving the Alexandra Renewal Project (ARP), Alexandra is home to between 350 000 and 400 000 residents living in an area that was intended for 70 000 residents (interview with Letter: 2016). The exact number is always difficult to quantify because of the ever-moving shifting population caused by in-and-out migration.

Due to the strategic position of its location close to residential areas, factories and commercial opportunities, Alexandra has, in the past, and continues in the present to function as a first stop for migrants entering Johannesburg, some of whom are merely passing through and others who intend to, and, in fact, have made Alexandra their permanent home. To deal with the effects of densification, as well as to provide adequate accommodation for the residents, the Alexandra Renewal Project (ARP) was initiated as a Presidential Project in 2001 (Bonner and Nieftagodien, 2008:2).

The project has, however, encountered an environment of mistrust and conflict within Alexandra particularly in relation to issues around land ownership, occupation rights and security of tenure. The negative sentiment is a result of elevated expectations created by the City of Johannesburg via the ARP, at times fanned by misinformation and unrealistic statements of intent (*ibid*:411). A dispute between the City of Johannesburg and a number of organizations representing the residents, primarily the Alexandra Land and Property Owners' Association (ALPOA) and the Alexandra Property

Owners' Rights Organization (APOR) arose, leading to a court interdict being granted against the City of Johannesburg in 2005. This court order has had the effect of restricting redevelopment through the ARP in the original part of the township referred to as Old Alexandra (see Figure 1). As a result, formal high-density and mixed-use development, *in situ* upgrading, and the roll out of rental stock in this area has been on hold. Despite an arbitration forum being set up and various proposals being considered by all participants, no solution had been reached at the time of writing late 2016 and early 2017.

The ALPOA court case, which is the focus of this study, embodies a conflict involving various stakeholders, such as shack dwellers concerned as to the longevity of their rights of occupation, property owners attempting to enforce their claims of ownership, politicians, driven by personal and party political agendas and officials always mindful of their responsibility to the residents of Alexandra but conflicted with the political agendas driven by their superiors, with each priority being driven by these different self-interests. Twelve years after the court interdict was granted, the situation continues to simmer and remains unresolved thus preventing the City of Johannesburg and the Provincial Department of Human Settlements from carrying out the project through the ARP.

Given the historical roots of the conflict, it is essential to examine the underlying facts and dynamics that were the precursor to the current situation, beginning with the ownership rights granted to 2,500 property owners in Alexandra in 1912 and covering the full impact of apartheid land policies of the 1980's which resulted in properties being expropriated and the less than successful attempt by the government to solve the problem through the payment of R50 000 to each dispossessed property owner as settlement (according to the Land Claims Commission) or as compensation (according to the members of ALPOA) (Interview Letter, 2016). Following the conflicts resulting from the Court Interdict of 2005, an agreement by interested parties was reached in July 2016 while my research was

underway, culminating in a Statement of Intent. Given the circumstances, this should be considered a breakthrough as the terms of the agreement stipulated a basis for the settlement of the dispute. However, since then, very little has transpired despite undertakings and commitments by both the City of Johannesburg and the Provincial Government.

The research I am undertaking travels the intricate journey of this long process in order to establish an understanding of the reasons why the implementation of ARP was halted, as well as to uncover the political and other dynamics that led to the ALPOA court interdict being granted and the impact this has had on the residents. As an activist and politician in this area dealing with housing and service delivery issues, I was involved to some extent and was therefore in an ideal position to conduct a study to examine the background and underlying causes that precipitated the granting of the interdict. Thus, this research is about a process that I have been closely connected with both in my capacity as a lawyer, but also, and more effectively, as a politician working in the area. My ability to develop intimate and long lasting relationships with many residents in Alexandra has allowed me a special insight into the underlying problems that exist. This close connection has, however, also presented particular challenges that I had to resolve in the research design and which I expand on below. I hope that the research, though primarily academic, can provide insight for those tasked with resolving the impasse.

Perhaps an attempt at untangling these layers will be the first step in finding some workable solution to changing the living conditions of those who reside in Alexandra. Any solution I suggest in the analysis that follows is multifaceted and extremely complex as each step has consequences for one or other interest group, community or individual, and any solution must, to some degree, satisfy some of these expectations. Failing this, an overall solution will not be attained. Partial or temporary arrangements will only aggravate uncertainty and dissatisfaction and create further confusion. The

information obtained from the interviews has assisted in the conclusions reached and suggested the way forward.

1.2 Problem Statement

Urban regeneration in areas of under-development in South Africa has, since the inception of democracy in 1994, been the focus of the government under its goals of bringing about fundamental change to the lives of its citizens. In the 1970's and 80's the pre-1994 government dispossessed about 2 500 property owners in Alexandra in what amounted to an expropriation without compensation. After a new government had been elected in 1994, organizations such as ALPOA and APOR were encouraged by groups of the dispossessed in order to lobby for the restoration of title deeds and property rights.

The ARP was initiated in 2001 with an initial budget of R1.3 billion that was to be used over 7 years in furtherance of a programme that would improve infrastructural shortcomings in housing, roads, water supply and sanitation. The amount allocated would also facilitate the upgrade of housing and create new housing opportunities. It was part of an urban regeneration programme that former President Mbeki introduced as a flagship project intended to bring about a fundamental shift in living conditions. Because of its historical exclusion and its urgent need for spatial regeneration, Alexandra Township was considered a primary recipient (Roefs, Naidoo, Meyer and Makalella, 2003:9).

Since 1994, ALPOA, APOR and civic organizations such as SANCO have been lobbying government to deal with the restoration of property rights. It has been alleged by these organizations that when the ARP was launched in 2001, not only were they not consulted, but that a demolition of properties, in which many of their members held a vested interest, was about to be undertaken. In 2005, ALPOA and APOR, amongst others, approached the Land Claims Court on an urgent basis to prevent the demolitions. An

interdict was granted by the court on the 12th June 2005 under case no 82/2004, with a significant part of the order declaring that 'the City of Johannesburg and any other party are hereby interdicted from demolishing, destroying structuring or restructuring, developing or rezoning the Applicant's offices houses and any other property which is the subject matter of the dispute, pending the finalization of the principal case' (Bam, 2004).

In 2009 the City of Johannesburg attempted, but failed to have the interdict expunged. The net effect of the court order was to prevent the rollout of the ARP in Old Alexandra in the area demarcated by the boundary of London Road on the south, Vasco Da Gama on the north, 1st Avenue on the west and 20th Avenue on the east (see Figure 1). Various forums and task teams were formed to attempt to settle the dispute and to search for a way forward so that the project could continue.

For reasons which have surfaced in my research during the compilation of this study, these negotiations, which had been ongoing for a number of years did not bring about a binding solution despite an agreement being reached in July 2016 that culminated in a document entitled Statement of Intent being signed. Despite the appointment of a new MEC of Human Settlements just prior to the finalization of this agreement, the process now appears to have stalled.

The whole issue has been further complicated by an announcement by the City of Johannesburg in April 2016, which was reported on the Johannesburg Development Agency website by Susan Monyai, (JDA, 2016:2) that it intends to launch another renewal project for the township. It is not clear whether the Urban Development Framework (UDF) also known as the Master Plan for Alexandra is to replace or supplement the ARP. The plan as reported in the Alex Times is described as an 'important strategic document for Alexandra as it will not only direct proper spatial planning and sustainable development in the area, but will also assist with the

mobilization and securing of funding commitments across all three spheres of government' (Siso, 2016b). Apart from this media report, it appears that both ALPOA and APOR have not been consulted or made aware of the new project. It appears that the confusion and inaction caused by the court interdict will have long-term consequences. It is therefore relevant to conduct a study that takes a holistic view of the circumstances leading to the granting of the court order in order to establish what lessons can be learnt and what recommendations, if any, would facilitate a solution to the problems arising from the court interdict.

1.3 Aims

The main aims of the study are firstly to determine how the circumstances surrounding the ALPOA court interdict and the subsequent impact it has had on the residents can help us understand the limitations of the Alexandra Renewal Project, and secondly, to explore any connections that may exist between the roll-out of the ARP and the restrictions of the court interdict.

The objectives to be achieved are to better understand the underlying problems that were the catalyst bringing about the court action, as well as to explore the reasons for the failure of the forum that was set up to negotiate a settlement amongst the parties to this dispute. A third objective was to assess the impact the delay caused by the interdict has had on residents' lives. The intended outcome of this study would be to facilitate a better understanding of the limitations of the ARP and the long-term effects of the delay in its implementation, and through this understanding, contribute to the search for possible solutions.

1.4 Research questions

The main question this study seeks to address is as follows: 'How does an understanding of the circumstances and the impact of the ALPOA court interdict help to explain the limitations of the Alexandra Renewal Project?'

To arrive at the answer to this question, a number of supplementary questions need to be answered:

- What are the underlying factors that compelled ALPOA to approach the High Court for an interdict?
- What is preventing a resolution of this case?
- What is the relationship between the dispute (and its non-resolution) and progress with the ARP implementation?
- How does the ALPOA case relate to the ARP in terms of ownership and property rights?

The supplementary questions posed and the answers received will give some insight into how far apart the parties are in relation to a possible settlement of the matter and to what extent the ARP can be salvaged - assuming the Statement of Intent can be transformed into a workable and meaningful settlement.

1.5 Expected findings

At the start of the study, I expected to find that political interests coupled with bureaucratic shortcomings contributed to the mistrust and suspicion between the various role players in Alexandra and that this underwrote the current impasse in the development. Further anticipated findings were an under-capacity within the Provincial and City Housing Departments, a disconnect between the City and the Deeds Office resulting in a delay in the title deed transfer process, and a dilemma and/or ambivalent attitude by the authorities regarding the conflicting interests of the property owners and the occupiers/tenants of the properties in Old Alexandra. Further, I was expecting to find that the dispute around the ALPOA case had a direct and debilitating effect on the implementation of the ARP.

In relation to my last research question, I expected the findings to indicate a perception among role-players that political interference in the delivery of

ownership and property rights was motivated by self-interest and was more than simply incompetence, and that this remains the cause of the unreasonable delay in bringing the dispute to an end.

1.6 Research strategy

A qualitative approach was deemed appropriate for this study, given that document reviews and perceptions and in-depth insights from a small selection of key informants, rather than a quantitative survey, would most likely yield the necessary information. This approach was deemed more suited to the nature of a study based on the cause and meaning of human problems, despite the view of Atieno (2009:5) that a disadvantage of qualitative research is that it is limited in scope and unable to be 'extended' to the same degree as a quantitative analysis. Qualitative research 'involves the studied use of and collection of a variety of empirical materials' according to Denzin and Lincoln (2005:3) and 'is an approach for exploring and understanding the meaning individuals or groups subscribe to a social or human problem' (Cresswell 2014:32). The focus created by the 'intimate relationship between the researcher and what is studied' provides the situational environment for a successful outcome (*ibid)*.

I was able to interview two officials, two politicians, three executive members of ALPOA and 10 residents (Appendix 1). It was my intention to interview representatives from APOR as part of the research, but they declined, without providing a reason. My access to the other interviewees was facilitated by the fact that I have either a professional or a personal relationship them. This posed the challenge of my needing to remain unbiased, something I took particular care to achieve. I attempted to obtain permission to tape the interviews, but had to take detailed notes when this permission was refused. When the relevant officials I requested interviews with were unavailable or unwilling to participate, I asked those individuals I do have a relationship with to refer me to others. I was able to establish beforehand that the interviews could be conducted in English and when

necessary (in the case of some of the residents' interviews) used an interpreter who accompanied me for the interviews that needed translation.

My intention was to utilize the extensive networks I have created through my interactions with those Alexandra residents connected with the ARP process who were to have benefitted from its programme. I attended to the scheduling of the ten residents' interviews myself and conducted them with the intention of accurately capturing the thoughts, feelings, desires, opinions and disappointment of those who have had a lengthy wait for adequate housing. I also endeavored to proceed cautiously so that the research process and my role in it would not have an influence on the dynamics and process. Two ARP functionaries were contacted to obtain their insight on the background of the court case, the impact of the interdict on the programme, and their views on the best way to resolve the matter and to open the way for the project to move forward.

The interviews were conducted based on an interview structure that comprised a flexible questionnaire that I delivered verbally (Appendix 2). I made every attempt to be as informed as possible before the interviews. The level of my previous informal and formal interaction and communication in the area provided me with a certain level of insight. I was also able to obtain ARP and court documents. Before starting the interviews, I requested ALPOA to allow me access to their records for analysis, so that I could approach the respondents with as much understanding of the preceding circumstances as possible.

When finished with the interview process, I transcribed the written and taped interviews then analyzed them using key concepts, which allowed me to cross-reference and distinguish key themes. I then examined these to determine what issues and views were similar and which ones differed.

1.7 **Ethical considerations**

Over the last 20 years of my involvement in Alexandra as a community activist, as a councillor, and as a Member of the Provincial Legislature, I have built up an extensive network of acquaintances with community activists and whistleblowers within the City and Provincial administrations. In order to effectively complete this study, I had to be careful not to compromise the integrity of the process and, at the same time, to ensure that the conclusions reached and the recommendations made were unbiased and would be viewed as being fair and honest. I made sure to reveal my position to all I interviewed, clarifying my involvement in Alexandra as an activist and politician and separating this as far as possible from my role as student researcher in this study.

Because of the nature of the political work I perform, special care needed to be given to the nature and manner of how information was obtained for the study. Clear parameters were set to ensure that the ethical standards of the University of the Witwatersrand were strictly adhered to. This study complied with the ethics requirements of the University of the Witwatersrand (ethics clearance certificate issued by the University in Appendix 3). Additionally, special care was taken to ensure that all conclusions reached were arrived at from factual information and not from perceived or emotive narratives. I believe I was able to develop a comprehensive dossier that covered the initial stages of the project, its positive achievements and the failures arising from the court interdict granted against the City. Because of the inordinate delay in the ARP process, certain of the interviewees viewed this study with suspicion. Clear guidelines were set to ensure that they were fully aware of the nature of their involvement.

Special attention was given to ensuring that the truth of any information obtained from undisclosed and anonymous sources was verified to confirm its integrity and, wherever possible, documentary proof was obtained in support of the conclusion reached. This, however, was not always possible

because of the sensitive environment in which the project was being conducted.

Each of the interviewees were driven by different motives and goals and it was evident that each required to be recognized as part of the process, each bringing their own priorities into the interviews. At the same time, they had no wish to prevent or restrict the attainment of the other participants' goals. It was particularly important to me that I came away with a clearly defined and detailed narrative explaining why it was necessary for ALPOA to apply for a court interdict, and why a line of communication was not able to be established in the 10 years since the court interdict was granted. This was particularly significant as, prior to starting the interview process; I had received information from various quarters, which led me to certain conclusions. In the circumstances, I wished to be certain that any conclusions I reached were strictly based on the evidence and the evidence only. I wished to dispel any conspiracies of unlawful conduct unless there was overwhelmingly strong evidence to support it. The continual aspersions cast on alleged corrupt and dishonest practices in the ARP process prior to the granting of the interdict, and the unreasonable and prolonged delay in failing to settle the dispute had to be dealt with transparently and openly in order to determine the real and underlying reasons that led firstly to the dispute, secondly to the role (if any) of each of the participants in the process and thirdly to probable circumstances that delayed the process.

Each interview was held in an environment and venue satisfactory to each participant and a number of these interviews were recorded with the participant's permission. None of the participants had any objection to any of the questions posed, and answered openly. The impression created was that by sharing such information, their chance of assisting the process would somehow be enhanced and a way for each to achieve their goal would be facilitated. All participants agreed that their stories could be shared and that there was a need for their story be told.



Figure 1. Old Alexandra, the area impacted by the ALPOA court interdict (Source-Authors own construction on Google Earth Base Maps)

1.8 Limitations of the study

Although information from housing officials both on a local and Provincial Government level would have been informative, from time to time a moratorium is placed on providing information by both administrations, particularly where certain information is deemed sensitive. Information must then be collected on a confidential basis (meaning it will be used only for the academic study and not handed on to others for use beyond this) and within the strict confines requested by the interviewees.

The only limitations that required careful scrutiny were the need to determine whether the information gathered was true and the need to ensure that it was not shared for personal or other reasons. In this regard,

a case-by-case assessment had to be made to establish the information's veracity.

This was determined by the careful assessment of the information by corroborating and evaluating the source of such information and comparing it with information gathered from other interviewees, literature, media and other documentation. At all times consideration was given to the personal circumstances of each interviewee and their attitude as a yardstick to determine the correctness of the information supplied. Allegations of dishonesty and corruption needed to be dealt with particular sensitivity and mention of such allegations in this report needed to be handled within the confines of the ethical parameters and limitations of the policy of the University.

Although I have forged a strong bond with many of the residents who were questioned, some were concerned that if they spoke out, they might suffer as a consequence. However, when the purpose of the interview was explained, they were more willing to discuss their views openly. The politicians, with whom I have a personal and working relationship, had no reservations about openly participating in the process. I selected the two government officials with whom I have developed a professional and information-sharing relationship. Although they had initial reservations about how the interview might affect their employment, by the time the interview took place they were relaxed and quite willing to share their thoughts openly. The Members of ALPOA who were interviewed had no issue with their names and the information disclosed being published. As it transpired, except where certain of the interviewees did not wish their name mentioned, they were prepared to share all their frustrations and spoke freely.

1.9 Chapter outline

The remainder of this research report is structured into four chapters.

Chapter 2 provides a literature review on urban revitalization focusing on the conflict between formal and informal processes. It emphasizes regeneration and restitution as part of the formal processes then defines both processes within a South African and international context. It examines the impact of revitalization on informal settlement development as well as the impact of the implementation of the ARP in Alexandra. It also investigates the restoration of title deeds and property rights, community involvement vs paternalism in the ARP and the issue of the congestion and relocation of residents. Differing and contrasting views on restitution are analyzed and examined. The section of the chapter on informal processes defines the concepts of gentrification, informalisation densification and fragmentation and examines, through analysis and comparison, assenting and dissenting viewpoints.

In Chapter 3, the reader is taken on a journey through Alexandra from its inception in 1912. The turbulent years of uncertainty in the 1970's and 80's are discussed, as is the expropriation of property and the events and circumstances which precipitated and laid the foundation for the dispute leading to the granting of the court interdict in 2005. The account concludes in 2016 when a Statement of Intent was agreed to by all the stakeholders.

Chapters 4 reports on the findings of the study, analyzing and exploring areas of commonality and difference in the content collected for this study. An assessment is made of the impact the ALPOA court interdict has had on all parties involved, with particular emphasis being placed on the restrictions it has placed on the ARP programme. I have assessed the information collected, always being mindful that the research was an investigation towards understanding the limitations of the Alexandra Renewal project that resulted from the ALPOA court interdict. An investigation is undertaken in order to understand the background that compelled ALPOA and others to approach the court for urgent relief. The significant issues of property rights and the issue of title deeds, the underlying factors that compelled ALPOA to approach the land claims court for an interdict are examined, as are the

reasons preventing a resolution of the case. Also analyzed is the implementation of the ARP and the subsequent dispute resulting in the court interdict.

Chapter 5 comprises the conclusion that links the literature on the ARP with the results of the research. It offers the view that the effect of the ALPOA court case on the ARP has been obstructive and has placed the future of the ARP process in jeopardy. The research report concludes with specific recommendations as to what measures might salvage the process and emphasizes the significance of a settlement of the dispute in order to ensure the survival and success of the ARP.

CHAPTER 2: LITERATURE REVIEW

2.1 Introduction

When considering the best method to understand the urban revitalization process and its restrictions relative to the purpose of this dissertation, I wish to clearly distinguish between formal and informal initiatives, and, when examining the literature on the subject, I aim to be mindful of any intervening factors that might hinder the revitalization process. I have thus provided a conceptual link by distinguishing between urban regeneration and restitution on the one hand (formal processes) and gentrification, informalization, densification and fragmentation on the other (informal processes). A contextual diagram (Figure 2) best explains the correlation between formal and informal processes and the possible unforeseen circumstances created by political and judicial interventions.

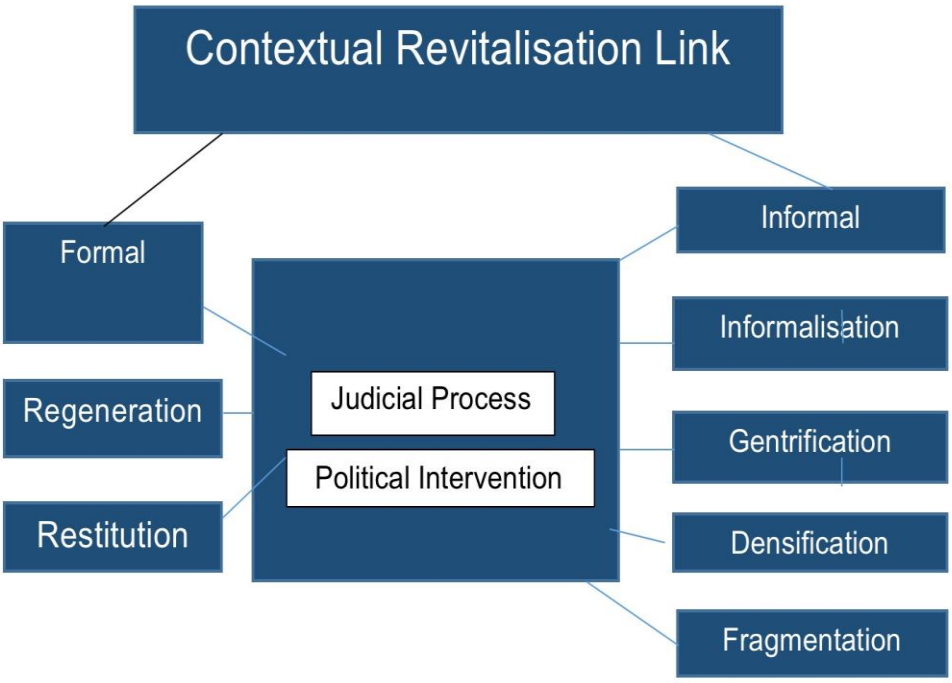


Figure 2. Contextual revitalization link. Source – authors own construction.

Embedded within the context of the subject matter, are two areas that have had a profound impact on the success of the Alexandra Renewal Project (ARP). These are political interventions and the judicial process. They have both had a profoundly negative impact on the progress of the ARP, details of which will be discussed further on in this report.

2.2 Formal processes: regeneration and restitution

2.2.1 Key definitions

Differences between urban regeneration and urban renewal

Urban renewal and urban regeneration have been differentiated by Van der Merwe (2010:1), who, in adopting the definition from the report *People and Places: An Overview of Urban Renewal*, initially defined urban renewal as the 'redevelopment of economic infrastructure,' while urban regeneration is defined as 'the redevelopment of derelict residential areas, usually linked to the development of human and social capital' (2010:1). Later in the report's headings however the terms are used interchangeably.

In an article in the *Serbian Project Management Journal*, Andelic and Mihic (2016) state that studies of urban renewals, particularly in Toronto and New York, indicate the extent to which the public sector can be involved in the drive for investments and the effect this can have on the 'social, economic and ecological aspect of city development.' By making no distinction between the two concepts, Heffron and Haynes (2011:2) describe both concepts as a 'general class of urban development involving considerable modification to a cluster of housing units and related infrastructure.' They state, however, (2011:2) that urban regeneration is 'a redevelopment scheme that involves positive i.e. interventionist planning' The authors indicate (2011:6) that 'urban planning and development is an effective means of taking people out of poverty.' When referring to the Favelas in Brazil and the Favela Bairro Project in particular, they state (2011:13) that

the objective ‘is to initiate a longer-term process of “normalization and integration” by incorporating those areas previously excluded ‘in terms of physical infrastructure, services and ownership’ (*ibid*).

Urban regeneration is a vexed and complicated issue. Despite decades of planning and consultation on how best to achieve the desired outcome, effective solutions have yet to be found. Rosly and Rashid (2013:1) perhaps best explain the concept when referring to the urban regeneration programmes in Malaysia, ‘Urban revitalization and regeneration together with the issues of energy sustainability and the need to reduce pollutant emissions are today the major challenges facing the planning of cities’. Rosly and Rashid (2013:1) refer to the ‘the concept of urban regeneration in Malaysia’s cities to promote a return to the city, revitalize the city centre, restore activity in a fiercely competitive international context, and implement initiatives to improve the quality of the environment operating in a wide sense towards a smart growth’ (*ibid*). This concept epitomizes what may be a universal solution to defeating urban crime, grime and disintegration. We are reminded that ‘urban regeneration processes accomplish the growing importance in literature of concepts like territorial governance, institutional relational density, creativity, social capital, city branding, city image and place marketing’ (*ibid*).

No process of revitalization or regeneration will succeed without the full support of those residents who are affected by the process. Referring to Couch (1990:2), Rosly and Rashid (2013:6) explain that urban regeneration can be seen as a relationship forged between public representatives and entrepreneurs with buy-in from citizens affected by the process. They emphasize that ‘it is thus a multi-faceted and complex process which should not be viewed merely as a physical and financial proposition, but as a sociological, cultural, economic and political matter as well’ (Couch,1990 cited in Rosly and Rashid 2013:6). Rosly and Rashid (2013:6) state that the need for a ‘comprehensive and integrated process’ is reinforced when regeneration is considered. Of particular importance is the claim made by

Roberts and Sykes (2000) and referred to by Rosly and Rashid (2013:6) that a realistic renewal programme must approach regeneration in a holistic way and be based upon a multi-disciplinary understanding of the social and economic forces affecting urban areas and the physical nature of towns and cities. Two important aspects of urban regeneration are public-private partnerships and community involvement (Tyler 2002).

2.2.1.1 Public Private Partnerships

Public private partnerships have been defined in many ways. PPP Knowledge Lab, a division of the World Bank (2015:1), defines them as 'a long-term contract between a private party and a government entity for providing a public asset or service, in which the private party bears significant risk and management responsibility, and remuneration is linked to performance.' The Private-Public partnership handbook (undated: 6) defines PPP's as a 'framework that, while engaging the private sector, acknowledges and structures the role for government in ensuring that social obligations are met and successful sector reforms and public investments achieved.'

2.2.1.2 Community Participation

Sinwell's claim (2009:336) that 'participation is often hailed as a salient component in the attainment of development' is the catalyst driving his 350-page thesis on the limitations on transforming development in Alexandra Township. Despite indicating some hope for the future, he concludes that 'both invited and invented participatory spaces in Alexandra clearly have significant limitations, particularly their lack of engagement with immanent development which theorists Hickey and Mohan (2004) have argued is an essential component of any transformative project' (Sinwell 2009:336). This failure by the authorities to effectively engage with communities prior to and during the Alexandra Renewal Project has had a restrictive and debilitating effect on the ability to deliver this project.

Three important definitions of urban regeneration are worth noting and have been referred to by Tsenkova (2002:1). These derive from Couch (1990), DETR, (2000), and Roberts and Sykes (2000). Firstly, Couch (1990) indicates a move in developing countries from 'urban renewal and revitalization procedures to a comprehensive urban regeneration approach based on the acceptance that 'successful regeneration should also incorporate social and environmental policies' (Tsenkova 2002:1). Secondly, the DETR, the organization that drives the implementation of regeneration policies, views urban regeneration as being about employment and its creation, protection of wealth and about people and power (Tsenkova 2002:1). Thirdly, Robert and Sykes (2000) appear to incorporate the substance of the of the two definitions above by providing a view that urban regeneration 'is a comprehensive and integrated vision and action to address urban problems through a lasting improvement in the economic, physical, social and environmental condition of an area and that 'it can perform an enabling role in achieving sustainability'.

Tsenkova (2002:10) has undertaken an extensive study into how public-private partnerships have played a fundamental role in the success of urban regeneration. Citing the private residential investment in the London Docklands, he points out that the key to the success of regeneration is that 'incremental development' and public investment in infrastructure needs to be carefully orchestrated to leverage an additional flow of capital to generate investor confidence and a critical mass of development (*ibid:* 7). For the purpose of this study, I have adopted the definition of 'incremental development'(Tsenkova:7) which is anchored in public investment which, if supported by community participation and public, private partnership, will, according to Rosly and Rashid (2013:1), encourage a return to the cities, together with an emphasis on economic, physical and environmental improvement. Insofar as informal settlements are concerned, *in-situ* upgrading remains the most effective and practical solution. These fundamental criteria have not been complied with in the Alexandra Renewal Project and will be elucidated below.

Urban renewal, as defined by the Minimum Cost Housing Group Report of McGill University in Montreal, Canada, can be defined by a number of terms including those of 'urban regeneration, urban revitalization, gentrification, neighbourhood renewal, rehabilitation and renovation' (McGill 2016:3). When assessing the process of urban renewal in 'developing countries' (*ibid*), the report indicates that efforts for renewal have concentrated on dealing with the challenges of urban slums which are considered the fastest growing portions of third world cities (Hardoy and Satterthwaite quoted in CHF,1990). McGill (2016:4) notes that before the 1980's, the focus in developing countries was on 'squatter eradication and the relocation of the population to low cost housing projects' (McGill, 2016:4). This, they claim, changed in the 1970's with 'slum and squatter upgrading and sites and services' being emphasized (*ibid*).

For a very long time the South African authorities drove and appeared set on a process of eradicating informal settlements. Despite claiming to be supportive of *in-situ* upgrading, the Ministry of Housing used the 'language' of eradication' (Huchzermeyer 2011:114). The appointment of Lindiwe Sisulu as Minister of Human Settlements brought about a 'determination to reach an informal settlements eradication target' (*ibid*: 118). The implications of this, according to Tshikotshi (2009:95) referring to Huchzermeyer (2008), would compel 'the desperate poor into exploitative rental accommodation, into an urban reality that consists of a journey from one eviction to the other.' The target of having a total eradication of informal settlements within 10 years, i.e. by 2014, was boldly announced by both the Minister and the Premier of Gauteng (Huchzermeyer 2011:118). Despite 2014 having come and gone, the goal of eradication remains just that. In a written reply to a question posed by myself to the MEC of Human Settlements in Gauteng in February 2017, the MEC indicated that there are over 500 informal settlements in Gauteng and despite indications supporting the eradication approach (the last being in March 2017), *in situ* upgrading appears now to be a priority together with the possibility of a formalization process being considered for informal settlements

According to a report issued by McGill University policies have tended to evolve from a demolition and reconstruction approach to a softer, more oriented approach, which concentrates on the renovation of existing structures (McGill, 2016:5). It is interesting to observe that at the first International Seminar on Urban Renewal in 1958 in France, three principles of urban renewal were named, i.e. development consisting of demolition and reconstruction, rehabilitation and improvement of the original structures, and conservation and preservation of historical monuments (*ibid*). As reported by McGill University in their article on urban renewal (2016:5), what may be ideal may not always be practically possible.

2.2.2 Restitution

The claims for restitution arising from dispossessed land in South Africa were regulated by the Restitution of Land Rights Act 22 of 1994. This Act provided claimants with a set of processes to follow to claim 'restoration of a right in land and equitable redress' (Zenker 2014:4). This process can be considered as a form of 'transitional justice' (2014:18) which is 'a conception associated with periods of political change characterized by real responses to confront the wrongdoings of repressive predecessor regimes' (Teitel 2003,13:69). This view encapsulates well the restorative process in Alexandra Township. In an article discussing compulsory acquisition of land by colonial processes, Ian Yeboah (2008:1) shows how ethnicity has become an important determinant of who has entitlement to land tenure in countries in sub-Saharan Africa. He refers to the challenges to state policies on land acquisition and shows how this has often led to violence in these countries (*ibid*). He extends his argument to define these claims as espousing emancipation from perceived disenfranchisement (Yeboah 2008:1). Other challenges and hurdles in the land restitution process are mentioned by Beyers and Fay (2015:432) who explicate how land restitution in South Africa has been hampered by the slow processes of distinguishing between community and individual claims (*ibid*).

After referring to the legislative provisions for restitution as provided for in the 1994 Land Restitution Act 'to persons or communities disposed under racially discriminately laws' Beyers, writing in the Journal of African Studies, claims success in Port Elizabeth (2012:1) with the PELCRA (Port Elizabeth Land and Community Restoration Association) initiative where individual claims were grouped together for the purpose of obtaining 'alternative land allocations' (*ibid*).

The understanding of what restitution entails is complicated by the drawn-out process for making compensatory payments or allocations as opposed to restoration of land (*ibid).* In this regard, payment made in this fashion has a negative effect on development (*ibid*). Walker (2012:812) whilst indicating the importance of the three agencies involved in the restitution process, i.e. the Commission on Restitution of Land Rights (CRLR), the Department of Land Affairs (LDA) and the Land Claims Court (LCC), claims it is CRLR, which drives the process. This process, however, failed to balance restitution with property rights because of the programme being financially under-capacitated (Walker, 2012:812).

In an assessment of land restitution and city reintegration, Beyers concludes that 'complex interventions such as land restitution that are aimed at redressing spatial segregation in urban centres are, despite their cost and limited scale and scope, potentially of disproportionate significance in national transformation' (Beyers 2013: 965). He reaches this conclusion for South Africa by claiming that land restitution opportunities for altering the relationship between citizens, institutions and urban space have been ignored as most claims 'have been settled with monetary compensation' (*ibid*). Beyers notes that 'urban land restitution is usually viewed in terms of restorative transitional justice rather than socio-economic development, and receives little serious attention in development circles' (*ibid*). The settlement of urban claims has not, however, 'translated into secure rights over land, where beneficiaries gain access to property so as to obtain significant benefit' (*ibid*). Beyers argues 'that urban land restitution has strategic

importance as an attempt at intervening in landed property regimes in the heart of the city, for economic and political power, and for the reproduction of social classes' (*ibid*).

In 1998, in South Africa a ministerial review of land restitution was undertaken in order to address various bottlenecks in the restitution process. The Land Claims Commission was alleged to have preferred to resolve claims by monetary payment 'thus resulting in a limited ability to bring about spatial integration or to significantly ameliorate the livelihoods of the poor' (Beyers, 2013: 965). In Alexandra and Sophiatown in Johannesburg, many restitution claims have been settled by way of such payment, with claimants receiving R50,000 and R40 000 respectively. This did not, however, resolve the dispute in Alexandra and despite this payment, a court order sought by the property owners was granted, and this order has subsequently prevented the restoration and restitution of Old Alexandra. As correctly stated by Beyers, much urban land affected by restitution claims has been redeveloped or purchased by private owners and it is 'often difficult to locate suitable alternative land and [it is] expensive to obtain and develop it' (Beyers 2013*:* 966). As opposed to a claimant who receives payment, claims settled by way of transfer with the subsequent receipt of a title deed, require 'the ongoing maintenance and formation of relationships, not just between the claimant and the immediate neighbours and co-claimants, but with the stakeholders upon whom the claimant is dependent for services and for housing construction' (Beyers 2013*:* 966). Beyers further contends that 'as a prerequisite, restitution needs prior property ownership' (*ibid).*

Beyers also notes that 'land restitution brings people together in unprecedented ways to claim substantive rights to central urban spaces: in Port Elizabeth, as mentioned above, this consisted of a cross-city group with a certain unity of purpose in the development of land, and in District Six, a cross-class group united in a project of community revival' (*ibid).* Beyers

(2013:966) points out that the limitations inherent in the process are immediately seen in focus, particularly the long delays and obstructions.

2.2.3 Urban regeneration in South Africa

In February, 2001, the then President of South Africa in his State of the Nation address introduced the Urban Renewal Programme (URP) which was to be the driving government initiative in urban regeneration. As reported by Roefs, Naidoo, Meyer and Makalelea (2003:1)

'this programme's focus is on poverty alleviation in urban and rural areas that have substantial service backlogs, are spatially and economically marginal to the core urban economies, and in which social exclusion continues to limit the development of their communities'. The URP was the beginning of a very long process that included eight areas across South Africa and introduced the Alexandra Renewal Project, which was 'to make this sprawling ghetto township into a place where people can live decent lives in pleasing surroundings' (*ibid*).

The Urban Renewal Programme's focus and purpose fits squarely with the views discussed in the previous section and directly or indirectly correlates with attempts at poverty alleviation through spatial integration and other socio-economic initiatives.

All eight areas chosen for this programme, according to the Township Renewal Source Book (South African Cities Network 2009:7), displayed common issues: 'they were townships established under apartheid, experiencing high rates of poverty and crime and deteriorating engineering infrastructure' (*ibid*). While the primary objective of the URP according to the *Township Renewal Source Book* is poverty alleviation and development, the method in which it seeks to do this is 'through "joined-up" governance that combines and coordinates resources from national, provincial and local levels' (*ibid*:7).

2.2.4 Informal settlement within drives for urban regeneration

Huchzermeyer (2011:130) discusses controversies around a form of regeneration referred to as informal settlement eradication, which, from 2005 to very recently has been the firm policy of the South African Government. She points to an apparent contradiction when noting that the Gauteng Provincial Government's elimination of slums policy has the objective of 'clearing the housing backlog through eradicating slums or upgrading informal settlements' (2011:130). Both the eradication process and that of upgrading would further an urban regeneration agenda, but both have become bogged down in red tape, indecision and incompetence. The Gauteng Provincial Government has now acknowledged (as stated on numerous occasions to myself by the MEC for Human Settlements in the Gauteng Legislature during the budget debates in May 2015 and 2016) that eradication is not possible due to the uncontrolled increase in informal settlements in Gauteng which is now more than 500 (as confirmed in a written response to a question posed by myself to the MEC for Human Settlements in February 2017) of which 180 are in Johannesburg (Huchzermeyer 2011:132). Thus, they have accepted that formalization is the only possible practical solution to deal with the upgrading of informal settlements. The proposed solution comprised *in situ* upgrading projects of which the Alexandra Renewal Project was to be one (*ibid).*

2.3 Informal processes

2.3.1 Gentrification

Gentrification is defined by the American Heritage dictionary of 1982 as 'the restoration of deteriorated property especially in working class neighbourhoods by the middle and upper classes' and by the Oxford American Dictionary (1980) as the 'movement of middle class families into

urban areas causing property values to increase and having the secondary effect of driving out poorer families' (both cited in Smith and Williams 2010:1).

According to Smith and Williams (2010:3), this process focuses on 'gentrifying middle and not the displaced working class' and 'refers to rehabilitation of working class and derelict housing and the consequent transformation of an area into a middle class neigbourhood' (*ibid*). They indicate that gentrification has evolved and is more integrally linked to the redevelopment of waterfronts *(ibid*). Citing Hartman (1979) and Sumka (1979), Smith and Williams (2010:8) indicate that gentrification is 'a small scale but welcome reversal of previous decay: in the form of abandonment this decay continues and is responsible for a far greater amount of decay.' Lidia Diappi (2013:177) states that gentrification has changed from 'its initial conception by Ruth Glass and Neil Smith as being responsible for the eviction of the working classes from central city areas' to 'the contemporary positive view of gentrification as not only a foreseeable outcome for urban revitalization, but also a suitable strategic policy.' She states that once the process of upliftment begins through the introduction of gardens and lighting and new cultural initiatives introduced, 'the engine of gentrification starts by itself and gradually changes the social classes, the economic activities and the quality of the buildings in the area '(*ibid*).

A contrary view is expressed by Sheppard (2013:177) who states that critics of gentrification believe that the process is a 'source of major disadvantage for lower income residents who, having established a community with all of its complex social networks, must now see it torn apart as they are displaced - either by choice or compulsion - to move to other housing that is less desirable or alternatively remain behind to pay higher rents in a neighbourhood they no longer feel is their own.'

This phenomenon is a significant factor in preventing residents of Alexandra township from supporting a move to alternate accommodation as it is

considered contrary to their developmental and sustainable (as they see it) social interactions within their environment. Although gentrification is part of renewal and regeneration initiatives and the intended outcome is positive, the negative effects of this process sometimes outweigh its positive intentions, as indicated above.

Regarding the ARP, Julian Baskin, who when referring to the programme in its early stages, and prior to his being appointed as director noted that 'in my opinion at least, Alex was a gentrification programme. The fundamental premise was that you relocate out the shacks that occupy the roads, the school yards' (interview, Baskin 2007) as recorded by Sinwell (2009:166). Sinwell claims that 'when people are displaced, they have most often been removed to the urban periphery with little access to socio-economic opportunities' (COHRE, 2005: 21 cited in Sinwell, 2008). The sensitive issue of gentrification and its consequences in urban renewal is highlighted above clearly indicating the negative effects on the intended programme. Because of its role as a base for poor households to access the city's economy, Alexandra is an area where gentrification would not be effective nor appropriate.

2.3.2 Informalisation

Heisel and Woldeyessus (2016: 3) state that 'the informal is characterized by an absence of formal regulations. Instead of the presence of informal qualities, developing countries are marked by the fact that they are not yet developed.' They state (2016:16) that the term informal has lost much of its negative connotation - a consequence of efforts towards objectivity. It is further defined by the authors (*ibid)* as a state of existence that is 'independent of formal frameworks and that does not comply with official rules and regulations.' Quoting Mexican architect Jose Castillo, the terms used to describe the 'informal' are the concept of casual and the condition of lacking precise form (*ibid).*

According to Laguerre (1994:29) ‘the process of informalisation entails the transformation of the urban landscape into informal spatial units. The land is appropriated slowly by squatters who occupy unused or vacant lots. They invade the land, build their shacks and transform the area into an informal settlement until such time as it is either bulldozed or incorporated into the formal city system.’

Makulu (2012:790), referring to Keith Hart’s book *The Human Economy*, states that ‘the in-formal sector has a decades-long history and hinges on a detachment from the state, unlike the model in which the “worker- citizen” is the basis of apartheid and the post-apartheid political economy.’ This belief is well encapsulated in the following statement: ‘from the 1980’s on, the structural- adjustment programmes that shrank state capacities in the global South encouraged an ethos of free enterprise that could only take on precarious and irregular form (to be distinguished from corporate entrepreneurialism)’ (*ibid).* Makulu correctly claims (2012:790-791) that informalization ‘took the place of the developmental state in the guise of “self- help,” while the state, which had been responsible for the welfare of its citizens, turned to debt servicing.’

Backyard structures, of which 52,000 exist in Alexandra Township (Gauteng Research Unit, 2005) are a perfect example of informal housing and such informalization has become, as Shapurjee and Charlton (2013: 653) suggest, a symptom of ‘informality and disorder; a symptom of inadequacy that the housing programmes strive to overcome’. As they indicate (*ibid*:1), ‘informal housing in cities of the South take on many forms which include multiple rental housing, rooms and flats in multi-story tenements, and tenant-built units in backyard dwellings.’ This informalization has been classified by the UN Habitat quoted in Shapurjee and Charlton, 2013:654) as an ‘essential option for the urban poor in developing countries. As a consequence of significant realities such as rapid urbanization, lingering income-poverty and limited state resources, the informal rental market in the global south has flourished’ (Shapurjee and Charlton, 2013:654).

Shapurjee and Charlton (2013:655) concentrate on the intersection 'between formal and informal housing with particular emphasis on backyard dwellings' which are prevalent in 'state subsidized low-income RDP projects.' They support the findings of Lemanski's research into the Westlake Village RDP settlement and her conclusion that backyard dwellings can be seen as something other than 'a corruption of modernity and order' *(ibid*). They point out that the closest comparison to South Africa's backyard dwellings are the *allegados* in Santiago, Chile. They differ, however, in that the families of the main dwellers of the latter occupy the shacks for free. They explain that in the former, the 'tenants usually pay rent and in most cases, also organize the building of their backyard dwellings' (*ibid*: 656).

One of the main reasons precipitating the legal action that led to a court order was ALPOA's view that many of the backyard shacks, together with the properties they were attached to, were about to be demolished by the ARP process. New dwellings were to be erected in their place without any steps being initiated to resolve the residents' claims to ownership or their claim to be paid out for the value of their properties. This information was shared with me in many discussions I had with the executive members of ALPOA, both while collecting information for this dissertation and as part of my responsibilities as a member of the Housing Committee of the Gauteng Provincial Legislature. I have noted from my own personal observations and also as a member of the Gauteng Provincial Legislature Housing Committee, that backyard dwellings, the number of which is reputed to be in excess of 270,000 in Johannesburg alone (Shapurjee and Charlton 2013:661) are here to stay. Even though these authors present a potentially positive prognosis (*ibid*) regarding the future of backyard dwellings, they do refer to 'incredibly dense, congested living environments' (*ibid*). They also appear to underestimate the impact that the inadequate and under-capacitated infrastructural network and the considerable challenges that inadequate supply of suitable sanitation, electricity and water would have on the standard of the residents' lives.

Regarding the state's role in the housing stalemate in Alexandra, it is claimed by Huchzermeyer (2011:130) that it has failed to adequately deal with 'informality' and that it remains ambivalent towards informal living. Much, however, needs to done before an effective state supportive strategy or self-help programme can be achieved (Shapurjee and Charlton, 2013:664).

2.3.3 Densification

According to Arif Hasan (2016:226), families living in an area inhabited by the poor on the periphery of Karachi, Pakistan, face many problems as they are hampered by the additional cost of travel, their children are unable to attend proper schools and their general living conditions are poor. For these reasons, it has become more affordable and 'convenient' for these residents to move into the city. Subsequently these moves have brought about the densification of 'inner city informal settlements' (*ibid*). Of significance are 'three processes of densification' (*ibid*). The first is for families to 'build upward incrementally.' The second is to increase the number of persons in a unit, and the third 'involves the conversion of single or double storey houses into 4 to 10 story apartments blocks' (*ibid*: 226,227). Case studies in inner Karachi, according to Hasan (2016) have indicated a density increase from 600 persons per hectare to 4,000 per hectare (*ibid*). This high densification has created a social problem due to 10 or more persons being accommodated per room This has perpetuated an environment of gang formation and drug use (*ibid*).

Recognizing the dilemma in low cost housing in South Africa, Jay and Bowen (2011:585) point out the necessity of 'balance between large scale development to meet policy goals versus the specific needs of individuals.' They indicate the 'need for extensive community consultation' and suggest that 'high density development is a possible solution to the cost issue' (*ibid: 585*). Referring to Tonkin (2008:57), they point out the often neglected imperative of acceptance by the 'community' as a 'pre-requisite to

implementation' (*ibid*). According to Sharpujee and Charlton (2013:665), backyard dwellings 'provide a mechanism to densify RDP housing environments typically critiqued for their low residential densities that is often associated with urban sprawl.'

Informality and the densification that it occasions needs to be acknowledged in planning for the long-term viability of backyard dwellings and to ensure their positive impact on the inhabitants' lives. The City of Johannesburg's (2009:121) position is that the 'densification of strategic areas in and around nodes and along mobility and transportation routes, is a means to slow down urban sprawl on the periphery of the city'. However, one can assume that this would not be an invitation to informal densification but rather a formal, fully regulated densification process. The City views such densification as facilitating 'sustainable settlement development planning through more efficient use of spatial resources including bulk service infrastructure, energy sources and an ever-decreasing supply of well-located land' (*ibid*). The City's view, as expressed by Neels Letter in an interview with myself in November 2016, is that the City also strongly supports informal densification, specifically in areas like Alexandra, and sees this as an important alternative for the accommodation needs of its residents.

Lupala and Bhayo (2014:1), in analyzing neighbourhoods of Dar es Salaam in Tanzania, recognized densification as a strategy to achieve compact development and city spatial sustainability. They recognize that the benefits of densification such as improved public transport, better usage of infrastructure, optimization of public space, more business opportunities and the improvement of social interaction can bring about 'livable cities and sustainable urban development' (*ibid*). However, given that the densification is largely informal, they state 'that unguided nature of building redevelopment is increasingly posing threats in terms of diminishing spatial and livable qualities in these neighbourhoods' (*ibid*). These comprise the very challenges that face areas in Alexandra.

2.3.4 Fragmentation

There is, perhaps, a direct correlation between the negative effects of fragmentation and those of gentrification, the intention being to change circumstances for the better, but bringing about the opposite effect.

Harrison et al (2003:15) argue that fragmentation like globalization, is a slippery concept; a catchphrase that everyone recognizes and yet no one is able to define with precision. In explaining the concept, Harrison refers to Marcuse and Van Kempsen (2000, cited in Harrison, 2003:16) who focus on the barriers created by spatial 'concentrations of wealth and poverty.' Marcuse and Van Kempsen (2000, cited in Harrison, 2003:16) further refer to 'a pattern of separate clusters of residential space creating protective citadels and enclaves on the one side and ghettos on the other in a hierarchical relationship to each other.'

Regarding fragmentation, Marcuse (2003, cited in the foreword of Harrison, 2003:viii) states that 'public private partnerships (PPP) are extremely attractive for channeling private funds into public purposes. Although they have not been prominent in the ARP process, they still need to be part of the narrative when considering the effects of fragmentation on an area like Alexandra. He indicates that 'PPP's may increase the difference between those with economically effective demand and those without to increase fragmentations and adds that fragmentation is a 'characteristic of a globalizing world' (*ibid*). In the context of urban fragmentation in South Africa, he claims a 'continuation of fragmentation' that continued after the end of apartheid, i.e. a market apartheid replaced a racial apartheid' (*ibid*). Harrison, Huchzermeyer and Mayekiso (2003:1) pertinently point out that 'despite a clear commitment to urban integration and coordinated development, housing policies are producing, as an unintended effect, results that are not entirely dissimilar to those produced under apartheid, namely poor quality housing badly located with respect to urban opportunities.'

Significantly, there is a growing concern that the government's 'neo-liberal turn' may be exacerbating social and class divides (Harrison, Huchzermeyer and Mayekiso, 2003:1). With regard to housing and urban development, there is concern as to the 'degree to which processes of globalization and government policy may be contributing to increased fragmentation and segregation within South Africa's towns and cities' (*ibid:1*) resulting in restricted urban regeneration and development. This concern, made nearly 14 years ago, exemplifies what remains the ever significant and ongoing challenge of dealing with the problem of fragmentation that has increased social inequality and exacerbated the suffering of the poor (*ibid*).

Harrison (2003) explains how globalization is increasingly linked and associated with intensified fragmentation' (*ibid*:15) and quotes Marcuse and Van Kempen (2007:7) who refer to 'an urban society that is increasingly socially and spatially disconnected, fragmented and polarized' Harrison (2003:15) emphasizes the intensification of socio-economic activities and distinguishes between the 'global elite' who are concentrated in edge cities, gentrified suburbs, gated communities and in the new citadels, and the 'underclass' that 'lives in the tenements, the decaying inner city, the decaying inner city neighbourhoods and in the *barrios* and informal settlements in the cities of the south' (Harrison, 2003:16). Harrison further reminds us that 'partnership' is the 'concept used to bring about linkage and integration within the fields of development and urban governance' (*ibid*: 18).

Since the 1980's, (Private-Public Partnerships) PPPs, according to Harrison have been the vehicle used to shift 'responsibility for urban regeneration to private developers and investors' (*ibid:* 18). Harrison argues that this phenomenon accelerated 'fragmentation of urban governance and service delivery as the result of transferred functions of government to the private sector' (*ibid: 18*). In South Africa, the vehicle used to promote 'policy coherence' is the Integrated Development Plan (IDP) (*ibid*: 20). Harrison

suggests that when ‘fragmentation becomes diversity, it should be encouraged’ (*ibid*: 22).

2.4 Conclusion

In assessing the insights gathered from the various formal and informal processes outlined in this chapter, it became clear that the important aspects that should be utilized in the research process going forward must include a programme of restorative revitalization whether it be a formal process of renewal, regeneration or restitution, or an informal process of gentrification, informalization, densification, or fragmentation. All of these require an element of community participation, as well as normalization and spatial integration driven by Private Public Participation. Also essential is the restoration of property rights.

The only possible exception to the revitalization process may be the impact of gentrification and fragmentation. The views expressed by Diappi (2013), however, indicate concurrence with other outcomes when dealing with gentrification. Fragmentation according to Harrison (2003:15), has created the negative effects of spatial segregation, and yet areas like Cosmo City initiated as a spatially integrated community have developed and survived in separately created enclaves; a reality that differs from its intended plan. Informality may be independent of formal frameworks yet it still entails transformation, and, according to Sharpurjee and Charlton (2013:664) it has flourished. There is a general recognition that densification has become more ‘affordable and convenient’ (Heisel and Woldeyessus 2016:1). To include all these elements as a fundamental starting point in a research undertaking is essential. However, the situation in Alexandra is complex and intricate when compared with other areas and these elements must be considered and factored in before, during and after the research process.

CHAPTER 3: BACKGROUND TO ALEXANDRA

3.1 Introduction

Alexandra will always have a significant place in South African history. Despite many disappointments arising from broken promises of development that the residents have had to endure for over a hundred years, they remain resilient and hopeful that change will come.

Alexandra remains a reception area for many migrants, some of whom make it their permanent home though often remaining insecure due to the unresolved land situation. Shack dwelling is a way of life for many in Old Alexandra. However, these structures, which are often converted to brick and mortar dwellings, have frequently been erected on demarcated erven, and thus their presence has contributed to the impasse in the regeneration of Alexandra. The aim of this chapter is to give an overview of the developmental history of Alexandra and to show how the ARP was to be the catalyst for real change.

3.2 Early Years: 1912 to 1947

In 1912, as reported by Matlapeng (2012), a billboard was displayed in Sotho, Zulu and English in what is now Alexandra Township which is approximately 12KM north east of the centre of Johannesburg. This billboard stated the following, 'Freehold township for sale to natives and coloured persons only. Easy monthly payments for terms. Apply to S.PAPENFUS, 35 Exploration Building, Commissioner Street Johannesburg' (Matlapeng, 2012:2). The Township had been divided into 2500 stands to be sold to individual buyers who would receive title deeds when the transaction was completed (*ibid*).

In 1912 Alexandra was proclaimed a township in which, in subsequent years, natives (which included both those categorized as 'black' and 'white'

at the time) could obtain freehold rights (Bonner and Nieftagodien 2008:17). Elsewhere, the 1913 Land Act restricted blacks from purchasing property except in established freehold townships, for instance Lady Selbourne and Sophiatown. The exception that applied to Alexandra was to have major historical significance. Notwithstanding the influx control measures introduced by the pre-apartheid government in 1947 through proclamation 61, the population of Alexandra kept growing and by 1955 was 135 000 (Matlapeng, 2012). Bozzoli (2004) gives an insight into the early living conditions in Alexandra:

> 'Alex did have some unusual features of its own, which was the nature of its system of housing which was based upon the "yard": a square space holding one major house occupied in the old days by the owner of the stand and several smaller one roomed dwellings. One's address was one's yard not one's house' (Bozzolli 2004:23).

This was an early form of back yard living. Already at the time, living in the yard was one of privation. There were ten to fifteen families in a 'marginally greater number of rooms' (Bozzoli 2004:24). The substandard living conditions (some of which are still apparent today) are crystalized by Bozzoli when she refers to reflections on the state of sanitation by residents Mayekiso and Mogatsii (Bozzoli 2004:24). Mayekiso stated, 'At times when you go to the toilet you find it overflowing and you are unable to make use of it' (*ibid*: 24). Mogatsi refers to his fictional character, Uncle Koos, describing the bucket system and the frustration of a bucket toilet overflowing with human excrement and of having to squat uncomfortably on the toilet seat in order not to soil one's buttocks (*ibid*:24). These conditions persist today. On a visit to Alexandra on 22nd January 2017, I noted that a community of 60 people in a small enclave just off 16th Avenue were compelled to share one toilet between them, which, because of the strain on its operational system, was not functional.



Figure 3. Madala Hostel in Alexandra (Source-Authors own photograph taken on 25th April 2017)

Despite these conditions, and notwithstanding the small area that Old Alexandra occupies, its longevity as a township and the grid pattern of its layout ensured that the residents had a strong sense of attachment to it (Bozzoli, 2004). When asked in a survey in 1979, nearly 90% said they would like to live in Alexandra for the rest of their lives and indicated this was because of proximity to work, shops and schools, the low rents, the lack of ethnic divisions and the availability of public transport. As Bozzoli (2004:25) explains, these factors partly compensated for overcrowding, the lack of housing, the squalid conditions, the prevalence of crime, the lack of schools and recreational facilities, maladministration, police harassment and the prevalence of shebeens. The widespread sense of belonging experienced by residents of both the main houses and the yard dwellings, which in my observation persists today, is a factor that contributed to the ALPOA dispute and is still a challenge to its resolution, due to resistance shown by residents to leave or to be relocated out of the area.

3.3 The Apartheid years 1948-1980

The Apartheid government insisted that Alexandra remain self-sufficient, meaning it had to raise its own revenue and would not receive support from Treasury or other government sources. This approach was entrenched until the late 1980's, effectively contributing to the squalor and degradation of the township. Further, the Mentz Commission of 1952 recommended that 'Alexandra should not be allowed to grow any further and that its population should be reduced so that it ultimately was comprised of residents working in the (white) northern suburbs' (Raboshakga 2014:6). This Commission proposed that Alexandra be maintained (and not demolished), subject to its numbers being reduced and kept at 30 000 and that it serve as a labour resource for the Northern Suburbs of Johannesburg (Bonner and Nieftagodien 2008:17 citing Sarakinsy, 1984:6). In 1956 the Department of Native Affairs also recommended that the population of Alexandra be reduced from 90 000 to 30 000 by the application of strict influx control measures (Bonner and Nieftagodien 2008:174). Instead, however, by 1958 the numbers had increased to 100 000 (*ibid*).

The combined effect of post-1948 legislation such as the Race Classification Act, The Group Areas Act and the recommendations of the Mentz commission, resulted in the 1963 mass removals and expropriations of property. This legislation was used to initiate the removal of 45 000 residents to Meadowlands and Diepkloof in Soweto. Despite these removals, the population numbers in Alexandra continued to grow, placing massive stress on the overloaded and under-capacitated infrastructure (Raboshakga 2014:6).

When a new Bantu Affairs Administration (the West Rand Administration Board (WRAB) was introduced in 1973, new legislation was enacted that was scheduled to take effect on or before 1st January 1975. According to this legislation, properties were to be expropriated and if residents failed to vacate them, they would be charged a rental. The Expropriation Act 63 of

1975 which enabled the government to ‘take ownership of any property that it considered needed for public purposes was to be enforced in Alexandra’ (Bonner and Nieftagodien 2008:257). This process was discriminatory as ‘the formula used to determine compensation was different to that used for white people’ (*ibid).*

For residents whose land was expropriated for the building of hostels, compensation was pegged at two thirds of the market price but the actual price paid was far below that (Raboshakga 2014:6). The Better Administration of Designated Areas (Act 50 of 1963) was introduced with one of the goals being the abolition of all freehold rights so that Alexandra could be converted into a hostel city. The hostels, built in 1974, were designated for single people only, and woman and children were dispatched to the homelands, thus splitting families (*ibid*).

When in 1973 the West Rand Administration Board took over the administration of Alexandra from the Transvaal Peri Urban Health Board (Rabaskogka 2011:7), it began a process of expropriations and removals. At this time, according to Bonner and Nieftagodien (2008:192), more than 56 000 people had been relocated to Soweto and 2 600 to Tembisa. These processes were brought to a halt by the 1976 Soweto uprising and culminated in a change in policy in 1978 to allow for 99-year leaseholds (Rabaskogka 2011:77).

In 1979, hopes increased due to government promises that the Alexandra Master Plan, a blueprint for the reconstruction of the township and the implementation of projects, was underway under the leadership of Reverend Sam Buti and the Save Alexandra Party (Bonner and Nieftagodien 2008: 229). Sinwell (2009:300) records that continuing initiatives, including the 1980 Alexandra Master Plan and the Steve Burger Urban Renewal Plan of 1986, all turned out to be empty and unfulfilled undertakings (*ibid*:300). Sinwell (2009) explains that in 1980, when the Alexandra Master Plan was officially adopted, the decision reversed an

earlier one of 1963 to turn Alexandra into a hostel city (*ibid*:124). This indicated a move away from 'government subsidization [of] housing' (*ibid*: 124) with the plan then being to change Alexandra from an area designed for landowners to one that acknowledged 'a class-differentiated, politically stable, and economically privileged permanent urban population' (Jochelson, 1988: 82). In their comprehensive and informative narrative, *The History of Alexandra*, Bonner and Nieftagodien (2008) relate that despite all the hype given to the 1980 Master Plan, it was soon discovered that the R100 million required for its implementation was not available (Bonner and Nieftagodien 2008:234-235).

A major concession was granted in the announcement that Alexandra was to be re-planned for family housing. Despite this change, expropriation continued until 1981 when the campaign to make townships ungovernable began taking effect. After the mid 1980's a massive influx of residents into Alexandra increased the population substantially. This may be seen as the result of the relaxation of influx control legislation (Bonner and Nieftagodien, 2008:305) a view reinforced by that of Segopa, (Secretary of ALPOA) during my interview with him in November 2016. He claimed that in a period of 15 years between 1986 and 2001, the population had increased to 200 000.

3.4 Hope for change 1980-1990

Vogel (1996:52), notes that Alexandra 'has a history of poor upgrading schemes.' In part, this can be attributed to inadequate community participation in these schemes. Participation is the focus of several research studies on Alexandra (Vogel 1996; Sinwell 2005, 2009). Both authors acknowledge that even in the 1980s there were bottom-up initiatives in Alexandra such as the Save Alex Campaign of Rev Sam Buti. In addition, civic movements became active in the 1980s and began addressing development issues (Mayekiso 1996). Both Sinwell (2005, 2009) and Vogel (1996) note from their case studies of Alexandra, that there was a lack of effective community participation and an absence of clarity on requirements

and obligations on all sides. This inability to create a participative environment for development was to become, and remain an important element in the prevention of the ARP implementation and an omission, which ignited the dispute between the ARP and ALPOA. It was also a precursor to the seeking of a court interdict by ALPOA in August 2005, thus effectively halting the ARP process in Old Alexandra.

Following the reprieve by the Save Alexandra Party, Alexandra would 'remain and possibly become developed as a residential area for black families' (Bonner and Nieftogodien 2008:223-237). The government, in consultation with the Alexandra Liaison Committee then agreed on a redevelopment plan for Alexandra known as the 1980 Master Plan. This was followed in 1982 by Parliament enacting the Black Local Authorities Act 102 with the aim of creating formal local government structures for black areas that would be led by black people (Raboshakga 2014:8). Because of the nature of the plan and in particular clauses stipulating that the property owners had to sell their properties in order for the township to be developed, tensions arose between the property owners and those in favour of the plan (*ibid:9*). The R100 million required for implementation of the plan and the changing political circumstances resulting from the 'six-day war' in 1986 effectively halted the plan. A new urban renewal plan was motivated by the New Administrator after the Alexandra Town Council collapsed and government took over the administration. What was mooted by Steve Burger, who was appointed to head up the new administration (Raboshakga 2014:9), was that freehold titles would be restored to black people. It was during this time that 'government, for the first time, invested in public infrastructure in Alexandra' (*ibid*) leading to the private sector being commissioned to build houses on new land east of Alexandra commonly known as the East Bank (*ibid*) .There was, however, no plan for Old Alexandra, where most people resided and where mass immigration was taking place (*ibid: 10*), thus increasing the population to 300 000 by the end of the 1980's. Mayekiso (1996) points out the stance taken by the Alexandra

Civic Organization (ACO) in its opposition to other civic organizations and its support of a programme of ungovernability.

3.5 Troubled Times: 1990s to 2000

The driving force of the civic movements in the early 1990's created grassroots consciousness and mass-based activism and was a catalyst to a reformulated Alexandra Action Committee (AAC) under the banner of the Alexandra Civic Organization (ACO) (Klinker, n.d:2). Mayekiso in his book *Township Politics: Civic Struggles for a new South Africa*, indicates that by 1990 the ACO 'was actively working against bureaucratic, top-down development plans, disapproving efforts to privatize and displace thousands of shack dwellers'. He states that the ANC at that time was in favour of a 'mixed economy,' and that 'supporting private property rights would conflict with the working class' (Mayekiso, 1996:148).

Julie Klinker (n.d:3) notes that through the Shack-Dwellers Coordinating Committee, the ACO was at the forefront of preventing relocation. She states (*ibid*) that in his book *Township Politics,* Mayekiso expresses the view that he is heartened by 'the RDP recognized institutions of civil society [acting] as crucial implementing agents for development' (*ibid*). This development conflicted with the ANC policy of 1996 that supported 'the virtues of the market economy' despite its commitment to 'people-centered development' (*ibid*).

Although backyard dwellings remain a factual reality, no functional plan (including that of the ARP, introduced in 2001) was able to relieve the strain on the infrastructure caused by the acceleration in numbers of backyard dwellers during the 1980's and 1990's as migration continued into Alexandra on an increased scale (Bonner and Nieftagodien 2008:305). In 1991, the average dwelling density was 400 people per hectare and in 1992, it was recorded that six to eight people lived in a single shack (Raboshakga 2014:10). Eighty percent of the residents were without electricity, sewerage

and water in their homes and Alexandra became the most crowded area in the country (*ibid*). Because of this overloaded infrastructure and the inability to effectively remove waste, the rat infestation in Alexandra was, and remains an uncontrolled phenomenon. According to Jack Bloom MPL in his book *30 Nights in a Shack*, despite the fact that 28 000 rats have been killed since 2008, the infestation in Alexandra has still not been halted (Bloom 2015:99). These conditions, thus, were the catalyst for the introduction of the ARP which was part of a national initiative introduced under the Urban Renewal Programme and which targeted areas across the country for renewal and redevelopment. Its stated goals included 'increased local employment, a healthier environment, affordable and sustainable services, cutting crime by 50% and upgraded additional housing in conjunction with de-densification in some areas' (*ibid*).

Despite the removal of about 5000 families to areas like Braamfisherville as part of the ARP relocation, 'the population of the township still stood at about 340 000, 81% of which was squeezed into the area of Old Alexandra (Bonner and Nieftagodien 2008:403). The fact that many of those who had been relocated returned to Alexandra after selling the properties allocated to them in Braamfisherville, indicates the lack of communication and participation in the process (*ibid*).

Raboshakga (2014) points out that the ARP has failed to deal with the problem of housing in Old Alexandra and comments that the township is extremely overcrowded and the services provided are insufficient to cater satisfactorily for the number of people living there. He reaches the conclusion that the prevailing state of housing in Old Alexandra is 'largely the result of government's failure to deal with the dispossession issue' (*ibid*). Raboshakga (2014) suggests that the reason for this dispossession of freehold title was mainly 'to ensure that blacks did not have titles in land similar to those of white people in an area deemed for white people' (*ibid*: 7). He recommends that the private sector and residents work together to address the problems that exist so that Alexandra can emerge as a prime

township destination in South Africa (*ibid*). Raboshakga (2014:1), further laments that 'few have seen a long-time housing oppression more severe than in Alexandra Township.' In a clear reference to limited but insufficiently improved living conditions in Alexandra after 1994, he states that 'living conditions in Alexandra began changing in the dawn of Democracy, although the changes were late and insufficient to undo decades of neglect' (*ibid*). The Greater Alexandra Development Forum was initiated in 1998 with the intention of reducing the population from 770 persons per hectare to 220. The consequence of this, however, would be that 150 000 to 160 000 people would have to be removed at a cost of R3bn (Bonner and Nieftagodien 2008:391).

3.6 Years of promise and indecision 2000 onwards

The year 2000 was notable for the importance of the Constitutional Court decision on Grootboom, and its significance with regard to the process of providing adequate housing. The Grootboom case in 2000 made the following significant ruling:

> 'In determining whether a set of measures is reasonable, it will be necessary to consider housing problems in their social, economic and historical context and to consider the capacity of institutions responsible for implementing the programme. The programme must be balanced and flexible and make appropriate provision for attention to housing crises and to short, medium and long term needs. A programme that excludes a significant segment of society cannot be said to be reasonable' (Grootboom: 2000).

This ruling not only impacts on the constitutional right of housing entrenched in Section 26 of the Constitution but reinforces a fundamental omission of the ARP, i.e. the issue of exclusion. Huchzermeyer (2003) refers to Liebenberg (2001:257) who states that 'the bottom line of the Grootboom

decision is that the state is constitutionally obliged directly to assist persons who are living in crisis situations or intolerable conditions' (Huchzermeyer 2003:88).

Despite expectations, the arrival of democracy, according to Bonner and Nieftagodien (2008:389) has not changed inequality and exclusion. In Alexandra, the continuous arrival of new residents saw the population in Alexandra increase in 2000 to 350 000, five times the number it was designed to accommodate (*ibid*: 390). The Premier of Gauteng, David Makhura regularly uses this situation to explain the inability of the Provincial Government to deliver adequate housing to the poor, a failure that has resulted in an upsurge in the erection of shacks (Gauteng Legislature, December 2016). Old Alexandra was already at full capacity, yet still thousands of shacks, which I have personally seen in oversight visits to the area, were erected in disused factories along the banks of the Jukskei River (Bonner and Nieftagodien 2008:389*).*

In February 2000, hundreds of shacks were washed away when the Jukskei River burst its banks due to heavy rain, and the ARP undertook to remove affected residents to Braamfisherville and Diepsloot. Three thousand five hundred families were to be removed in two categories - those who qualified for a government subsidy and those who did not. The former would be housed temporarily in extension 7 and thereafter in RDP housing in Braamfisherville. Non-qualifiers would be sent to Diepsloot (Bonner and Nieftagodien 2008:391). However, most residents did not wish to be moved as these areas were far from their workplaces (*ibid*: 391). Paul Mashatile, MEC for Human Settlements at the time, denied these removals were akin to the forced removals under apartheid (Bonner and Nieftagodien 2008:398-399).

When the ARP was launched in 2001, Mashatile promised 50 000 houses would be built in 7 years; former premier Shilowa pledged 660 000 houses and announced an intention to reduce unemployment by 20% in the same

period (Bonner and Nieftagodien 2008:318). According to Sinwell (2008:249), the ARP was ‘a management and consultancy entity designed to implement government projects.’ The ADF (Alexandra Development Forum (ADF) was then formed to facilitate community participation (*ibid*) but the ARP was immediately criticized by McKinley (2005) as reported by Sinwell (2008:249) for having inadequate participation mechanisms. The ARP plans were ambitious, though, and a housing plan was initiated.

Even more ambitious was a housing plan initiated by the Premier which would see 35 000 people being accommodated through the upgrading of existing dwellings, de-densification, the creation of new housing on greenfield sites, the upgrading of free-standing informal settlements and the redevelopment of hostels (Sinwell 2008:249). RDP houses were to be built outside Alexandra for people living in shacks. The plan was to ensure that 20 000 families from the Jukskei River and Setswetla would be removed to within 15 kms of Alexandra (*ibid*: 402). This plan was not only nonsensical but clearly unachievable, as evidenced by the fact that only 639 out of 22 250 promised units were built within 4 years thus making a mockery of the plan (*ibid*).

Bonner and Nieftagodien (2008:43) claim that the population of Alexandra is 340 000 of which 81% reside in Old Alexandra. Quoting Julian Baskin who became the Director of the ARP in 2005 they note that people who were moved to Braamfisherville kept their new houses but moved back to Alexandra and rebuilt a shack there (*ibid*:403). Baskin further indicated that indices of development such as housing, employment and income, registered little or no improvement for the first few years of the ARP (*ibid: 403*). He also advised that early planning was more about relocating the poor out of Alexandra and less about regeneration or renewal for the middle class.

Thus, a poor housing strategy, premised on incorrect assumptions, led to projects getting bogged down in complexity. Furthermore, there was a

failure to upgrade hostels and backyard shacks and instead investment was placed in resources and projects that had little chance of rapid delivery (Bonner and Nieftagodie, 2008:404). In 2004, a decision was taken not to remove people from the township but to relocate them within the township (*ibid*). The Provincial Government decided, in 2005, not to move anyone more than 5kms away from Alexandra. The density ratio would have to be increased drastically and land adjacent to the township would have to be acquired for new housing projects (*ibid*). No tangible evidence, however, is available to indicate that this decision was ever implemented. In 2007, the Provincial Government announced an extension of the ARP and promised the upgrading of Madala Hostel and the Womens' Hostel (*ibid*: 405). At the time of writing, not only has no progress been made, (save for the modest development on the East Bank) but an inspection has demonstrated that the condition of the two hostels has deteriorated significantly.



Figure 4. Houses in 10th Avenue, Alexandra.
(Source–Authors photograph taken on 27 April 2017)

In 2000, the Minister of Land Affairs, Thoko Didiza, announced that property owners would be paid R50 000 each to purchase a new property (*ibid*: 411). However, property owners still wanted restoration of property rights, which would include the removal of squatters and tenants from their properties and assistance with upgrading *(ibid*). As a consequence of this, residents of the informal settlement Sestwetla were moved to subsidized housing across the Jukskei River in the so-called East Bank, in a project named K206 after the road that was initially planned to pass through that portion of land (*ibid).* However, a dispute arose between the owners and residents of the new units over questions of title and occupation. Although an uneasy truce currently exists (as reported by the Manager of Region E, Johannesburg on an oversight visit I undertook to the area on the 9th March 2017), the dispute has still given rise to a great deal of uncertainty and anger. This situation indicates how the question of land titles repeats itself largely because the development plan is not adequately based on an understanding of the history and underlying dynamics of the area.

In 2008, a review summit (reported in the Alex News, 22nd April-1st May, 2008) was held, after which Baskin promised to eradicate 34 000 shacks in order to make the ARP more visible. It was also decided to move residents to new housing precincts on a block-by-block basis (Bonner and Nieftagodien 2008:406). This proposal created tension because the old waiting lists were ignored and the projects were imposed on the residents without consultation (as related to the author by Mike Beea, Community Leader) ALPOA, who represented 2500 property owners in Alexandra, withdrew from the ADF claiming that this body was ANC controlled (*ibid*:410). This was borne out in the way the paternalistic approach of the ARP through the ADF became apparent when the process of allocations took place in early 2004 (Sinwell 2008:250) and people were told when they would be relocated and where to. This was done in an arbitrary manner and without consultation.

3.6.1 The ARP and its implementation

The Alexandra Renewal Project was an intended seven-year redevelopment plan, which was part of the much-vaunted Urban Renewal Programme (URP) that was launched by President Mbeki in 2001 with the promise that the township would be transformed (Bonner and Nieftagodien 2008:402). It was an ambitious initiative with an overall objective of housing 350 000 residents by upgrading existing dwellings, freestanding informal settlements and hostels, and through de-densification (*ibid*: 402). An important element in this plan was the idea that RDP houses outside of Alexandra would accommodate shack dwellers (*ibid*). An intensive densification programme would be undertaken whereby RDP houses would be built outside Alexandra to accommodate shack dwellers (Bonner and Nieftogodien 2008(402). Approximately 20 000 families, half of which resided on the Jukskei River and the informal settlement Seswetla, would be removed *ibid*).

Expectations amongst the residents were high, as this being a being a presidential flagship project with unprecedented resources and the promise of community involvement they believed change as a consequence of democracy was about to take place. (ibid).

The ARP was a joint urban regeneration project between three tiers, the government, the private sector and NGO's, and community-based organizations' (City of Johannesburg 2009:3). Notwithstanding numerous undertakings and acknowledgements from successive MECs for Human Settlements in the Gauteng Legislature (at whose sittings I was present on different occasions during the budget votes in 2015 and 2016) that *in situ* upgrading is the cornerstone of the Gauteng Urban Renewal Programme for Alexandra Township, they simultaneously admit (citing in-migration and the ALPOA court interdict) that they have made very little progress with this important programme. In fact, from what has been presented in committee and in the legislature, the current policy appears to be the intended

proliferation of mega cities, a concept that appears to confirm and extend spatial exclusion instead of promoting spatial expansion. The current focus is on the building of mega-cities like Cosmo City, which was to be a perfect example of integrated livelihoods and social expansion, but has elements of exclusion and gentrification due to different income earners living separately in different sections of Cosmo City.

In 2004 it was recognized by government that a review of the ARP was necessary as very little development had taken place, resistance to removals was extensive and allegations of failing to consult with the community was endangering the process. (ibid: 404).

Significant observations in the first four years of the project include a continuance of migrants arriving in Johannesburg, the return of residents to Alexandra who had been previously removed to Braamfisherville and that as many as 4500 households were inflicted with AIDS. (ibid: 403).

Following a summit in 2005 and the appointment of Julian Baskin as the new director of the ARP it was hoped that a turning point had been reached (ibid: 404) Baskin admitted that very little progress had been made with the programme and that only 639 out of the planned 22 259 had been built since the beginning of the programme (Bonner and Nieftagodien 2008:403). Immediate changes were made, the most prominent being the decision to relocate residents within Alexandra. This decision was supported by the provincial government in the same year. As a consequence of this decision, density ratios within Alexandra would have to increase and land adjoining the township would have to found for new housing projects. Bonner and Nieftagodien (2008:405).

The ALPOA court interdict granted in 2005 then had a major impact on development in Old Alexandra. However further resources were allocated by the provincial government in 2007 which led to 20 000 houses in Old Alexandra being electrified with the provision of water and sanitation being improved. (ibid 405). Although dissatisfaction as to progress was continually

expressed (as reported in the Alex News in August 2007 (ibid: 407) Julian Baskin indicated at a review summit in 2008 that a retail shopping centre, a sport field and upgrading of schools had taken place and made the assertion that the 34 000 shacks in Alexandra at that time would be removed. (ibid: 406). The impact of the ALPOA court interdict however prevented the delivery of homes to the poor, an omission which remains prominent today and which will be noticed in a journey through Old Alexandra where many unfinished projects and the proliferation of shacks are visible.

In the same year in an assessment of the participation process relating to the RDP and ARP, Sinwell claims that the leaders of these processes 'acted in a way that led to little, if any, participation by the intended beneficiaries'. Sinwell (2005:86). He further states that because the Provincial Government has 'power over the ARP,' (*ibid*: 87) 'the structures of the ARP function to maintain a weak form of participation' (*ibid*), meaning they have little leverage in the decision-making process. Sinwell (2008:256) further points out that resistance to the exclusionary powers of the decision makers in the ARP process exists and that 'while the literature suggests that South Africa is experiencing weak forms of participation' (*ibid*:257), demands for 'appropriate forms of participatory democracy' are increasing (*ibid*). Makgotka Lekganye of the Concerned Residents association was reported in The Star newspaper of the 5th November 2005 as expressing deep disappointment with the progress made and notwithstanding the transfer of 5 000 families from the Jukskei River the population remained above 300 000 most of whom resided in Old Alexandra. (ibid: 403). De-densification had not taken place.

Twala (2006:7) notes that the main factors for the success of similar programmes in Kenya and Botswana were institutional strengths that included effective training and management, and community involvement - factors that were not apparent in the implementation of the ARP. He concludes that 'the urban renewal projects in South Africa should change

as the policy environment changes from emergency relief, to a long term structured employment generation programme' (*ibid*:7).

Referring to an ARP report of 2007, Khoza (2007:54) points out that many residents who were relocated elsewhere had returned to Alexandra 'despite accessing better services in those areas'. This correlates with the views of the many residents I interacted with between October and November 2016, thus supporting the view that *in situ* upgrading is preferred by many residents who wish to remain in the area in which they have been reared, schooled and in which they interact with family and friends. This preference should ensure an essential participative element in planning in future.

One of the main causes for the failure to develop and upgrade the original part of Alexandra has been the inactivity and paralyzed status of the City of Johannesburg and the Provincial Administration as a consequence of the 2005 court interdict granted by Justice Bam on the 12th June 2005 (Bam, 2005). ALPOA approached the court for this interdict to ensure government would not develop properties 'until the issue of their freehold title had been resolved' (Raboshagka, 2014:13). The court granted the provisional order, stating that:

> The respondents (the government) and any other party are interdicted from demolishing, destroying, structuring or restructuring, developing or rezoning the Applicants' offices, houses or any other property which is the subject matter of the dispute pending the finalization of the principal case' (*ibid*:13).

As the matter was heard ex parte (in the absence of another party) only ALPOA's version of the facts and legal position were heard by the court. The City of Johannesburg was, however, afforded the opportunity to anticipate the order within a reasonable time and provide reasons for the order to be set aside. The City failed to avail themselves of this opportunity and in 2009, 4 years later, applied to the same court for a rescission of the order. This application was dismissed on technical grounds without the

merits even being considered (Bam, 2009). Notwithstanding this order, a Land Task team was formed to discuss a possible settlement to the dispute, which culminated in a historic agreement being concluded, i.e. a Statement of Intent. In terms of this agreement, a plan was set in motion to solve the dispute and this plan will be discussed later in this chapter.

Although the ALPOA case arose from issues with land claims, Harrison (City of Johannesburg, 2011:53) avers that most land claims were originally settled. Despite an attempt being made to offer compensation, a dispute arose as to the nature of the compensation received and the results of this dispute have prevented the achievement of the goal of a 'high density development along main transportation routes, the development of nodes of mixed use, and the replacement of existing housing stock' (*ibid*). Harrison, in contrast to other narratives referred to above or below (such as Twala, 2006; Khoza, 2007 and Sinwell, 2009), claims that 'the past 10 years have been impressive. Some 14 500 houses have been built of 45 000 required' (*ibid:* 11).

As reported in Engineering News (2002), the ARP was initially a 7-year programme that included new housing both for ownership and rental as well as the upgrading of informal settlements. In April 2008, however, the project completion time was extended to 2010. This projected timing was contrary to the admission made by the then ARP director Julian Baskin 'that the project will take a lifetime to complete' (Dlamini 2008:1).

Researchers studying the ARP agree on the challenges that exist for the project and point to a significant disparity between targets and outcomes when assessing the progress made. They also point to conflicting views on the inherent and institutional inadequacies that exist. Dlamini (2008:1) exposes such contradictions by comparing statements made by Julian Baskin with those of the former MEC Nomvula Mokonyane (both quoted by Dlamini, 2008:1). Both express different views on the progress of the ARP at that time. In 2005, the Star Newspaper reported that newly appointed

ARP Director, Julian Baskin, admitted that only 639 of 22 250 houses had been built (Bonner and Nieftogodien, 2008:403).

Contestation between the City of Johannesburg and the Gauteng Provincial Government as to who is ultimately responsible for the implementation of ARP and the transfer of ARP from being a functionary of the City to becoming a part of the Johannesburg Development Agency (JDA), has created in the past, and continues to create an operational and capacitation problem. The fact that the Gauteng Provincial Government drives the programme as a presidential initiative and that the City of Johannesburg has not yet received full accreditation further raises the issue of whether, in circumstances where the ARP dispute might be resolved, the City will be able to deliver. Those conceptualizing the ARP for the Gauteng Department of Housing at the time, were determined that it would 'not only be a housing development initiative, but rather an urban renewal project aimed at the provision of sustainable and habitable human settlements targeted at social, economic, physical and institutional transformation' (City of Johannesburg 2009:5). This would be in line with generally accepted parameters and requirements for an effective renewal initiative.

In order for the 12-year hiatus to be removed, the terms of the Statement of Intent referred to in 3.6.6 below, need to be implemented. This can only materialize with the necessary political will required from both the Gauteng Provincial Government and the City of Johannesburg administration.

In a thesis submitted in 2009, Sinwell (citing Ross, 2005a), indicates that ARP views ALPOA as slowing 'the pace of turning Alex into a model city' (Sinwell 2009:306) and that 'now the matter will be decided in the courts while development is held at ransom' (*ibid*). This view is clearly overshadowed by the historical significance of the manner in which property owners rights were undermined, causing the Alexandra Property Owners Association (ALPOA) in 1979 to become totally focused and have the sole

purpose of fighting for the return of its member's rights to their expropriated properties.

3.6.2 Restoration of title deeds and property rights.

An essential element of an effective and meaningful revitalization and renewal of Alexandra is the right to ownership evidenced through the possession of a title deed. In this way, occupiers of property in Old Alexandra who previously have had no entitlement to improve their properties will then be able to do so and will eventually be able to recoup the amounts they invest in their properties. The biggest stumbling block, however, appears to have been the legacy of Alexandra's title as a freehold area for black people, which had the effect of government having limited control over it (Bozzolli 2004:25).

Siso (2016a), a journalist with the Alex Times, claimed on 13th May 2016 that one of the biggest hindrances to the renewal of Alexandra is the failure to restore title deeds and property rights to the owners of stands that were appropriated by the apartheid regime in the 1970's. Since 1979, ALPOA has attempted to force the government to restore land and property rights in Alexandra, and any future development processes should take cognizance of this demand for title deeds (Siso 2016a).

Raboshakga (2014:11) highlights the problem that arose when the ARP focused on the de-densification of the township without dealing with the root of the issue of property changes in Alexandra, namely the dispossession of free hold titles. The result of the neglect to resolve the issue of these titles was that the government was unable to implement any housing development schemes in Old Alexandra, thus failing to meet its obligation in relation to the progressive realization of the right of access to housing.

Since the people who occupy properties in Old Alexandra are not empowered to exercise control over these properties, people have found it easy to settle and build in the area (particularly in backyards) without any

consequence. These actions were one of the catalysts leading to ALPOA's approach to the Land Claims Court for an interdict to halt the progress of the ARP. In fact, although there is a strong belief, such as that held by Shapurjee and Charlton (2013:666) that the backyard industry is not only a reality, but needs to be encouraged, the informality remains problematic, undocumented and unenforceable. The element of *in situ* upgrading (one of the tools of the ARP) for an area like Alexandra should not be underestimated.

3.6.3 Community involvement vs paternalism in the ARP

In an interesting observation, Sinwell (2009:15) claims that the ARP created a conduit to deliver and successfully implement a 'participatory development programme,' an approach that is fundamental to any successful urban renewal project. In claiming an 'apparent contradiction, 'Sinwell (2009:5) states that 'while communities demand faster delivery of services, state-driven delivery targets have tended to undermine community-driven demands for inclusion in the decision-making process.' The South African State, he claims, appears to have accepted 'weak forms of participation in practice' *(ibid*) and he further views Alexandra as an example of this paternalist process; a process that can only bring about long term frustration and dissatisfaction. It is alleged by many of the citizens that I have interacted with since the inauguration of the ARP in 2001, that this approach has been an essential shortcoming in the 15 years of ARP planning. This allegation corresponds with my own observation of an ongoing paternalistic approach by government when it comes to those decisions in which residents, affected by poverty and hardship, should be involved as the results have an enormous impact upon their lives.

Sinwell (2009:165) refers to the overall ARP strategy that 'encourages high levels of community involvement, civic pride and sustainable local authority administration' (*Alexandra Project: Overall Physical Development Strategy*, 2001: 2). Sinwell notes that at the start of the project, community

participation was not encouraging. What was highly significant was that the 'ARP's approach to de-densify and gentrify Alexandra led to an extremely top-down approach to development through forced removals' (*ibid:* 165).Clearly an initiative to encourage effective and sustainable community involvement and participation is necessary. Forums, which facilitate ongoing interaction between the numerous stakeholders, must be developed and monitored with specific agreed outcomes targeted.

3.6.4 Congestion and the relocation of residents

Congestion has exacerbated the problems of the residents of Alexandra. The UN Habitat Scroll of Honour Submission (2009:1) points to a problem that is very prevalent today in Alexandra and to which no solution has been found.

> 'Congestion in informal settlements, hostels and along the banks of the Jukskei River made living conditions stressful, unhealthy and dangerous. A more serious and complicated problem is that the many thousands of shacks that exist in Alexandra were built over sewer lines and manholes, resulting in blockages and rivulets of sewerage water that flow freely in the narrow lanes and streets.'

Relocation has not, however, proved to be the solution. Sinwell (2005:14) recognizes the negative effect of the ARP's decision to relocate residents from the banks of the Jukskei River in 2001 to Bramfischerville and Diepsloot. This was done without the consent of or consultation with the residents and represented a huge and ongoing failure in the effective rollout of the process. The removals of poor people to new areas far away from their livelihood and social network, from their children's schooling, and from their jobs have had a long-term impact on people's perceptions of the intentions of government. The government's lack of transparency has caused residents to continually question the bona fides of the ARP (Sinwell

2009). This was confirmed to me in one of the interviews I held with a long-term resident and community leader in Alexandra, Resident 1, whom I interviewed in November 2016 in order to obtain an understanding of the views of a resident on the long delay in the development and upliftment of Alexandra. She advised that in the 12 years the interdict has been in place, she has not received any progress reports from any of the politicians or officials involved in the project. Sinwell (2005:14) indicates that as long ago as 2005, it was recognized that the ARP was 'in shambles and no amount of spin-doctoring or opportunistic swiping at its many critics can hide this'.

3.6.5 The ALPOA court interdict: 2000 onwards

According to Sinwell (2009), ALPOA, which claims to represent between 2 500 and 2 900 property owners, has its foundation in 1935. Bonner and Nieftagodien (2008:54) explain that the precursor to ALPOA was the Alexandra Standholders Protection and Vigilance Association (ASPVA), which was formed in 1935-36 to counter the demolition of Alexandra (*ibid*:299). Sinwell states (2009:301) that ALPOA represents some, but not all property owners, but more significantly 'represents a sustained invented participatory space which challenges authority and must be viewed, in its own right, as a social movement.' Sinwell (2009:298), in a comprehensive examination of public participation in the ARP process, notes several inherent claims which ALPOA has always taken a stance on. A major one of these was the ARP plan that Old Alexandra be redeveloped block by block by building low cost housing (Raboshagka 2014:12). According to Sinwell (2009:298), the home owners' 'original properties are destroyed and by relocating them to the ARP process they are reduced to the same status of the other residents.'

Bonner and Nieftagodien (2008:393) report that as long ago as 1999, issues regarding ownership and tenancy had surfaced and these issues were fundamental to the circumstances surrounding the granting of the ALPOA court interdict in 2005. Bonner and Nieftagodien (2008:393) report that a

Council enquiry (no date mentioned) to ascertain the identity of the legal owners proved inconclusive and the status quo remained. Going forward, this status quo would define the relationship created between the owners and the local authority (Bonner and Nieftagodien 2008:393). The residents made it clear that proper consultation was imperative before renewal projects began and many also realized that by occupying properties, they could create a powerful tool to gain access to accommodation (*ibid*).

Due to the belief that ALPOA was excluded from the ARP process, Sinwell was informed by Jackie Segopa, the secretary of ALPOA, that 'we have a simply dogmatic thing, property owners must be involved' (Sinwell, 2009:300). This stance was subsequently confirmed to me in discussions and interviews with Jackie Segopa on many occasions between September and November 2016. ALPOA believes in two fundamental priorities when considering development in Alexandra. These are 'for property owners to reclaim property rights from the government for their land and property that was taken away illegitimately by the apartheid government and to de-densify Alexandra so that their property values can increase.' Sinwell (2009) gives an account by Segopa of how overcrowding has caused property values in Alexandra to fall. The result of this has been that the de-densification of Alexandra has become one of ALPOA's significant goals.

The ARP, according to Sinwell (2009:306) views ALPOA as being responsible for restricting development in Alexandra. Memela, (cited in Ross, 2005a), and referred to by Sinwell (2009:306), states that 'it is in the interests of all the people of Alexandra that development and improvement of living standards be achieved. Now the matter will be decided in the courts while development is held at ransom' (ibid). The position taken by Sinwell (2009:306) that the ARP's goal has been to promote community participation motivated by a community-driven initiative has always been disputed by ALPOA. One of the most significant factors that prompted ALPOA to obtain a court interdict halting the ARP process is referred to in Raboshakga's record of the following statement by Laura Grubem (in *Land*

Reform: Going Nowhere Slowly in Alexandra, 2009), 'Since the 1960s, residents of Alex have been fighting for freehold title. The new government is perpetuating apartheid land policies by denying freehold titles to former property owners in Alex' (Raboshagka 2014:9). Motaung (2012:1) quoted the ARP director Neels Letter as admitting that the goals and deadlines set at the launch of the ARP programme were too ambitious.

Raboshagka (2014:7) points out that in the 1970's, the government intended to build single sex hostels with the objective of perpetuating the 'impermanency' of black people in urban areas and, in this regard, measures were introduced to effect influx control. In terms of the Restitution of Land Rights (Act 22 of 1994), a mechanism was provided to restore ownership of previously removed land that was a 'result of past racially discriminatory laws and practices' (*ibid*: 7). This resulted in 1 200 previously dispossessed people applying for restoration of their freehold status (*ibid*).

In an attempt to provide an effective but unstructured solution to the problem, the then Minister of Land Affairs offered R50,000 to each of the claimants. However once this payment was made, a dispute arose as to whether this payment was in fact compensation for 'their humiliation and other suffering' (*ibid*) or for the loss of titles to their properties. The Secretary of ALPOA has indicated that ALPOA's view is that this payment has in no way altered the property owners' view that they should be entitled to the return of their freehold titles *(ibid:*7). Raboshakga (2014) raises the following pertinent questions arising from this uncertainty: 'Was the amount meant to be a final settlement on the claims made? On what basis was the standard amount of R50 000 arrived at? Was an investigation made to consider the circumstances of each case? Were there mediations and negotiations with effected parties? Were the values of each property taken into account? Were the amounts of compensation paid to the original owners at the time of the expropriation by the apartheid government taken into account and appropriately offset? What about those who had not lodged claims or did not accept the R50 000 offer?' (Raboshakga 2014:*7)*.

With all these unresolved issues creating uncertainty and suspicion, and believing that a housing scheme demolition plan was imminent, ALPOA, in 2005, obtained a court order from the Land Claims Court as follows: 'The Respondents (the government) and any other party are interdicted from demolishing, destroying, structuring or restructuring, developing or rezoning the applicants offices, houses of any other property which is the subject matter of the dispute pending the finalization of the principal case' (*ibid*:7*).* In January 2009 the Land Claims Court rejected an attempt to set aside the order granted in June 2005 (Bam 2005).

No acceptable reason can be found as to why, for nine years, no progress had been made in resolving the impasse caused by the interdict. From 2012, various proposals have been informally discussed and, arising from meetings of the Alexandra Land Task Team (confirmed in a discussion with Neels Letter), some of these proposals have been set out for consideration. In December 2012, three probable solutions were put forward, i.e. the provision of title deeds, land parcel offers to original property owners and the incorporation of the original land owners into a housing project as a partner. The issues of the rights of backyard dwellers was not raised and such rights must be part of the final negotiation process. If the original property owners were to have their freehold titles restored, many thousands of backyard dwellers would be at the mercy of such owners (*ibid*). In October 2015, and after three years of discussion within the task team, proposals were put forward by government (the City of Johannesburg and the Gauteng Department of Human Settlements representing government) culminating in an agreement of intent being agreed to by the parties (Statement of Intent, 2016)

FACT BOX

CHRONOLOGIGAL SUMMARY OF EVENTS

1912	2500 Properties registered in the name of residents of Alexandra
1913	1913 LAND ACT promulgated
1935	ALPOA founded under name of ALEXANDRA STANDHOLDERS PROTECTION AND VIGILANCE ASSOCIAIOTN (ASPVA)
1970-1980	Large scale expropriations effected by the apartheid state
1979	ASPVA changes its name to ALEXANDRA LAND AND PROPERTY OWNERS ASSOCIAIOTN (ALPOA)
1994	Restitution of Land Act promulgated
1994	Campaining by ALPOA begins for restoration of property rights to original owners
1995	Conflict between yard dwellers and homeowners as to ownership and occupation intensifies
1996	Discussions held through various forums to seek common ground
1999	R50 000 paid to property owners by Land Claims Commission
2001	Inauguration of ALEXANDRA RENEWAL PROJECT (ARP)
2005	ALPOA launches interdict to prevent demolitions of properties owned by property owners
2005-2016	Dispute prolonged by failure of Land Claims Commission to negotiate settlement of dispute
2012	Task Team set up to negotiate settlement of dispute

2016	Statement Of Intent signed setting our framework for settlement of dispute

3.6.6 The Statement of Intent

The terms of the Statement of Intent are significant as they record the government's desire to resolve all legitimate land claims in terms of the Restitution Act by making available one of four options to those who had lodged their claim on or before 31st December 1998, and three options to those who had lodged, or will lodge their claim between July 2014 and 30th June 2019. The options available are intended to 'provide each claimant with a solution equivalent in value to the monetary compensation that may be payable in respect of the claimant's dispossessed lot.' (Statement of Intent, 2016). The first option entitles a claimant whose claim relates in whole or part to an uncontested stand, to full ownership of such stand free of charge and a title deed will be delivered as proof thereof. The second option available is the provision of a single property in either Marlboro Gardens, Lombardy East. Kelvin or Linbro Park. The third option is for the claimant to be included in a redevelopment partnership. The final option will be the payment of financial compensation.

A notice will be issued by The Commission of Restitution of Land Rights calling upon all residents in Alexandra who were disposed of their land rights to lodge a claim in respect thereof before 30th June 2019.The commission will investigate these claims and a validated claimant will be entitled to choose one of the options noted above. Notwithstanding the terms of the Statement of Intent, the Commission recognizes that the existing rights of occupiers are protected. No evictions or displacement will occur without their consent.

As is common practice in my position as Shadow MEC of Human Settlements, I regularly meet with the MEC Paul Mashatile to discuss matters relating to human settlements. In our latest meeting in December 2016, I was advised by Mashatile, in response to several questions I posed regarding the progress made in settling the ALPOA court case, that a community summit of all stakeholders will be held in February 2017. No progress has been made in obtaining funds from the National Treasury for settlement with the land owners as no decision has yet been taken. The Secretary of ALPOA has advised in a meeting also held in December 2016 that despite meetings of the task team being regularly held, since August 2016, a quorum has not been obtained. Thus, it appears that there will be no imminent implementation of the terms of the agreement soon.

3.7 Conclusion

Alexandra Township, 23 years into democracy, remains a place where people continue to reside in unacceptable conditions that are aggravated by the influx of more than 10 000 migrants per month (as reported by Gauteng Premier Makhura in the Gauteng Legislature in December 2016). Many of these migrants end up in Alexandra living in a shack or back yard dwellings in crowded conditions but at least with the hope that in their new environment they are close enough to business opportunities, or will have the opportunity to create successful business opportunities.

As will be confirmed from the findings of this study, there is a strong sense of frustration amongst many residents of Alexandra who are deeply disappointed with unfulfilled promises to improve their lives. This stems from the lack of a resolution to the ALPOA dispute and the restrictions placed on the ARP that are still in place despite the promises of the Statement of Intent. To fundamentally change the standard of living of the residents of Alexandra, there must be recognition of the challenges they face, but more importantly, a recognition that the underlying reasons which precipitated the

granting of the interdict have not changed and because of this, the ARP is in danger of being frozen into oblivion due to inaction.

CHAPTER FOUR: FINDINGS, ASSESSMENT AND EVALUATION

4.1 Introduction

While in the last chapter, I built on existing knowledge about the history and context of the ALPOA case, in this chapter, I focus on the insights gained from the interviews I conducted in October and November, 2016 with individuals involved in, or affected by this case. Thus, I have incorporated pertinent findings, assessments and evaluations into a collage of information whereby each of the participants' views on areas of concern to this topic are compared and discussed. This has enabled me to draw out relevant themes that help advance an understanding of the situation in Alexandra as it pertains to the ARP and the APLOA case. The ALPOA perspective is compared with that of the two officials involved in ARP as these differing views form the central point of contestation around the land issue in Old Alexandra. I then consider the perspective of the two politicians who are councillors working in Alexandra, and who have been the link between the City and the residents. The views of the residents who have been, and will be most affected by the success or failure of the ARP, are then compared to the views of the other participants.

Although all interviewees were prepared, and in fact eager to discuss all issues relating to the ALPOA court interdict and the ARP, the representatives from ALPOA and the ARP were understandably somewhat protective of their position and the organization they represent. The interviews, thus, revealed a clear divergence of views particularly regarding the underlying factors precipitating the court order and the delays experienced in attempting to resolve the matter.

4.2 Overview of the interviews

According to the members of ALPOA that I interviewed, one of the prime factors accelerating the strong feelings of discontent amongst the property

owners was the inability/refusal by the City and Provincial authorities to consult them in the search for a solution to the problem. The ALPOA members expressed the belief that if they had done this, the delay in the progress of the ARP could have been avoided and it could have prevented further deterioration of Alexandra and given the ARP process a chance to succeed.

The two politicians interviewed are both highly respected within their respective wards in Alexandra and as the link between the residents, ALPOA and the ARP; they were able to provide some valuable insights. This link between the role-players and their interventions in complex situations were of great significance on account of the breakdown in communication between the ARP and ALPOA over long periods of contestation.

The information supplied by the officials from the ARP provided valuable insight into the Governments' perspective on the process as well as its perspective on the reasons for the long delay in resolving the dispute. The observations of the ARP interviewee, Official 2, who believes there is institutional dishonesty and maladministration in the ARP, were noted not so much for the veracity of the information but perhaps to indicate an internal institutional conflict within the department that could become the focus of a separate and more intense investigation.

As expected, all the residents interviewed had specific issues that were of importance to them. Their overriding complaint, however, was that the ARP was ineffectual. There was little or no communication from the ARP or participatory channels open to them to allow them to be part of any decision-making process on issues, which impacted on their lives. What is worth noting is that the two residents who had been moved from Old Alexandra to K206 in the Far East Bank, during the ARP process were, despite their improved living conditions, concerned that the issues of property ownership and of title deeds would not be resolved soon.

4.3 Comparing the perceptions and views of ALPOA members, ARP officials, politicians and residents

The first and enduring impression gained from the interviews was the inability of all three of the parties involved and interlinked in the court dispute (ALPOA, the ARP and the residents) to communicate with each other. The consequent communication breakdown as well as the lack of information on the ongoing dispute between ALPOA and the ARP, compounded the residents' frustration and disappointed those who, 23 years into democracy, 16 years after the initiation of the ARP, and 12 years since the court interdict prevented the rollout of the ARP, have given up hope of any chance of an improvement in their living conditions. To best understand, assess and evaluate each of the viewpoints of the interviewees, this process would most effectively be discussed by structuring the comparison of the various viewpoints into issues, which were relevant, and of importance.

4.3.1 Lack of participation and consultation

A common observation on the ARP process by all interviewees (including the officials from the ARP) was that even though it had been heralded as being driven by consultation, communication and the sharing of ideas, it had failed since its inception to effectively communicate with the residents about its progress and challenges. Tyler (2002) Rosly and Rashid (2013) Khoza (2007) Vogel (1996) and Sinwell (2005, 2008 and 2009) all emphasize the significant role effective communication between residents and the state play and the inability to reach a successful outcome without it. Sixteen years after the inauguration of the ARP no explanation has been provided as to why undertakings in 2001 by MEC Mashatile that 50 000 houses would be built in 7 years and by former premier Shilowa that 660 000 houses would be built with the simultaneous reduction of employment by 20% (Bonner and Nieftagodien (2008) did not materialize. It is thus necessary to document the views of the residents in support of these allegations.

Resident 4, who resides in a shack with his mother and sister, was very vocal in his frustration with, and disappointment in the ARP and its officials. He advised that when visiting their offices over a 5-year period, he was repeatedly told that he would soon be given a new home, which he has still not received. Furthermore, no one has ever been in communication with him. His sentiments are clearly evident in his statement, 'I do not believe the ARP will ever provide me with a new home. The government's promises mean nothing.' Residents 1 and 7, both of whom have been moved from Seswetla to K206 on the Far East Bank, expressed satisfaction with their much improved living conditions, but were concerned about uncertainty resulting from a dispute between the residents regarding the ownership of their units. A forensic audit that was promised three years ago has still not materialized.

Both politicians 1 and 2 agreed that ARP officials, although difficult to get hold of, had become the line of communication between the residents and ALPOA on select issues and with the ARP on housing queries. Politician 1 expressed his frustration as follows, 'The ARP administration continuously fails to perform in terms of its mandate.' On the other hand, Resident 5 who lives in Madala hostel and who appears to have accepted his fate, claimed that 'that no one cares about my living conditions. I do not even ask anymore.'

Resident 8 is a single mother who lives in one room in 16th Avenue Alexandra where she has no electricity and shares one tap and one toilet with 60 other residents. She claims she has no confidence in the process and believes all the officials have only their personal priorities on their agenda. She asks, 'When will the ARP do something for me and my children.' Similarly disillusioned is Resident 10 who has lived in 4th Avenue for over 20 years and still longs for his own home and a title deed to prove his ownership. Expressing his frustration, he said, 'I will believe in the promises of government when I receive my keys.'

In October and November 2016, I interviewed three ALPOA members, one of which was Jackie Segopa, (previously cited in interviews with other researchers), the Secretary and an executive member of ALPOA. From the beginning of the interview, he made it clear that there was deep suspicion on ALPOA's side as to the bona fides of government. He also expressed the view that the members of ALPOA have very little faith that the terms set out in the Statement of Intent could and would be implemented. This deep-rooted suspicion and lack of faith arose from the perceived and continuous inaction of government as well as the manner in which the ARP was implemented without consultation or negotiation. It was this distrust of the ARP that motivated ALPOA in 2005 to obtain a court order to halt the ARP project (Segopa, interview 19 October, 2016). Segopa explained that the perception that the process was driven by incompetent officials and politicians is embedded in ALPOA's psyche together with one that has spanned 20 years (1995 to 2015) that both the Provincial and City administrations do not wish to seek a solution and that if they had wished to find a solution they would not have acted in bad faith and delayed matters for so long.

In response to these claims, Neels Letter, a senior official in the ARP, stated that the ARP had done its best in the prevailing circumstances. ARP Official 2, on the other hand, agrees with the negative sentiments expressed by the residents on the ARP process. However, he did not wish to make any further comment on this and instead was very vocal about his perceptions of dishonesty and maladministration in the ARP structures.

Although the literature has confirmed the lack of a participatory approach in dealing with the ARP, it appears that there is an entrenched disregard of the views of the residents that is exacerbated by a paternalistic approach by the government. The absence of community participation, as highlighted in my conclusion to this report, is in my view one of most underplayed and un-recognized features of the urban regeneration programme in Alexandra. Until residents can give 'real input' into issues which impact on their lives

through valid and participative processes, they will not consider themselves emancipated. There is a narrative to the effect that government views the uneasy balance that exists in keeping the status quo intact preferable to the possible negative consequences of the decision to move thousands of people away from their homes in Alexandra to a place they do not wish to be relocated to.

Bonner and Nieftagodien point out that one of early Directors of the ARP Julan Baskin was of the view that there was no improvement in development such as housing in the first few years of the ARP due to a poor housing strategy and instead of investment been made in upgrading of hostels and backyard shacks, investment was incorrectly placed in projects that had little chance of success. (Bonner and Nieftagodien, 2008). This phenomena prevails today.

4.3.2 Underlying reasons for the court interdict

Jackie Segopa, (one of the ALPOA members interviewed) stated that since 1979, ALPOA had been looking after the interests of the property owners of Alexandra. They had raised concerns with the Provincial and City administrations of behalf of their members when there was 'an indication in 2004 that the ARP was about to demolish ALPOA's offices in 2nd Avenue and that other properties belonging to ALPOA members were also about to be demolished without consultation or notice' (Interview, 7th November, 2016).

ALPOA members 1 and 2 indicated (Interview, 9th November, 2016) that the decision to seek the interdict halting the progress of the ARP development plan was a difficult one as ALPOA was fully aware of the potential long-term consequences and the impact this would have on the residents. They had attempted to communicate with officials of the ARP when the City indicated that it was about to demolish the headquarters of ALPOA in November 2004,but with no success. To halt the demolitions,

ALPOA launched a case in December 2004 and an interdict was granted on the 12th July 2005. To date, this interdict remains in force.

Their frustration is perhaps best explained by the views of Raboshagka (2014) referred to earlier in this research, who claims that the new government by denying freehold title to the property owners in Alexandra continues to perpetuate apartheid land policies.

The circumstances which precipitated the court interdict was a process driven by the Land Claims Commission for a way to deal with the claims of persons unlawfully dispossessed of their land. According to Segopa (interview, 19 October 2016) who, in referring to negotiation with the Land Claims Commission, states, 'then the Land Claims Commission, … then the engagement ultimately ended up as some kind of negotiation. By 1997, 98 and 1999, the negotiations broke down, then the land claims commission took its own decision that for full and final settlement of Alexandra claims we are given R50 000'.

ALPOA Member 2 indicated that his views on the process were framed by the intervention of the Land Claims Commission and its unilateral decision to make payments of R50 000 to the dispossessed property owners. According to the Commission, this payment was a settlement for the value of their properties. ALPOA, however, has always been of the view that this payment was a form of reparation for humiliation suffered as a result of the unlawful expropriations in the 1970's and 80's. ALPOA Member 2's contempt for the officials working on the ARP and those in the ANC administration, as well as his distrust of the motives of government are expressed as follows:

> It is even ridiculous to think that R50,000 would suffice properties of more than a million rand in a vibrant urbanized economy like Alexandra. So, I think that is just a very poor excuse for robbing the property owners of Alexandra by certain individuals in government who then if I may and without doubt

> have always been seen as being the Alexandra mafia. I think everybody that knows Alexandra knows who they are, fully aware of what we're talking about' (Volmink, interview, 2 November 2016).

ALPOA Member 2 stated that more tension was added to the stand-off between ARP and ALPOA by the role played by the Land Claims Commission who, although being effectively involved in the initial restitution process in 2005, became autocratic and unapproachable when dealing with the issue of the payment of the R50 000 to the owners. In the view of ALPOA Member 2, this payment was imposed on them without their consent or indeed with any consultative process at all. The property owners were then advised that the payment was for compensation and not in lieu of the value of their properties. Segopa concurs with ALPOA Member 2 on the issue of property rights, expressing a view that when conceived, the ARP failed to take into consideration the rights of the 2 500 property owners in Alexandra. Many landowners did not claim the R50 000 as they wished their properties to be returned to them. It was therefore evident from the interviews with the three ALPOA members that they believed that the motives of the government, the ARP and the Land Claims Commission were questionable and that these bodies had failed to act in good faith.This belief was predicated on the length of time the dispute remained unresolved, the fact that the politicians and officials driving the ARP process failed to include them in any part of the participation process and the failure by government to adhere to any undertakings made or deadlines set.

In contrast, the ARP officials, who are now employed by the JDA (Johannesburg Developmental Agency), were, at the time of the interdict in 2005, employed by the City of Johannesburg. Both were interviewed in November 2016, and each had a different interpretation of the situation in Alexandra. Neels Letter, of the ARP referred to the agreement that was reached between the residents of Alexandra and the Land Claims

Commission in 1999 when R50 000 was paid to land owners. The view by the Land Claims commission that the R50 000 payment was in full and final settlement of all claims was, according to Letter a very different interpretation to that of ALPOA and delayed the matter for many years. Despite numerous high level meetings attempting to find common ground, Letter reiterated that such payment was, according to the Land Claims Commission, for the value of the properties and not compensation.

Although the residents as a whole were somewhat ambivalent to this particular issue, Resident 1 expressed the view that, 'A forensic audit must be done to verify the property owners' claims.' The underlying tension and the two issues dividing government and ALPOA, i.e. the issue of payment and the ARP programme, have not been satisfactorily resolved despite the conclusion of the Statement of Intent, a document of watershed proportions. However, as in any agreement, good faith must prevail for the final outcome to be achieved. What has been learnt from this research is that the ARP will not fulfill its goal in the current atmosphere.

4.3.3 Culture of despair and resignation

In one form or another, I have been involved in Alexandra for over 20 years. I have been amazed but not surprised by the positive attitude and resilience of the residents I have dealt with, some of whom I consider my friends. Although they continue to show a brave face, an air of despair and negativity has crept into their ambiance and behavior. They are drained from unfulfilled undertakings and have given up hope that anything will happen to improve their lives. With a new administration now in charge in Johannesburg, it is hoped that positive steps will be taken to drive regeneration and revitalization programmes either under by ARP or by another body. In this regard, Resident 1 alleged that 'the ARP was started 16 years ago - what real hope exists.' Resident 2 believes Alexandra's future is at stake due to the unrestricted movement of migrants into the area on a regular basis while Resident 3 believes no change will come to the hostel where he lives. 'How

can you believe a government that makes so many promises and keeps none' he says. Resident 7 amplifies the prevalent sense of hopelessness by claiming that no one cares about the residents of Alexandra. She says, nothing can change my living conditions in Seswetla. I despair about my child- what will her life be?

4.3.4 Can the situation be salvaged and the ARP be resumed?

It was generally accepted by all role players in Alexandra, that the settlement reached to deal with the demands of the property owners in July 2016 was a watershed moment for the residents of Alexandra and perhaps an example going forward of ways in which other disputes with similar challenges could be handled. The viability of the Statement of Intent, aspects of which should have, but have not been implemented for reasons, which are unclear and unexplained, is in jeopardy. This is largely due to issues arising from the Statement that are allegedly not able to be implemented while interceding factors relating to land usage and swaps complicate the situation further.

A major problem, and one that has been on hold since July 2016, relates to the apparent inability by the Gauteng Provincial Government to raise the R1.8bn required to pay out the property owners from the National Treasury. A second problem relates to the acquisition, through purchase or land swaps, of the land that is needed to accommodate residents who are to be moved from Alexandra. This problem also remains unresolved.

The first of several issues needing to be resolved was raised by Letter in his interview in November 2016. When addressing the question of ALPOA members requesting payment of an amount equal to the current value of their properties, Letter indicated that monetary compensation would be based on the proper land valuation in accordance with government policies. This seemingly refers to an historical valuation based on 'what was there at the time of expropriation of the property.' This directly contradicts the views

of ALPOA Member 2 as well as those of ALPOA member 1 who stated in his interview that, 'the amounts to be paid to the property owners for their land must be determined at today's values and must not be arbitrarily determined.'

Letter claims that it is unfortunate that because of a tardiness on the part of the City's legal department, the interim order was not opposed in 2005 and when an attempt was made to set it aside in 2009, the court refused to deal with the matter and dismissed the application. Letter believes that the matter could have been resolved at that stage.

ALPOA Member 2, when referring to a possible way forward, stated, 'I am of the view that government has no desire to settle the dispute and wishes the status quo to remain, and any undertaking to settle the matter is a whole lot of words(Interview November 2016). ALPOA Member 3, interviewed on 12th November 2016 blames the delay in resolving the court dispute on inaction, corruption and the incompetence of officials and politicians (though without providing any evidence). His position is that without the interdict, the rights of the property owners would have been sidelined. He predicted that a settlement of the dispute in the short term was unlikely and that 'serious development in Alexandra can only begin once the property owners have been paid out and the court interdict is withdrawn.'

When asked what the impact of the court order on the ARP was, ALPOA Member 2 replied, 'It has stopped it in its tracks. It didn't, however, take away continuity for the ARP. What disturbs continuity for the ARP are the irregularities that have taken place in the interim while we were in these negotiations and because the ARP appears to the negotiators that it provides for lining the pockets of the people that are in control of the ARP' (Interview, 15th November, 2016).

Letter, in a different view, did not doubt the government's desire to see a resolution to the stalemate, 'The Statement of Intent clearly indicates a desire on the part of government to settle the matter' (Interview, 15th

November, 2016). He further believed the biggest challenge to finalizing the ALPOA dispute was for the National Treasury to make available the R1.8 bn required to pay out the property owners, thus allowing the interdict to be removed and the ARP process to continue.

In contrast to the views of the ARP officials, ALPOA believes government has no desire to settle the dispute and that they wish the status quo to remain. They are firmly of the view that the interdict must remain in place until the implementation of the terms of the agreement (the Statement of Intent) has taken place. This is the only way the property owners' rights would be protected. ALPOA Member 2 was of the view that although the Statement of Intent was a good and solid document, its terms would never be implemented. However, all three members of ALPOA interviewed were also of the view that if consultation has taken place, an agreement could, in the words of Segopa (stated in an interview in November 2016) 'yield a launching platform for redevelopment in Alexandra and this manner of communication could and should produce a positive result going forward.'

All the residents who were aware of the existence of the ARP and /or the ALPOA court interdict expressed the view that they did not believe the case would be resolved and even if it was, they were of the view that the ARP process was in serious jeopardy. Resident 2 in particular stated, 'I am confused as why the ALPOA interdict is still in place. I hope and pray someone is looking after me. I have been waiting for my title deed for a long time.' Resident 4 believes that the dispute will be settled, but said 'no one cares or considers the poor people of Alexandra who have no influence.'

4.3.5 Allegations of fraud and dishonesty

Because of the sensitive nature of acts that attract criminal sanction and the ethical considerations imposed by the University of the Witwatersrand relating to the collection, analysis and evaluation of information collected during research projects, I was mindful of the need for careful consideration

when deciding whether to include a section on allegations of fraud and dishonesty in this research paper. Due to the impact that this sort of activity would have on the effective functioning of the ARP and because of a history of alleged dishonesty within this department in the past, I believe that omitting this section would not portray a completely true reflection of the information that has been gathered during the interview process and would neglect an essential element of the inner workings of the ARP.

ARP Official 2 (interviewed on15th November 2016), was the second of the interviewees from the ARP who painted a picture of questionable and possible dishonest practices within the ARP and claimed that 'to determine whether the allegations made are true, an immediate forensic audit requires to be done.' This allegation questioning the integrity and ethical practices of the ARP must be treated with extreme caution as the official concerned is a single witness and does not offer corroborating evidence. However, this is not the first time the ARP has been embroiled in allegations of fraud. Previous allegations were brought to my attention by ARP Official 2 during an interview in November 2016.

In an arbitration hearing in August 2012, as reported by Anna Cox on iol.co.za, Job Sithole, the Director of the Alexandra Renewal Project was reinstated after it was determined that 'politicians wanting protection in Alexandra have been found to be the reason behind his suspension' (Cox, 2012:2).The CCMA found widespread 'interference and corruption' (*ibid*) in the office of the ARP and furthermore found that 'Sithole should have been applauded instead of suspended for trying to root out this corruption and expose politicians' (*ibid*:1). Under the guise of 'community dynamics', Sithole was told to move to another department (*ibid*: 2). He refused to do so which infuriated certain parties with financial interests who wanted him out (*ibid*).

Allegations submitted by Sithole to the Commissioner of the CCMA included: 'politicians trying to obtain money they were not entitled to,

allocation of houses to a boyfriend instead of a deserving elderly person, and the solicitation of a payment of R1.5 million to a party not entitled to it' (Cox 2012:2). In September 2016, in a report on the problems experienced by the ARP, Christian Bellanger from the Pullitzer Center on crisis reporting in Washington DC, speaks of a programme 'plagued by quick administrative turnover and allegations of corruption' (Bellanger 2016:1).

In July 2012, the Democratic Alliance, in a survey carried out in Alexandra, reported that only 7% of residents were 'satisfied with the performance of the project' (DA MPL Network, 2012). The report also referred to an investigation undertaken by the Public Protector. I ascertained from the author of the article, Mike Moriarty MPL, (discussion, January 2017) that the investigation related to complaints regarding the way certain residents of Seswetla in Alexandra were allocated housing units in K206 on the East Bank of Alexandra. Moriarty advises that the Public Protector referred the matter to the Housing Tribunal who, for reasons that are unclear, refused to deal with it. It has subsequently remained on hold.

Perhaps a forensic audit into the ARP operations of both the City of Johannesburg and the Johannesburg Development Agency would be appropriate to determine if alleged irregularities exist, and if so remedial steps should be taken to deal with them. Such a step would be in keeping with the views of all interviewees who articulated the opinion that dishonest conduct should be exposed and dealt with.

4.3.6 Problems of implementation

With the signing of the Statement of Intent, it was generally accepted that major progress had been made in finalizing an acrimonious and bitter dispute that had lasted for over 12 years and that perhaps at last Alexandra would be on the road to recovery. However, for unknown reasons the Provincial Government has frozen the implementation of the terms of the agreement. It appears that further progress is not possible in the

foreseeable future due to the incapacity of government to facilitate the process of obtaining the necessary funds through the National Treasury to deliver its commitment to the property owners (conversation with the MEC of Human Settlements, Paul Mashatile, March 2017).

The Statement of Intent, thus, currently remains no more than a wish list of probable solutions to a very intricate and convoluted problem. The document does not include any members of the resident's associations as participants, and as such, it is not clear to what extent these organizations are aware of its contents. The implementation of the terms of this document is a prerequisite to the court interdict being lifted and to the ARP process in Old Alexandra being restarted.

4.3.7 Title deed allocation

The importance and relevance of a title deed reflecting the holder of such document as the owner of a property is seen by many residents as a road to emancipation. The issue of security of tenure in Alexandra has always been a very vexed and complicated issue. From being excluded by the provisions of the 1913 Land Act (which prevented ownership of land by black people) to 1989 when the act was repealed and black people could once more own properties in Alexandra, there have been contestations over the issue of ownership. These issues currently concern previous land owners whose properties were expropriated in the 1980's and tenants and shack dwellers who claim rights to title by virtue of many years of occupation. To a member of ALPOA, owning a title deed is a long-awaited hope that will be brought to fruition along with the accompanying monetary value. To the poor resident who has waited for a home for more than 20 years it is much more. It is about dignity and self-respect, hope and security. It is about having a place for your family to live and claim as your own. It is about being able to use such property as an asset and being able to raise funds based on its value. It is about belonging to a community with the social interaction and participation that that involves.

Despite the persistent demands, the provision of title deeds to both the property owners of Alexandra and to those who await an RDP home currently remains unresolved. There appears to have been no apparent plan to facilitate an effective process to accelerate the registration process in the Deeds Office. The very emotive issue of housing lists and the allocation of RDP homes remains problematic, with questions being continually raised as to lack of transparency in the allocation process and the failure to publish the waiting list. There is a direct link between the lifting of the court interdict and the prospect of residents receiving an RDP home should the matter be resolved. This possibility is always a priority when property issues are discussed. The residents of Old Alexandra are acutely aware of the importance that a resolution to the ALPOA court interdict may have but they do not understand why some residents who are not affected by the court interdict have not received their title deeds. Both the members of ALPOA and the residents hope and believe that when the court interdict is lifted, their chances of receiving their title deed will significantly improve. In order to begin changing the distrust that exists, issues as important as these must be dealt with in an open and transparent manner. This would be a small start in the right direction.

4.4 Conclusion

Given the above analysis, I can conclude that most of the findings were in accordance with my expectations, namely that there is major mistrust and suspicion between the various stakeholders. The divide between them, however, is more extensive than I expected. The strong belief by all the stakeholders, but particularly by the residents that the ARP project has only a minimal chance of success, creates an environment of frustration and despair with few believing that Alexandra will ever be a better place to live in, and more importantly, that they and their children are condemned to an environment without a suitable standard of service provision and delivery.

Although there was some jubilation and surprise when the Statement of Intent was concluded in July 2016, this attitude has changed to disappointment and disbelief that nearly nine months since its formulation no steps whatsoever have been taken to further its progress. Undertakings from the Provincial Government that implementation is imminent, are viewed with suspicion. The continued failure to be informed by the Gauteng Provincial Government as to progress in the matter and the reasons for the long delay will help only strengthen the views of those who believe that no settlements can be reached.

Other significant issues that remains prominent, and although not the subject matter of the court case are indirectly linked to it, are the issues of title deeds and the failure to make transparent housing lists and allocations. Ultimately, however, no change can take place in Old Alexandra until the court interdict is lifted. That possibility now seems further away than ever.

CHAPTER 5: CONCLUSION

5.1 Introduction

The distinction between formal and informal processes in the revitalizatiom conceptual framework referred to in Chapter 2 provides an understanding of the different methods involved in the revitialization process. As reviewed under 2.2. above, there are various definitions of urban renewal, urban regeneration and restitution as part of formal processes and informalisation, gentrification, densification and fragmentation in relation to informal processes. Each of these concepts and processes has been analysed in this research report.

Community participation is an essential pre-requisite for the success of any revitalization process (Sinwell 2005, 2008, 2009), Rosly and Rashid (2013) Tyler (2002) and is a fundamental component of any project which brings about change. Hickey and Mohan (2004). Sinwell, in my view emphasized how significant community participation is in the development process (2009). This fundamental pre-requisite is greatly underplayed and gives too little credence by the ARP process.

Another important aspect that has failed to be effectively introduced and employed is that of Public Private Partnerships which Tsenkova (2002) and Rashly and Rashid (2013) highlight and which if used effectively in an ‘incremental’ way (Tsenkova 2002) will ensure ‘economic improvement’ Rosly and Rashid. (2013).

What is important from an informal settlement perspective is that the long held view that the eradication of informal settlements would be a successful goal and despite persistence with this view, the process of formalization is now being discussed more often and may be the long-term solution.

There appears to be mixed success with the restitution process in South Africa and as Beyers points out Beyers (2013) the restoration of urban

space has been overlooked in favour of monetary compensation. This very emotive issue is best explained by Teitel as confronting the ‘wrongdoing of repressive regimes’ (Teitel 2013:13:69). However, Beyers (2013) notes that land restitution has been viewed as restorative transitional justice rather than socio economic development. In his view, the policy has not been translated into secure rights over land. An example of this is the approach of the Land claims commission in Alexandra where there has been a preference to resolve claims by making payment resulting in limited ability to bring about integration. This approach by the Land Claims Commission has been one of the significant factors, which led to the ALPOA court interdict being obtained.

Despite the enormous anticipation of a revitalized Alexandra followed by the introduction of the ARP this project has been an abject failure. Although the Gentrification process was claimed to be the preferred goal in the early stages of the ARP process and despite support for the concept from writers Smith and Williams (2010) and Diapp (2013) it is clearly not suitable for places like Alexandra mainly due to the probability that it will destroy the complex social networks that have formed.

Backyard structures and the informality which it represents are estimated to be in the region of 270 000 in Alexandra (Sharpurjee and Charlton (2013) and are becoming an accepted way of life notwithstanding the ambivalent approach to informality by the state. Huchzermeyer (2011). Informalization is and has become more essential in places like Alexandra as an option for the urban poor in developing countries (Sharpurjee and Charlton 2013:654). Informal rental market begins to flourish because of issues like urbanization. Huchzermeyer however reminds us of state ambivalence towards informal livelihoods (2011:13).

It has been mooted that high density RDP housing In Alexandra may provide the answer to overcrowding. Shapurjee and Charlton (2013). It

would appear however, that high densification in Karachi have created numerous social problems. The contestation between the decision to densify or de-densify remains unanswered. Those in favour of reallocation remain strongly in favour of de-densification but as mentioned in this research Neels letter clearly indicates the Johannesburg City's preference and belief that the answer lies in the need for intensive upward densification for Alexandra and that reallocation alone cannot solve the huge demand for land.

It would appear from a further assessment of the Literature that densification by way of building upward incrementally to prevent urban sprawl and efficient use of spatial resources is not only a possible solution for Alexandra, but for all spatial challenges in both formal and informal settlements. Hasan (2016:226), Shapurjee and Charlton (2013:665) City of Johannesburg (Neels letter interview 2016) all distinguishing same from gentrification, which according to Smith and Williams (2007) has the effect of the movement of middle classes into previously disadvantaged areas and driving out the poor.

The focus before 1980 in developing countries was on 'slum and squatter upgrading' (Mcgill (2016:4). This changed to what Huchzermeyer (2011:14) referred to as the 'language of eradication' as elucidated by the Minister of Human Settlements Lindiwe Sisulu who promised eradication by 2014 and is now replaced by talk of formalization. This contradiction has potentially significant repercussions for the future of upgrading and renewal projects like the ARP.

Fragmentation like Gentrification creates two distinct and very different ways of living and a 'market apartheid replaced a racial apartheid'. Harrison (2003).

All of these processes play an essential role in the revitalization process. The implementation must at all times be carefully structured to meet the needs of the community and after proper consultation.

For successful Regeneration and Renewal (of which Alexandra is a prime example), there is a necessity for incremental development anchored in public investment supported by community participation and public private partnerships. Rosly and Rashid (2013:1), Tenkova (2002:1) and Sinwell (2009:336). Bonner and Nieftagodien(2008) remind us that democracy has failed to eradicate inequality and exclusion, which has been aggravated by the continuous arrival of new residents into Alexandra. This was despite initiatives to reduce densification ratio.

The ALPOA court interdict was the culmination of many years of contestation, having its roots in the restrictive 1913 Land Act and the expropriations of the 1970's. It was later fanned by conflicting ownership and property rights and political interventions from the 1980's to the present. This chapter draws together the reasons for the ARP's inability to deliver its renewal project and shows how this is deeply embedded in both underlying circumstances and in the impact of the ALPOA court interdict. It starts by examining the underlying factors that compelled ALPOA to approach the Land Claims Court for an interdict, and then sets out to explain the issues that are preventing a resolution of the case. It then addresses the impact of the ongoing dispute on the ARP's progress and implementation. The issues of ownership and property rights and how the ALPOA case related to the ARP are also discussed. The chapter closes with a number of significant recommendations. The first is for an independent stakeholder forum to be convened that would seek solutions to resolve the impasse. The second is for a forensic audit to be undertaken to determine who currently resides in old Alexandra. The third suggestion is the acceleration of Public, Private partnership initiatives driven by government. The fourth recommendation id the introduction of effective community forums to ensure communities are involved and participate in their future development. Finally it is proposed that a re-densification programme be formulated for Alexandra as a recognition that de-densification for the area is simply not feasible.

These steps are essential if the impasse in Alexandra is to be resolved. The failure by government to understand and/or implement an effective community participation programme in order to remove the suspicion embedded in the various interest groups and factions effected by the lack of progress has created and will accelerate long-term dissatisfaction and prevents commitment from the residents whose participation is essential to a successful outcome.

5.2 Synthesis and discussion

The circumstances that were present at the time ALPOA obtained the court interdict remain problematic. The Statement of Intent concluded in July 2016 has, within its terms, possible solutions to address these historical differences though there are difficulties with its implementation. The underlying circumstances that precipitated the court order remain in place and this research project has emphasized the failure of the government (through the ARP) to employ a participatory and interactive dialogue to deal with the problem. In the interviews discussed in Chapter 4, members of ALPOA emphasized the view that a solution could have been found through a consultative process without the necessity of approaching a court for relief. The view of ALPOA is that despite an agreement having been reached, the status quo will remain until implementation of the terms of the agreement have taken place.

The reasons for the failure to resolve the case remain embedded in an ambivalent, paternalistic and non-participatory approach by the ARP that is signified by inaction and political interference. The contestation between the ARP and ALPOA is complicated by the deep-seated distrust ALPOA has for the ARP A further important issue that is preventing a solution to the case is the lack of progress that has been made in determining who and in what manner the R1.8bn that is required to pay out the property owners will be sourced. The ability to access this amount is an essential pre-requisite to the court dispute being settled and the precursor to the ARP process being

finalized. This amount is required to pay out the 2 500 property owners whose properties were expropriated and who do not wish to return to their homes.

For as long as the interdict remains in place, the implementation of the ARP will remain frozen. The inherent distrust of the ARP by ALPOA, fuelled by years of inaction and deflection has entrenched in ALPOA a view that no relaxation of the terms of the court order will be sought until payment has been received by its members. This negative relationship is further aggravated by the apparent inaction of the Provincial Government to follow up with the implementation of the terms of the Statement of Intent.

The dispute, which is entrenched in the issue of property rights and the restrictions placed on the ARP development, is preventing regeneration and redevelopment from taking place. Although all stakeholders are affected, the main losers in the process remain the poor. The failure by government, since the inception of the ARP in 2001, to deliver security of tenure to the residents of Old Alexandra through an interactive consultative process has created what Sinwell calls a 'participatory veneer' in the ARP process (Sinwell, 2005,2008 and 2009). He contends that:

> 'Until it becomes a priority (of the leaders or the poor themselves)to enable the poor to participate in decision-making in a way that views participation of the people as critical in itself, poverty will continue to persist in South Africa despite the supposed intentions of the RDP and ARP" (Sinwell 2005:90)

His view has merit and is probably even more relevant in 2017, 12 years later. He believes that if the 'South African government is serious about people's participation' then it must create an environment of capacity building to ensure that people have a meaningful role in the formulation of decisions that impact on their lives (*ibid*:91).

This concluding discussion has drawn together some intricate and sensitive issues that will take a special, impartial, and most importantly, a participatory process to unravel and resolve.

5.3 Recommendations

A recommendation that can be drawn from my study, with a view to resolving the deadlock around the ALPOA case, is that an independent stakeholder forum be convened, headed by a retired judge of the High Court, and to which all signatories to the Statement of Intent, representatives of all residents' associations and other and any other relevant stakeholders be invited. Government must be an essential participant in this process but it must be driven by an independent facilitator. Such a summit should be overseen by an independent facilitator and be mandated to find a solution that will ensure that the court interdict is lifted and that the ARP can carry out its core function of renewal for Alexandra. Because of the importance of participation for the success of a process, the failure to include all decision makers will result in failure before it begins. This forum would ensure a transparent and visible process that would provide the necessary medium through which all role players can air their views and allow the process of restitution to be effectively implemented.

A further recommendation would be that a forensic audit be undertaken on a block by block basis to determine who resides in each house, on what basis they are entitled to be there, whether it can be determined who the owner is and whether that person or family wishes to move to more appropriate housing nearby, if given the opportunity. This will be the only way to document who actually resides in Alexandra and will provide structure to a registration process. A forensic investigation will provide an opportunity to provide some certainty as to the enormity of the problem in assessing who resides in Alexandra. It is clear from the report that little or no effort has been made to determine the real extent of the number of people living in Old Alexandra. There would need to be a structured process

to determine exactly how many people actually reside there. The most effective method to achieve this goal would be by way of a block-by-block approach organized by dividing the area into 20 tranches equating to the 20 avenues in Old Alexandra. A team of officials would then conduct a street-by-street survey collecting data on all the residents in such area. The information would then be captured online, collated, examined and then evaluated. The outcome would enable city planners to gain some insight into prevailing challenges of densification in the area and make appropriate recommendations to deal with the problem.

As a consequence of the failure to de-densify Alexandra and the recognition of the failure of the many attempts to do so over the last 23 years, in support of the view of experts such as Neels Letter, who has been involved in the ARP programme from its inception, it would appear that a possible solution worthy of consideration would be to re-densify Old Alexandra by the construction of high rise apartments which would alleviate the challenge of finding suitable land for many thousands of families and ensure the residents are not removed from their environment and livelihoods to which they have become accustomed and although this has been introduced with mixed success in countries like Pakistan, it may well provide long term solutions for Alexandra. This would allow the informality, which exists to be upgraded by the introduction of formal initiatives as part of a long-term strategy of renewal.

.A further suggestion would be a careful examination of the role government could initiate to ensure a broader spectrum of funders for projects necessary in Alexandra. This view will create an enabling environment to ensure private sector investment, more effective stakeholder participation and community involvement. Clearly more involvement is required from the private sector by way of partnerships with government through a medium of effective public private partnerships. In this regard, government could attempt to bring companies on board to facilitate extensive initiatives and incentives.

It is further recommended that due to the lack of effective communication between government and the residents, that community forums be established in a similar format and structure as the forensic audit is to be developed to allow residents to express their needs and requirements. Without this participation, any renewal in Alexandra will fail.

These recommendations would entail a lengthy and time consuming process, which if implemented will be the start of active co-operation by the residents in an initiative that affects them and is imperative to the future of Alexandra and its residents.

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Appendix 1: Ethics clearance certificate



SCHOOL OF ARCHITECTURE AND PLANNING
HUMAN RESERCH ETHICS COMMITTEE

SCHOOL OF ARCHITECTURE PLANNING

CLEARANCE CERTIFICATE
PROTOCOL NUMBER: SOAP62/24/06/2016

PROJECT TITLE:	Towards an understanding of the limitations of the Alexandra Renewal Project: The ALPOA Court interdict and its impact
INVESTIGATOR/S:	Mervyn Cirota (Student No. 7214510)
SCHOOL:	Architecture and Planning
DEGREE PROGRAMME:	Master of Built Environment (Housing)
DATE CONSIDERED:	10 January 2017
DECISION OF THE COMMITTEE:	APPROVED
EXPIRY DATE:	10 January 2018

CHAIRPERSON _____
(Professor Daniel Irurah)

DATE: 18-01-2017

cc: Supervisor/s: Prof. Marie Huchzermeyer

DECLARATION OF INVESTIGATORS

I/We fully understand the conditions under which I am/we are authorized to carry out the abovementioned research and I/we guarantee to endure compliance with these conditions. Should any departure to be contemplated from the research procedure as approved I/we undertake to resubmit the protocol to the Committee.

Signature _____ **Date** 19/1/2017.

School of Architecture & Planning
University of the Witwatersrand
Private Bag 3 Wits 2050
Johannesburg South Africa
www.wits.ac.za

Appendix 2: List of interviewees

	Date of Interview	Position	Organization	Place of Interview
Resident 1	19th November 2016			San Kopano Centre, 15th Avenue Alexandra
Resident 2	19th November 2016			10th Avenue, Alexandra
Resident 3	20th November 2016			Madala Hostel, Alexandra
Resident 4	22nd November 2016			2nd Avenue, Alexandra
Resident 5	22nd November 2016			Madala Hostel, Alexandra
Resident 6	24th November 2016			10th Avenue, Alexandra
Resident 7	26th November 2016			K206 Alexandra
Resident 8	26th November			16th Avenue, Alexandra

	2016			
Resident 9	26th November 2016			15th Avenue, Alexandra
Resident 10	26th November 2016			4th Avenue, Alexandra
Politician 1	12thNovember 2016	Councillor		Johannesburg Metro offices, Braamfontein
Politician 2	12th November 2016	Councillor		Johannesburg Metro offices, Braamfontein
Jackie Segopa	7thNovember 2016	Secretary	ALPOA	2nd Avenue, Alexandra
ALPOA Member 1	9thNovember 2016	Executive member	ALPOA	2nd Avenue, Alexandra
ALPOA Member 2	9th November 2016	Executive member	ALPOA	2nd Avenue, Alexandra
Neels Letter	15th November 2016	Senior manager	ARP	ARP offices Maude Street, Sandton
ARP Official 2	15th November 2016	Official	ARP	ARP offices Maude Street, Sandton

Appendix 3: Questionnaires

MEMBERS OF ALPOA

Hi, many thanks for granting me permission to interview you.

As you recall the topic is to obtain an understanding of the limitations in the implementation of the Alexandra Renewal Project, the ALPOA court interdict and its impact.

Please advise should you at any stage feel uncomfortable with any of the questions I am asking.

How long have you been a member of ALPOA?

Would you mind telling mw whether own properties in Alexandra?

And if so, how many?

Do you have a title deed indicating your ownership?

Was your property expropriated by the then government in the 1980's?

In your recollection what are the underlying factors that compelled ALPOA to approach the High Court for an interdict?

What in your view is preventing a resolution of this case?

What in your assessment is the relationship between the dispute (and its non-resolution) and delivery of the ARP process?

How would you say is the ALPOA/APOR case connected to the ARP in relation to ownership and property rights?

ALEXANDRA RESIDENTS

Hi, many thanks for granting me permission to interview you.

As you recall the topic is to obtain an understanding of the limitations in the implementation of the Alexandra Renewal Project, the ALPOA court interdict and its impact.

Please advise should you at any stage feel uncomfortable with any of the questions I am asking.

Have you heard of the Alexandra Renewal Project (ARP)?

Can you explain the programme?

Did you expect to benefit from it and has this changed?

If so, what do you expect to receive?

Have you received any benefit from the project?

Are you aware of any problems with the project?

Do you know who ALPOA and APOR are? How would you describe their role in the neighbourhood?

Are you aware of the court interdict granted in favour of ALPOA and APOR against the City of Johannesburg? How would you describe its implications for this area?

OFFICIALS

Hi, many thanks for granting me permission to interview you.

As you recall the topic is to obtain an understanding of the limitations in the implementation of the Alexandra Renewal Project, the ALPOA court interdict and its impact.

Please advise should you at any stage feel uncomfortable with any of the questions I am asking.

How long have you been involved in the ARP programme?

What is your job description and what function do you perform?

Are you aware of the Court interdict granted against the City of Johannesburg in favour of ALPOA and APOR preventing development in Old Alex? Explain

What in your opinion has prevented the dispute between the City of Johannesburg and ALPOA/ APOR being resolved?

What steps should be taken to ensure that the roll out of the ARP can commence?

POLITICIANS

Hi, many thanks for granting me permission to interview you.

As you recall the topic is to obtain an understanding of the limitations in the implementation of the Alexandra Renewal Project, the ALPOA court interdict and its impact.

Please advise should you at any stage feel uncomfortable with any of the questions I am asking.

What factors in your opinion are preventing the implementation of the provisions of the Letter of Intent agreed upon by ALPOA/APOR and the city of Johannesburg in October 2015?

In your assessment, what steps have and can be taken on a political level to accelerate the ARP process?

Why, in your assessment has the dispute between the ALPOA/APOR and the City of Johannesburg not been resolved?

In your view, what steps are required fro the problem to be resolved?

In your view has the court interdict prevented the effective roll out of the ARP process? Please explain.

SCHOOL OF ARCHITECTURE AND PLANNING

UNIVERSITY OF THE WITWATERSRAND

Research study titled: Towards an understanding of the limitations of the Alexandra Renewal Project. The ALPOA Court interdict and its impact.

Researcher: Mervyn Cirota

Supervisor: Professor Marie Huchzermeyer,
Cell 083 424 2457, E-mail address marie.huchzermeyer@wits.ac.za

PARTICIPANT INFORMATION SHEET

My name is Mervyn Cirota. I am a part-time student studying towards a Masters Degree in the Built Environment in the Field of housing in the School of Architecture at the University of the Witwatersrand. I am also a member of the Provincial Legislature and a member of the Gauteng Provincial Committee of Human Settlements .In both these capacities I am intensively involved in challenges relating to delivery of housing in Gauteng and in Alexandra in particular .As the research project for my master's studies, I am currently investigating the progress of the Alexandra Renewal Project (ARP), introduced in 2001 with the purpose of improving the living conditions of the residents of Alexandra. In particular I am focusing on the court interdict granted to ALPOA and APOR in 2005 in terms of which the rollout of the ARP in Old Alex was brought to a halt subject to the dispute relating to the rights of the owners of 2500 properties in Alex being resolved. I am requesting Public Representatives and officials within and representing the Housing Department of the City of Johannesburg as well as members of ALPOA be participants in an interview process to collect information regarding the underlying causes which led to interdict being granted, the impact this had had on the residents who were meant to benefit from the renewal project and the reasons the dispute has not been resolved.

The interview will be approximately 30 minutes or any shorter time you may specify. During the interview they will be asked questions relating to your personal knowledge of the details of the dispute which arose leading to the court granting the interdict, what has transpired since the granting of the interdict, the impact of the interdict and the extent to which the suspension of the ARP has had on the ability to improve the housing conditions of the residents of Alexandra.

Your organization has been chosen to participate in this study due either to your position in ALPOA, as an official closely tied up in the process and /or as resident who has been waiting for delivery of better services s a consequence of the process. Your participation is voluntary and you are not compelled to answer any question. Any participant may withdraw from the interview at anytime. You will receive no compensation for your participation. Because of the sensitive nature of the topic your participation will be totally anonymous and you will not be personally identified in the final report. Your participants will be referred to as either a member of the executive of ALPOA, a resident of Alexandra as a Public Representative or as an official of the human settlements of the City of Johannesburg. However I will not be able to guarantee that those close to these persons would not be able to identify you through insights shared with me. I will ensure that if there are things you say that you would like to remain off the record this request will be strictly adhered to.

The results of the interview and any personal views will not be in any way connected to the report. Should direct quotations be used the identities will be kept confidential. Particular attention will be given to assuring that sensitive information will be stored on a password-protected computer, which at all times be secure. The research is undertaken solely for academic purposes and when completed will be available electronically and can be assessed publicly through the university's library.

Should you have any queries concerns or comments or should you wish to receive a copy of the final report, please contact me at my email address cirota@worldonline.co.za or my supervisor Prof Marie Huchzermeyer at the details provided above.