

CHAPTER ONE

Introduction

“Planners would benefit from integrating social theory with environmental thinking and from combining their substantive skills with techniques for community resolution, to confront economic and environmental injustice” (Campbell, 2001, 251)

1.1 General Introduction

Over the last 20 to 30 years, several paradigmatic shifts in the epistemology of human geography have necessitated appropriate changes in the research and methodology of urban studies. These shifts and changes today extend beyond the school of geography to have direct bearing on thoughts and practices in 'planning'. Maharaj and Narsiah (2002) succinctly trace these ideological and philosophical shifts within the context of contemporary urban **renewal/ regeneration**¹, and the resulting effects on practices of urban geography. These scholars outline the move away from a very traditional functionalist approach (also see Eden, 2003), to the need for more postmodern critiques of the social and spatial inequalities that exist within the urban fabric. This shift has taken place in light of post-apartheid South African pressures to deliver urban services and amenities (Swilling *et al*, 1991).

¹ The definitions of both terms are adopted from the report *People & Places: An Overview of Urban Renewal* in the context of this research project. **Urban renewal** (as most often applied in the USA) refers to the redevelopment of economic infrastructure; whereas **urban regeneration** (mostly applied in European literature) means the redevelopment of derelict residential areas or industrial areas, usually linked to the development of human and social capital.

This research project examines urban regeneration (as the redevelopment of urban space for human and social capital) in the context of *Constitution Hill* by using an environmental justice perspective. In light of the various debates and many theories in contemporary 'planning' (see Harrison, 2004), this research is valuable as it explores the likelihood of using more abstract concepts like heritage, rather than just market-related forces to drive and implement urban regeneration. Environmental management has become a central tenet of contemporary urban studies, associated with the shifts in South African policy, from Apartheid to Democracy and the subsequent reconstruction and the development of our nation (all of which transcend spatial and temporal aspects of geography). In this research report the focus is on urban environmental management.

This research project specifically looked at the relationship between **environmental justice** and **sustainable development**. This complex relationship was best seen by using **heritage** (and intergenerational justice) as a lens to explore urban regeneration in South Africa. This research report shows that by studying contemporary urban regeneration of the *Johannesburg* cityscape through the ambit of environmental justice; too much emphasis in development circles is placed on the concept of sustainable development. This project argues that within urban environmental management (in South Africa for the new Millennium), sustainable development *per se* is often elusive and impractical (Patel, 2000).

Adams (1999) succinctly states: "although it (sustainable development) has exciting potential in policy terms, the concept of sustainability is less satisfactory in theoretical terms" (p.132). Thus other conceptual frameworks through which to achieve sustainability in development may be worth pursuing. "A clearer, indigenous conceptual framework is required, tailor-made for the priorities of South Africa" (Patel, 2000, 394). The profound contemporary social and cultural changes in our urban space require an endemic conceptual framework for environmental management **process** and **practice** (see Lotz-Sisitka *et al*, 2003).

1.2 Sustainable development vs. Environmental justice.

As our infant democracy crawls towards entrenching sustainable development, planning and policy places much emphasis on the **structural environmental issues** and a preoccupation with **rights** (like access to urban services). Various new policies being implemented and legislation being passed in South Africa (to be elaborated on later in this report), bring to the fore the need to explore social, ecological and **environmental justice issues** (see Barnett, 2003). Environmental justice encompasses people's rights to freedom and equality; to housing; clean water; safety etc. Reflecting on the policy, processes and tools used for environmental management, Oelofse and Scott (2002) pose an important question: Does a concrete conceptual framework within which to achieve sustainable development exist or not? This research report suggests that possibly *environmental justice* is a more targeted approach to urban environmental management.

Environmental justice has evolved and is defined by the *Environmental Justice Networking Forum (EJNF)* as being "about social transformation directed towards meeting basic human needs and enhancing our quality of life — economic quality, health care, housing, human rights, environmental protection, and democracy" (As cited in McDonald, 2002, 4).

This is one definition of environmental justice (others will be used and elaborated on later in this report). Sustainable Development envisages "meeting the needs of future generations" and thus links comfortably with environmental justice (and intergenerational justice issues). Concerns about environmental degradation and about present and future poverty, culminate in issues of justice (often spoken about as inter- and intra-generational equity), have been pooled together by the principles of sustainable development (Adams, 1999).

As local government embarks on initiatives to meet sustainable development goals in the new Millennium, there is no better time than 2004 (after the first decade of democracy) for this research project to place South Africa under the spotlight of urban regeneration in Johannesburg. The concept of environmental justice as outlined in *Environmental Justice in South Africa* (McDonald, 2002), possibly may be a more effective way of looking at 'the environment'. The environment is a profoundly political topic in a post-apartheid context (Patel, 2003). Environmental justice explores all manners of issues relating to 'intergenerational justice' (see Dobson, 1999).

Assessing outcomes should be one of the means at our disposal, testing the justice of situations or use of space in urban environmental management (which often gets omitted in the case of justice within the confines of our endemic apartheid legacy). Inevitably we conceive of this intergenerational justice in procedural terms: "doing justice to future generations amounts to acting according to the right principles rather than trying to achieve any particular outcomes." (Holland, as cited in Dobson, 1999, 8).

Barry (1999) makes his belief clear that **justice** is an appropriate language through which to articulate our obligations to future generations (and in the South African context, the need to redress the past). Environmental management of the urban fabric is therefore a complex challenge. In the context of the South African city's endemic apartheid policy and planning, necessitating redistributive justice (see Swilling *et al.*, 1991 and Parnell, 1993), could be too specific for sustainable development to address. In the case of *Constitution Hill*, the present younger generation is the future generation which can perform the necessary redress, whereas the older generation lived through and experienced the oppressive past. Educating and allowing the present younger generation to redress and make right the imbalances of the past within an environmental justice framework to urban regeneration is important.

Patel (2003) suggests, "the value of an environmental justice framework is that environmental issues are uprooted from their conservation and

oppressive history and grafted onto the broader intellectual and institutional framework of human rights and democratic accountability" (p. 1). This project suggests that the concept of heritage can be used as a particular lens through which sustainability and environmentally just urban regeneration is more pragmatically fashioned and implemented within the new South Africa. The emergence of an environmental justice discourse and approach in urban environmental management is thus significant. "Discourses of the postmodern are having profound effects on a range of urban practices, from philosophy to planning" (Watson and Gibson, 1995, 1).

Sustainable development can be seen as a postmodern concept in urban geography as planners and practitioners envisage making cities instruments of urban regeneration. Although no real consensus exists on how to practically go about reconciling sustainability and environmental just urban regeneration, many 'disjunctures' between planning and policy cloud the way forward. This research project's focus on environmental justice should add valuable insight into this extensive debate.

1.3 Policy and practice?

This "disjuncture between understanding the ideals of policymakers and planners, and that of everyday urban citizens" (Harrison *et al*, 2003, 2) is a central concern for most scholars working in the field of urban regeneration today. Outlining the specific interest (academic and otherwise) of planning and resulting policy in urban regeneration formed

part of the process and investigation of this research project. In response to these challenges to the field of 'planning', many other foundational impacts of geography and the field of *environmental management* in South Africa are making fundamental inroads into the studying, understanding and documenting of the complex post-apartheid processes of socio-economic and political transformation (Oelofse and Scott, 2002).

Postmodern conceptions of environmental management are particularly relevant to issues of contemporary perceptions and planning in urban space, especially that of the city of Johannesburg, which hopes to attain 'World-class' status and be the pinnacle of *Gauteng — The Smart Province* (Blue IQ, 2003). An important question that Marcuse (2003) poses is that academic endeavour needs to ask where we as geographers (and by implication as urban planners and environmental management specialists) want to go?

In other words, in the context of this research project, describing and assessing more critically the desired **outcomes** of urban regeneration "needs to be addressed more squarely, before we can find out what policies will help us get there. What is it, positively, that is actually the goal? If there are open issues as to what policies will achieve what is desired, are there also open issues as to what it is that is in fact desired?" (p. xiv). This is an important aspect within this research project that was investigated as an underlying theme — that of policy

coherence and integrated planning (in the hope that the means used within such a process will lead to spatial and social integration).

Most contemporary urban planning strives for 'integration' but by what means? Race, class, culture, language, gender, age and sexual preference or the more classic measures of socio-economics — these have been various mediums through which planning is done in the name of 'inclusion' or equity. The planning practices and planning theories one utilises may in fact cause further exclusion and 'fragmentation' (Marcuse, 2003). Although fragmentation is not explored here, the focus on environmental justice in this project should broaden and enlighten our understanding and debates of these 'policy-related issues', in light of inclusion/ exclusion in urban space.

1.4 Urban regeneration in Johannesburg.

The *Johannesburg Development Agency (JDA)* is an initiative of the City of Johannesburg and has since April 2001 been a citywide economic development agency, central to the formulation and implementation of **Joburg 2030** (the city's economic development strategy) (JDA, 2003). **Blue IQ** (the Gauteng Provincial government's economic development initiative to create a 'smart province') forms part of the JDA's contribution to making Johannesburg the 'African World Class City'. (JDA, 2003 and Orlin, 2003). The Blue IQ initiative, in conjunction with other supporting policy frameworks, could be an example of that hope to remediate the urban form through environmental justice (Padarath,

Pers. Comm, 2003), although the Blue IQ nowhere specifically refers to environmental justice *per se*.

This research project argues: the context for urban environmental management needs to encompass the importance and place of values in urban regeneration. Values within environmental justice and sustainability vary greatly in meaning and interpretation. Owens (1997) shows how sustainable development is invariably contested, as a result of the inter-subjective judgements that prevail in values and claims which exist within this discourse. These judgements affect policy and practice. "The concept of sustainability lends itself to differences both in scientific opinion and in the judgement of value." (Owens, 1997, p.300).

Squires' (1993) poignant argument that there exists a greater need than ever for a 'clearly formed and articulated set of values, ethical standpoints and evaluative criteria' in academic study today opens various debates. This is essential in light of sustainability as often, the promotion of 'sustainability' may simply encourage the sustaining of the unjust *status quo*. To suggest that everyone has common interests in 'sustainable urban development'; however, masks a very real conflict of interests (Marcuse, 1998). If urban environmental management of the renewal, revival and regeneration of Johannesburg is to be truly 'environmentally just', one needs to investigate the 'real conflict of interests'; costs and benefits and the winners and losers of any of the *Gauteng* developmental projects. This project endeavoured to do just

that in the context of a case study, namely *Constitution Hill*, in Johannesburg.

"There is no doubt that the pressing problems of the present and the accumulated problems of the past have produced a very complex set of issues with which urban management has to cope." (Drakakis-Smith, 1997, 180). Swilling *et al* (1991) explore some of these challenges facing South Africa, contextualised as redressing spatial inequalities, poor or lacking urban services and housing shortages as a result 50 years of apartheid policy and planning. Exploring underlying values and the influence that subjective approaches have in environmental justice can be illuminated by a specific examination of the concept of **heritage**.

1.5 The use of heritage.

In the context of South Africa, heritage is important as it well reflects the atrocities of apartheid. In many cases heritage is used today as a point of healing and reconciliation. Heritage links us as a group to a shared inheritance and often is central to cultivating an imagined community or idea of nationhood (Johnson, 1999). In South Africa, 2004 marked 10 years of democracy as South Africans celebrate freedom and dignity. Johnson (1999) argues that heritage is primarily a process of tourism expansion and forms part of postmodern patterns of consumption. Geographers are criticised for paying scant attention to the historical geography of heritage landscapes.

Detailed attention would make fascinating research of how spaces (and places) of heritage translate complex cultural, political and symbolic processes into popular imagination. This research project's interest and slant on intergenerational justice and the need to address rights in the urban landscape is strengthened and well contextualised by this focus on heritage in environmental justice.

1.6 Aims and Rationale

In providing insights into the theoretical paucity of sustainable development, this study tested the potential of intergenerational justice, heritage and environmental justice as a means for shaping and refining interventions for sustainable development. Despite the work of some scholars (Patel, 2000, Rogerson, 2000 and Oelofse and Scott, 2000) questions of intergenerational justice and correcting the past imbalances has remained understudied. **Heritage** is a way to understand the intergenerational justice issues and has particular relevance in the South African city because of our cosmopolitan nature as an urban population in terms of race, class and culture. This research project aimed to investigate whether *heritage* is a valuable conceptual tool (within sustainable development) with which to meet the goals of environmental justice in the post-1994 South African context of the urban regeneration and renewal process.

The goals of environmental justice include: the right of everyone to a healthy and sustainable environment; the protection (through legislation) of that environment against environmental degradation; and

the promotion of social and economic development within this environment. Defining heritage will also form part of this process, hopefully making the links with cultural embeddedness (in much geographical research discourse) to urban policy more apparent (see Bianchini and Parkinson, 1993). Ironically, *Constitution Hill* was a good case in point, where environmental **injustices** (like racial discrimination and the infringement of many people's basic human rights) were perpetuated. Today environmental justice **issues** are being spatially and temporally addressed, in this precinct of Johannesburg as part of urban space revival, arguably challenged by **heritage**. Policy makers, planners and urban managers envision *Constitution Hill's* heritage potential as a central aspect to generate urban tourism (JDA, 2003). The following questions underpinned the research process:

- ❖ What are the effects of an environmental justice perspective on urban regeneration?
- ❖ Does urban regeneration at *Constitution Hill* represent an environmental justice perspective?
- ❖ What are the links between heritage and intergenerational/ social justice as they relate to environmental justice for urban regeneration?

To this end, particular emphasis on the impact of **heritage** underpinned the thesis of this work, testing the use of heritage as a medium for the conceptual framework of urban environmental justice. *Constitution Hill* was chosen as the case study because of its links to heritage, urban tourism and current political potential as an urban space in a

regenerating Johannesburg's cityscape. Figure 1.1 shows a simple map of the area.



Figure 1.1 General Map showing the location of *Constitution Hill*.

(As in JDA, 2004a)

1.7 Constitution Hill — renewed urban space.

Geographically, *Constitution Hill* is located northeast of the Johannesburg's CBD, near Braamfontein, Hillbrow and Joubert Park/Bertrams, and has a great political legacy. The *Constitution Hill* precinct (like many other urban regeneration zones in the cityscape) forms part of the broader Blue IQ development initiative. The focus is on various issues ranging from a cultural precinct (Newtown) to a satellite economic node for Johannesburg (Braamfontein), the growing small, micro-and medium-sized enterprises (SMMEs) and the fashion industry (fashion district), amongst others. Much investment and time is necessary and being placed in these various projects as urban planners and policy-makers endeavour to revitalise and renew the urban landscape of our ailing city (see Beavon, 2001; Harrison, 2003b).

Constitution Hill has, since 1892, attracted many spatial and temporal attributes: it consists of 95 000m² of space that in its heyday once housed an Old Fort, Section 4 and 5 (the 'native gaol'), and the women's prison. The area was earmarked for architectural and other structural developments — to house the Constitutional Court of South Africa, as well as promote urban tourism, job creation, and the entrenchment of our heritage as the 'rainbow nation' (JDA, 2003). "As it stands today (see plate 1.7 showing pre-development) *Constitution Hill* is to most an unknown, invisible and unacknowledged place. The site's history of injustice and brutality remains largely untold. When completed, this site will be home to the Law of the Constitution, a place where Human Rights for every South African citizen will be guaranteed." (JDA, 2003).



Plate 1.7: Aerial Photo of *Constitution Hill* (Pre-development, 1997)

(JDA, 1999)

1.8 Structure of the research report.

This work is divided into five chapters. Chapter one is a general introduction, providing the conceptual framework and presenting the project's hypothesis. It also provides the aims and rationale for pursuing this work and lastly, describes the layout of the remainder of this report.

Chapter two surveys the current and relevant literature, exploring the various themes of the changing focus in South African geographical discourse and urban studies; whether environmental justice and sustainable development are compatible or opposing discourses; the reasons for using a postmodern approach; and the nature of and context for urban regeneration in the post-apartheid city. This is done by documenting the various shifts in South African policy and legislation that have influenced urban environmental management. Reference is made to the gap between policy-and-practice that exists, which helps to contextualise the findings of this report.

By locating this project in the South African post-apartheid context, using a postmodern perspective, one can show how people understand and appreciate environmental matters in urban landscapes such as *Constitution Hill*. Finally, the impact of environmental values in this process is alluded to as this has direct bearing on the issue of intergenerational justice, thus chapter two suggests that the significance and impact of environmental justice on Johannesburg's regeneration and urban renewal experiences (with a focus on **heritage** at *Constitution*

Hill), by the assessment of **outcomes** being essential to testing environmental justice's place in urban environmental management in South Africa is necessary. Finally this chapter points out some of the shortfalls in existing literature and research.

Chapter three provides a brief outline and explanation of the methodology used in this research report.

Chapter four documents the results of the project. Mostly it shows up the relationship of intergenerational justice of sustainable development with the aims and realities of environmental justice in urban regeneration. Finally a synthesis of the data and overall findings of this research project is made. The theory and context of this research report are brought together to test the hypothesis, in light of the case study used for this work.

Conclusions are drawn in chapter five and some recommendations are made, as they affect policy and planning.

1.9 Summary

Various shifts in the epistemology of urban studies motivated this research project to investigate the effect of an environmental justice approach to South African urban regeneration in light of sustainable development. Heritage is used as a lens through which to gauge whether or not issues of intergenerational justice can be redressed within an environmental justice discourse. *Constitution Hill* is used as the case study for this research project to contextualise this report within a post-apartheid South African context. The next chapter surveys the relevant academic work and literature in this field, building up the research project's argument, dealing with the key debates and issues.

CHAPTER TWO

THEORETICAL DEBATES: Literature Review

“A sustainable society must also be an equitable society, locally, nationally and internationally, both within and between generations and between species... More sustainable societies will only emerge if those societies begin to demonstrate greater levels of material, social, economic and political equality” (Agyeman, 2003, 323 - 324).

2.1 Introduction.

Various themes and debates have shaped the epistemological shifts in Geography and Urban studies. These have come to challenge various notions of 'planning' and in relation to the study of urban regeneration, new means of studying how and why urban space changes have become necessary. Geographers and Planners increasingly have to renegotiate the boundaries of their respective disciplines. Collaboration within the realm of urban studies could yield many benefits when it comes to understanding and regulating a phenomenon like urban regeneration.

Since this project is centrally about urban studies, two central issues have shaped the discipline of geography in South Africa, firstly, the historical process of transition. Socio-economic; political; and cultural processes have and always will determine the nature and flavour of analysis — as apartheid is slowly examined and more fully understood (see Oldfield and Robinson, 2000; Lester *et al*, 2000; Harrison *et al*, 2003).

Secondly, scholars have questioned to what extent the written and practiced geographies in the South African context are distinctive or endemic. Increasingly, South African geographers have made huge inroads into and contributions towards the formulation of new policy frameworks. Within the field of planning and development, Harrison (2004) investigates the international trends in planning and the implications this has for South African practice. This research project looked at a new perspective for understanding urban regeneration; that of an environmental perspective. In so doing, the changes and trends in Geographical discourse are exposed. In this way, this research project is made relevant.

2.2 Changing focus in South African Geography and Urban studies.

The international rhetoric of much contemporary urban geography and planning seems infected with notions of the 'death' of the city, which is ironic, as the facts show that more than 3 billion people (nearly half of the world's population) are living in cities. This makes the study of urban regeneration even more interesting, initially through processes looking at urban renaissance or gentrification; urban sprawl, pollution and congestion; and culminating in the need for more sustainable urban forms. Increasingly geographers (and other spatial planners) are devising new conceptual models to represent (and make) the 'postmodern city' (Lees, 2003).

The fact that a particular emphasis on social policy being undertaken by many South African scholars, being drawn into the policy world, with the ending of apartheid is very significant (Rogerson and Robinson, 1999). We are now able to ask more reflexive questions such as those which this report outlines: is environmental justice a more comprehensive approach to sustainable development when it comes to urban regeneration? These changes in the study of geography necessitate alternative postmodern approaches such as that of an environmental justice perspective, for example concerns of redistribution and redress and an emphasis for a new framework within which to understand the urban environment, which is emerging.

New forms of economic relations and governance came into existence after the democratic elections of 1994 enabling the transfer of ideas and input from other places. This has been fuelled by the transformation in government that has increasingly located national policy within the influence of the international arena. "The contradictions and complexities of the transitional period have substantially changed the intellectual terrain within which South African geographers work" (Oldfield and Robinson, 2000, 2). Thus a need to conceptualise and understand the myriad and complicated transitions in South (ern) Africa — spatially; in divergent economic, political and socio-cultural contexts; and even from different theoretical perspectives — remains a focus of much research (see also Harrison *et al*, 2003).

Urban planning in the modernist tradition, as evidenced in Johannesburg, supported the society and economy of apartheid (Robinson, 1992 as cited in Mabin, 1999). In other post-colonial societies, planning was used as an instrument of control and repression. In the context of this study a new emphasis is being placed on the nature and value of planning in light of urban regeneration. There is now a political drive and need for change, that developed in the modernist era, which is trying now to find expression in another period. Bond (2003) makes reference to 'degeneration of urban policy under Apartheid'. He writes of how a globalisation agenda has impacted central issues of urban planning and policy, undermining several positive environmental, social and economic benefits that would have originated from strong public policies and related programmes.

Through an analysis of recent urban policies such as the *Local Government White Paper*, the *Housing White Paper*, the *Urban Development Strategy*, and the *Urban Development Framework (UDF)* he expounds the government's approach to urban environmental management (Bond, 2003). He argues for the need for "a much stronger, sustainable resource flow of urban communities which would otherwise slip further into despair and depoliticisation" (p. 53). The UDF is one of the most recent attempts of the state to conceptualise and implement urban development and regeneration in South Africa.

Pieterse (2003) refers to the many ambiguities within the UDF which result in the many difficulties of the concepts developed therein to be meaningful points of guidance for real developmental processes. He surmises that the UDF “fails to engage with divergent and conflictual interests in the city, and operates on the flawed assumption that urban integration as a shared common-good can be defined and pursued” (p.136). Rogerson (2000) looks at one such issue: he argues that globalisation has had the restructuring effect of shouldering the responsibility of economic development from national to local government. Consequently the promotion of local economic development (LED) has become foremost in the minds of policy-makers in the post-apartheid South Africa.

Conversely, Beavon (2001) argues, “Johannesburg (once touted as a world capital) was betrayed by a failure of vision and neo-apartheid” (p. 6). Many people associate the words ‘decay’ and ‘decline’ with reference to Johannesburg’s CBD, as a result of decentralisation of urban functions (linked to suburbanisation) and poor (or mis) management of city planning and civic authorities. Some seriously doubt whether any urban regeneration in Johannesburg is possible (the lack of a coherent housing policy for the poor (an issue most evident in areas like Hillbrow and east of the CBD) is a strong argument used to advocate this perspective. Beavon (2001) further argues that Johannesburg’s CBD only survives because of the shortage of suburban malls and urban services in traditionally racially segregated communities like Soweto and

so on. This research report shows that there is more to Johannesburg than meets the eye.

Harrison *et al* (2003) suggest that urban fragmentation is a result of a 'market apartheid' that has replaced the racial apartheid, all related to the underpinning discourse of globalisation. "At a local level, globalisation is increasingly associated with intensified (urban) fragmentation" (Harrison, 2003a, 15). This has negative implications to sustainable development and urban sustainability (an important concept explored by this research project) for "it is possible for an individual in New York or Johannesburg, to be well linked within social and economic networks that extend globally, but have no real connection with anyone in the immediate vicinity" (p. 15). "Signs of an underlying resentment at the tendency of white people to discard the CBD and enrich the area north of the Witwatersrand ridge were in evidence when the JSE (Johannesburg Stock Exchange) made its move to Sandton." (Beavon, 2001, 7).

Thus far the various impacts that effected a changing focus in South African Geography and related to Urban Studies has been surveyed. Our political transition and associated policy shifts; globalisation; our 'failure of vision and 'neo' apartheid'; and urban fragmentation are identified as major themes.

2.3 Urban Environmental Management; Policy; and Sustainable Development: compatible partners?

Urban sustainability is central to the agenda of urban regeneration because “planners now argue that the way to make cities more sustainable is to make them more compact (see debates on Compact cities by Todes (2003) and urbanised” (Less, 2003, 125). Most academic work (and some argue there is a lack of work in this field) on sustainable cities is centred on the physical and spatial environmental problems. Dear (2000 as cited in Lees, 2003) argues, “the new postmodern city is increasingly centreless, multi-nucleated, disarticulated and polarised” (126). Within a postmodern perspective many scholars are increasingly asking what the city is and what a city should be — a look at heritage could shed much light in this respect.

Swilling (2003) succinctly traces the most recent work in the changing nature of the South African city and urban policy in the post-1994 era. Providing “remarkable insights into the complex and extensive modes of intervention by an aspirant developmental state (with special reference to its local expression) in (re) shaping the spatial and economic realities of the South African city” (p. 1). More importantly, he points to the contradictory nature of this vast array of sectoral and spatial policies, a theme Harrison (2002) successfully takes up (for after 1994) in his work entitled: *Subverting Orthodoxy: A re-look at the ‘truths’ of Post-apartheid planning*. Harrison argues that we have not truly seized the moment provided by South Africa's extraordinary transition because (as planners

and geographers) we've allowed practices to become dogmatic and not pragmatic.

Increasingly, within environmental management, scholars are questioning the efficacy and place of sustainable development (as a means to an end). Whereas sustainable development (as a concept) needs another means to be an end; this is where environmental justice becomes centre stage in the debate (see Swilling, 2003). Academics are grappling with the politics of sustainability (and how this relates to environmental management) and valuable alternatives have been suggested.

Pieterse (as cited in Swilling, 2003) suggests that we need to re-look at the understanding and future of the South African city through various lenses. These lenses “allow us to see the city as a compendium of possible contested futures which include the ‘democratic city’, ‘productive city’, ‘educational/ learning city’, ‘cultural city’, ‘inclusive city’ and the ‘sustainable city’” (Swilling, 2003, 15).

In South Africa, the impact of apartheid on urban planning; policy and practice was restrictive and very controlling, in light of the repressive and racist regime of an empowered white minority. Rossouw and Wiseman (2004) usefully document the centralised, technocratic approach of apartheid. Thus they showed that “environmental policy debates were broadened to include democratic objectives and social and economic issues, central to this discourse was the concept of

environmental justice” (p. 133). They argue that environmental rights and environmental justice became the new focus and accepted values within environmental policy circles after the empowerment of the Constitution of South Africa in 1996.

The Constitution aptly placed emphasis on environmental rights and values (unlike the laws of apartheid which emphatically infringed on people’s rights and freedom of environmental values and choice). A note of sustainability is endorsed by the Constitution, which obliges the State to protect the environment:

“Everyone has the right: to an environment that is not harmful to their health or well-being; and to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that – prevent pollution and ecological degradation; promote conservation; and secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development” (RSA, 1996, section 24).

In terms of a ‘transforming’ environmental policy for South Africa, the process began with the dismantling of apartheid (and all its legislative restrictions) as was since 1994, determined by:

- The African National Congress’ commitment to establish an effective system of environmental management;

- The proclamation of environmental rights in the Constitution of South Africa; and
- A vacuum in policy and law for environmental justice, environmental health and environmental management issues.

(Rossouw and Wiseman, 2004, 133).

These factors drove the Consultative National Environmental Policy Process (CONNEPP) after 1994 and culminated in the promulgation and entrenchment of the National Environmental Management Act (NEMA) of 1998. Despite these advances ‘on paper’, “lack of local government participation and the weak response to calls for representation were early symptoms of the policy implementation gaps that were to emerge, which include the lack of engagement of civil society, including local government, in the ongoing programme of reform of environmental legislation” (Rossouw and Wiseman, 2004, 133 – 134).

The ‘gap between policy-and-practice’ is an important theme explored by many scholars in urban studies as it shows up the reasons why rhetoric of urban planning and reality in urban regeneration do not necessarily match up. In the context of this research report, emphasis on what could be called an ‘exclusion’ area, the history and nature of *Constitution Hill* is explored as the case study for this project. “Within the South African context, no clear policy objectives have been identified for the renewal of ‘exclusion areas’ and programmes do not provide clarity on either the nature of delivery or the expected outcomes of urban renewal” (Bloch, 2004, 7).

People and Places: An Overview of Urban Renewal, a report jointly commissioned and produced by the South African Cities Network (SACN) and Cities Alliance (CA), provides an in-depth analysis of contemporary South African urban renewal, thoroughly explaining the reasons of urban decline and the need for urban renewal. It also details the current approaches being implemented in the post-apartheid South Africa. **City Development Strategies** form part of the overall means. As an approach to urban renewal in South Africa, various criteria exist for 'project selection'. Most urban renewal is spatially and temporally bound, taking on one of the following forms:

- Flag ship projects,
- Prestige projects,
- Economic sectors,
- Supply-side land interventions,
- Business Improvement Districts (BIDs), amongst others.

(Bloch, 2004)

Constitution Hill fits into almost every category and makes for a good case study in light of current urban regeneration initiatives. The report has some fundamental conclusions, which influence and support some of the work in this research project, such as:

Recognition that a national urban renewal policy framework must be developed as part of a broader South African urban policy framework. Heritage as a means for urban regeneration is unique for *Constitution*

Hill although other projects throughout Johannesburg (and in South Africa) require a policy that is spatially and temporally significant.

The connections between causes of decline and objectives for urban renewal must be carefully considered during the design phase of urban renewal projects in order to support the development of internally consistent urban renewal approaches. At *Constitution Hill*, this was carefully thought out, the heritage potential being used to facilitate urban regeneration.

Legislative or regulatory support/ reform is required to frame the programmatic structure of urban renewal projects, as well as to address inappropriate regulatory frameworks and practises, reinforce new policy approaches and support appropriate introduction of fiscal mechanisms. Through the creation of the *Johannesburg Development Agency (JDA)* the need for regulation and creation of funds as being essential in any urban regeneration process at *Constitution Hill* is clear.

While different contexts may require different institutional arrangements, institutional guidelines to address inter-governmental relations; the relationship between local government and communities and the relationship between local government and the private sector, should be established to promote good governance within urban renewal projects. In particular, capacity building programmes should be introduced to enhance the ability of urban renewal practitioners to design and implement urban renewal projects.

Existing financial mechanisms to secure funding for urban renewal are ineffectual and more effective financial arrangements should be explored. New financial mechanisms should address the imperatives of local government counter-funding and should highlight the relationship between capital and operational funding in order to enhance the long-term sustainability of urban renewal interventions. A clear set of performance measurement indicators needs to be developed that is relevant across all contexts of urban renewal in South Africa. In the *Constitution Hill* case of regeneration, much collaboration and support between government and the private sector was necessary to bring this urban regeneration to fruition (Bloch, 2004, 9).

In almost every case mentioned above, this research report outlines the relevance and context for *Constitution Hill*. Within these frameworks a need for an environmental justice approach exists. Ideologically, the environment has its own tapestry of epistemologies and practices. The conceptions to the 'environment' furthermore often are mostly consensual and uniform as most "now acknowledge that environmental problems are indeed very serious, requiring 'solutions' which are certainly not just technical, and may not be available at all without significant social and economic change." (Jacobs, 1997, 3). Jacobs suggests that to make sustainable development a less 'marginal' concept would require the application of one of three alternate conceptual frameworks:

- The Risk Society (see Beck as cited in Jacobs, 1997);

- Ecological modernisation (see Benton as cited in Jacobs, 1997);
and
- Environmental values (see Owens as cited in Jacobs, 1997).

Patel (2004c) has sparked some interesting work in the arena of ‘values’ in environmental policy and decision-making and for this reason this research project suggests that possibly a fourth conceptual framework (that of environmental justice) be applied to make sustainable development more concrete and pragmatic. For in postmodern, contemporary conceptions of cities (and other urban space), the ‘environment’ in its broadest sense has become a contested (and political) issue — with a strong emphasis currently around ‘environmental justice’ (IGU, Glasgow, August 2004).

Sustainable development has increasingly been criticised “despite its attractiveness as a guiding principle, it is both ambiguous and contested, and while it arguably forces a greater consideration than hitherto of environmental issues in policymaking, it offers no clear answers” (Connelly and Richardson, 2004). They argue that the procedural nature of approaches and implementation of sustainable development perpetuates environmental **injustice** as a result of problematic decision-making.

A turn (in the context of *Strategic Environmental Assessments SEA*) to environmental justice is suggested as: It is, in a sense, a political, normative choice to make explicit the recognition that achieving

sustainable development involves conflicts of interests (see Owens, 1997 and too suggested by Patel, 2004c), whose solutions can be judged as more or less just; although a concern simply with social justice, conceived as meeting the needs of the disadvantaged, can be problematic. An environmental justice perspective forces explicit consideration of these possible conflicts; it points towards finding solutions, which result in a more just solution of environmental goods and bads (Connelly and Richardson, 2004, 19 – 21).

Unlike the emphasis in sustainable development philosophy on just the process, a turn to environmental justice (as a framework within sustainable development) would reinforce the commitment of many policy-makers to both a **just** process and **just** outcomes. This has been a central concern of this research project within the case study of *Constitution Hill*. In this context, the interest of **inter-generational** justice issues (as part of environmental justice) was of particular interest in light of the links between heritages and the need to sustain equitable urban regeneration.

In light of the opening quote to this chapter, inter-generational justice issues forms a definitive part of environmental justice discourse, as “social justice and environmental sustainability are inextricably linked, and that the achievement of the latter without the greater commitment to the former will be exceptionally difficult” (Agyeman *et al*, 2003, 325). This is so since sustainable development gives consideration to our own developmental needs (as well as those of future generations), whereas

environmental justice prioritises accountability to those currently alive (and to provide for future generations).

Roberts (2003) thus summarises that a key difference between sustainable development *per se* and environmental justice (as a framework within sustainable development) stands in the weight assigned to issues of inter-generational versus intra-generational equity. Social justice is an important part of the debate between environmental protection and that of economic development (see Campbell, 2001 and figure 2.2 below). This means that increasingly planners have to concede to redefining 'sustainability' since sustainable development's reputation and recent formulation 'romanticises our sustainable past and is too vaguely holistic' (p. 251). In light of urban regeneration a more specific approach or framework is necessary when it comes to addressing inter-generational justice.

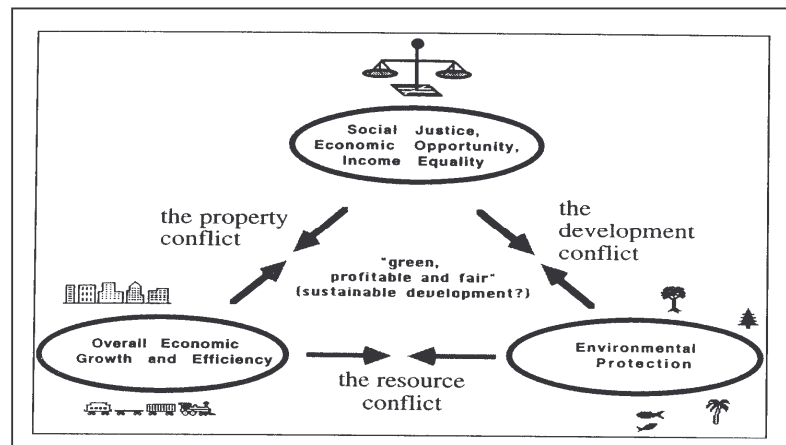


Figure 2.2: The 'triangle of conflicting goals' for planning and the associated problems.

(As in Campbell, 2001, 253).

Resultant issues of marginalisation; poverty; environmental degradation; unsustainable outcomes; and various tools of environmental assessments (like SEA) not being 'sustainable' — as a result of traditional approaches and literal applications of sustainable development have been investigated in recent works (see Patel, 2004c). Environmental planning (as an approach to decision-making and planning) will thus have significant impact on policy formulation in sustainable environmental management and the need for inter-generational justice in urban regeneration.

Haughton (2001) provides some insightful additions to the field of environmental justice, by defining and outlining five equity principles: Inter-generational equity or 'futuraity'; Intra-generational equity or social justice more broadly; Geographical or Trans-frontier responsibility; Procedural equity (or participation); and Interspecies equity (See Haughton, 2001, 66 – 68). He concludes that a sustainable city is not likely to be achieved internally but needs to attain global aims of sustainable development and that sustainability is as much a process as an end product.

As already mentioned earlier in this chapter, Connelly and Richardson (2004) focus a great deal of attention on values in environmental policy, showing up the value-laden nature of environmental decision-making and practice (even the bias of SEA as an environmental assessment tool). "The turn to environmental justice reinforces a commitment both to just process and just outcomes. Foregrounding outcomes distinguishes this

approach from a procedural commitment to decision-making by consensus” (p.21) like that of sustainable development.

Patel (2004c) also shows that more investigation into the effect of values on environmental governance is necessary if truly sustainable and just development is to occur in environmental management — especially with regard to institutional arrangements; environmental tools (for assessments) that are used in decision-making; and the role of environmental management practitioners. Some research is focusing on the ethical values and judgements of environmental policy makers in light of the fact that no professional body or code of conduct exist to control and maintain ‘standards’ in environmental governance of environmental management that is equitable and ultimately sustainable (Patel, 2004c).

Campbell (2001) surmises that despite the shortcomings of sustainable development, it retains its integrity and enormous potential (as a concept) but that it needs to be refined and made more precise. Environmental justice may just be refined and precise enough, especially when it comes to an issue like urban regeneration; any analysis of sustainable development (or its application) to any geographical problem requires the acknowledgement and return to values and relationships (Patel, 2004c).

Incorporating the existence and influence of values in sustainable development makes using environmental justice as a conceptual framework (within which to apply notions of sustainable development) so

much more useful. In the context of urban regeneration, it allows one to see the real winners and losers (see Connelly and Richardson, 2004) and unmasks the ‘real conflicts of interests’ (see Patel, 2004c) which help explain whether any development is truly sustainable or not by assessing the outcomes of that process. Increasingly there has been the growing formal role of organisations outside of the state within the policy processes, where an emphasis on participation has brought on board the issue of equity and environmental justice, making governance structures more accountable in environmental policy-making. This may prove interesting for further research, although the focus of this research report is to outline and assess the outcomes of urban regeneration in light of an environmental justice perspective.

2.4 Environmental Justice — a new buzzword?

The Environmental Justice movement started off as a radical environmental, populist, group of organisations that aligned itself more and more with the environmental movement, having originally to confront the toxic crisis in the USA (Bullard, 1993; Moore and Head, 1993: as cited in Fischer, 2000). Adamson *et al* (2002) define environmental justice as:

“The right of all people to share equally in the benefits bestowed by a healthy environment — the places in which we live, work, play, and worship. As members of marginalised communities have mobilised around issues of environmental degradation affecting their families, communities, and work sites, they have illuminated the crucial intersections between ecological and social justice concerns.” (p. 4).

Gandy (1996) maintains that the exploration of the interrelationship between environmental geography and postmodernity (through the renewed examination of the relations between nature and culture) has not made enough progress.

A solution to bridging this gap may lie in scholarly input and investigation moving from a broad consensual concept (like sustainable development) to operational principles that encompass judgements of value. As a result, different groups espouse divergent ideas of what it means for development to be sustainable (Owens and Cowell, 2002).

As early as the 1970's scholars have explored the question of the morality and values of imposing costs and risks associated with environmental problems on future generations (Routley and Routley, 1978). Thus the question of environmental justice remains relevant, as Human rights have gained credence on the ecological agenda (see Aitken, 1992 and Drakakis-Smith, 1997). In contemporary society, human rights contextualise 'development' within the confines of power, poverty and many marginalized environments (Hallowes and Butler, 2002), reinforcing the need to focus on intergenerational justice.

The preoccupation with '**rights**' in our contemporary society is an underlying theme in this research project. The emphasis on 'environment' (how it constitutes being considered a 'political' issue) explores the relationship of sustainability and environmental justice. Postmodern environmental issues are more than simply 'structural

environmental issues' with intergenerational justice being a pertinent environmental concern. Jacobs (1997) made a valuable contribution in the analysis of the 'environment' as a political issue (also Patel, 2004c). He argues that the 'environment' as a concept initially relates to the holism of the term, which allows problems to be seen as ethical and cultural questions, thus detailing the complex relationship of human society and the natural world.

Increasingly, the use of environmental justice as a medium of geographical discourse has opened avenues to explore racial, ethnic, class, and sexual differences. To look at culture, social oppressions (exclusion and inequality)(see Thomas and Williams, 2003) and environmental issues through a postmodern perspective are increasingly popular. Sze (2002) sets forth the several discourse and research opportunities of environmental justice, arguing that "(it) is a political movement concerned with public policy issues of environmental racism, as well as a cultural movement interested in issues of ideology and representation" (p. 163).

A huge portion of urban regeneration in South Africa is geared towards dealing with and correcting 'exclusion areas'. Exclusion areas "are physical manifestations of social and economic inequality within cities" (Bloch, 2004, 7). As alluded to earlier, as a result of our apartheid legacy, **place** (the reflection and use of space) is increasingly being seen from a moral perspective (see Smith, 2004). Social exclusion is a fundamental theme in environmental justice as we express space as "not

only an outcome but also the processes by which people come to be excluded” (Thomas and Williams, 2003, 144). *Constitution Hill* could be seen as being a place of exclusion previously, now the purpose being to include as many people as possible, through **heritage** as space of renewal and urban regeneration. This is where the emphasis on environmental justice will provide perspective and possibly solutions to problems like the lack of urban sustainability and urban fragmentation.

“Environmental justice in its broader definition, provides a compelling empirical and theoretical counter perspective to modernisation theories” (Agyeman *et al*, 2003, 328) and inspired the work in this research project. The new Millennium has initiated many changes in society (both abroad and at home) possibly the most significant being the strong emphasis on **rights** in so many fields and disciplines. The renewed interest and emphasis on human rights is chiefly important in this research project.

Oelofse (2003) makes an invaluable contribution in this regard with his work on social justice, with special reference to the Inner city of Johannesburg. His perspective on social justice challenges the contemporary policy and planning initiatives, which pay little or scant attention to diversity and difference of the city’s citizenry (Oelofse, 2003). “The case of the inner city of Johannesburg has shown that cities must provide the place within which individuals may create and exploit the opportunities they chose. The inner city provides all sorts of people (for example: women, gay people and foreigners) with opportunities to escape

oppression and discrimination and to secure independent lives for themselves” (Oelofse, 2003, 103).

There has been a resurgent interest in examining justice issues (especially in normative theoretical approaches within planning and geography) with a specific examination of values (rights, ethics, and quality of life). This has translated into re-evaluating the ethics behind policy in light of current sustainable development debates (see Haughton, 2001). “A truly sustainable society is one where wider questions of social needs and welfare, and economic opportunity, are integrally connected to environmental concerns” (Agyeman *et al*, 2003, 2). This includes concerns around culture/ heritage, which form part of the broader environment in which urban regeneration takes place.

Thus multiscalar links between environmental quality and human equality exist with a clear need to frame environmental rights as a significant component of human rights. Attempts are being sought to address both the underlying systemic **causes** of injustice as well as the more traditional distributive justice concerns of seeking to address inequalities of outcome (see Haughton, 2001). Due to the nature of environmental justice discourse and concern with inter-generational (as well as intra-generational) equity, it is suggested that we need to champion and protect the cause of environmental rights (which form part of human rights more generally) (see Haughton, 2003).

Cities have increasingly been seen through ‘cultural’ eyes. The tourist boom (of most cities in the world) is related to the emphasis placed on culture and heritage in such places (London; New York and Paris are prime examples) that have experienced remarkable urban regeneration (see Girardet, 2001). *Constitution Hill* is strongly directed towards urban tourism and the benefits this brings. This is complemented by its emphasis on heritage (as will be explored in the report), because “cultural development is a critical aspect of sustainable urban development, giving cities the chance to realise their full potential as centres of creativity, education and communication.” (Girardet, 2001, 424).

2.5 The use of heritage as a lens for understanding environmental justice.

Heritage directly affects responses to sustainable development by “different frames of reference, which inspire the way in which behaviours within different cultures are modified to achieve sustainable development” (Patel, 2004c, 12). Heritage could thus be a valuable conceptual tool in light of environmental justice and can form part of an iterative process in urban regeneration that is sustainable and equitable. The previous section of this chapter showed the linkages between sustainable development and that of environmental justice in the broader context of urban regeneration. Heritage is a way of tracking how culture and values are preserved between generations and is therefore a

good means of testing the intergenerational justice of sustainable development and environmental justice.

Many links of heritage to tourism (as a means to urban regeneration) have been explored (see Law, 1992; Chang, 1999; and Richards and Hall, 2000) although some scholars have focused their research on the commonalities (like inheritance) that heritage and sustainable development share (Fyall and Garrod, 1998). For this reason, it is important to foreground the linkages that exist between the concepts: heritage; sustainable development; social justice; human rights etc (as they relate to environmental justice for urban regeneration).

A holistic understanding of the environment needs to entail issues of social justice and human rights. Environmental justice would be an adequate approach in dealing with issues such as dignity; freedom of speech and expression and the use of space equitably. In South Africa, many social justice (inter-generational) issues were directly caused by apartheid (as well as the consequent socio-economic injustices) and are still inherent in our contemporary society. The building of and location of the *Constitution Hill* precinct is spatial evidence of the need to redress past oppression and inequities and sustain reconciliation and prosperity of our democratic heritage. "Human rights often seem like an abstract concept divorced from real life. In reality, human rights and their infringement are grounded in the daily experiences of people within their local communities" (Enviroteach, 2004, 2). This includes how people see and experience urban space.

Harrison (2003b) notes that, “new interesting cultural patterns, and uses of space, are emerging within an increasingly multi-cultural inner city” (p. 6). It is important to define what is meant by the term **heritage**, as this is fundamental in contextualising how such an abstract concept can be used as a gauge for effective environmental justice in the urban regeneration of Johannesburg. A useful starting point is with reference to legislation and subsequent planning and management practices in South Africa of late. The *National Heritage Resources Act* (no. 25) of 1999 (NHRA) is useful in helping define **heritage** as well as implementing environmental governance in this regard — with the establishment and sanction of the *South African Heritage Resources Agency (SAHRA)*. ‘Heritage resources’ are defined as “any place or object of cultural significance” (NHRA, 1999, 659). The NHRA sets out to:

- Introduce an integrated and interactive system for the management of the national heritage resources;
- Promote good government at all levels, and empower civil society to nurture and conserve their heritage resources so that they can be bequeathed to future generations;
- Lay down general principles for governing heritage resources management throughout the Republic;
- Introduce an integrated system for the identification, assessment and management of the heritage resources of South Africa;

(NHRA, 1999, 651)

“Our heritage celebrates our achievements and contributes to redressing past inequities. It educates, it deepens our understanding of society and encourages us to empathise with the experience of others. It facilitates healing and material and symbolic restitution and it promotes new and previously neglected research into our rich oral traditions and customs” (NHRA, 1999, 651).

Increasingly heritage is being used, as a tool of urban regeneration and in light of the quote above much would be gained within an environmental justice approach. Environmental studies have certainly moved from predominantly ‘green issues’ to more ‘brown issues’ (see Barnett, 2003) over time. This necessitates more emphasis in environmental science on **culture** in our analysis of the environment (see Graham, 2001, and Jay and Morad, 2002); as more and more cognisance is given to heritage in understanding the environment in which we live in. In urban regeneration, heritage is a prominent theme, often a contentious debate, as planners try to use it as a means to preserve the old in light of the new.

As alluded to earlier, heritage is seen by many (especially politicians) as a vehicle to building our new nation (see Cheung, 2003). The Premier of Gauteng recently called on residents to “join hands in preserving the country’s heritage and advancing social integration to build a new nation, which is non-racial, non-sexist, democratic and prosperous.” (Gauteng News, 2003, 6). Change is not always a good thing — especially if urban regeneration calls for the demolition of old buildings (with clearly historical and heritage value as defined by the SAHRA) in

the name of progress and development or modernity. Neil Fraser (an urban optimist) has done some pioneering work into the use of heritage in urban regeneration strategies in the last couple of years in and around Johannesburg (Fraser, 2003a).

Fraser (2004), the CEO of *Central Johannesburg Partnership (CJP)* generally maintains that heritage is a valuable draw card in any city and can be used as a tool for urban regeneration in that our heritage should be preserved in how we recreate or reuse urban space (see *Inner City Tourism Strategy*, 2004). In the media, various references to heritage have been newsworthy, from historic buildings being flattened for the legislative district, to renovations and changes to buildings that complement urban regeneration strategies (see *The Sunday Times Metro*, 2004a). The central issue common to these many references to heritage remains “very much a question of assessing whether the structure (a building) has cultural significance, which does not mean merely architectural significance” (*The Star*, undated, __) and contributes towards contemporary urban regeneration practices. Heritage as a concept is all encompassing due to the cosmopolitan nature of South African society — so many cultures need to be taken into consideration.

The Johannesburg Trust (consisting of people with “a real passion for the heritage side of the city” (Fraser, as quoted in *The Sunday Times Metro*, 2003, 7) has gone about purchasing and securing the renovation of a number of historically important buildings (like Chancellor House; where Nelson Mandela and Oliver Tambo set up their first law practice in South Africa) in and around the city of Johannesburg, so that we retain

and protect some of our spatial heritage. This is important because it helps us acknowledge our past without being anti-modernist (Fraser, 2004).

Several ambitious ‘monuments to the heritage and history of South Africa’ are the intention of provincial (and national) government. One example (apart from *Constitution Hill*) is *Freedom Park* in Pretoria; a R350-million project that is one of the 15 legacy developments undertaken by provincial government as part of the process “to redress our heritage sites and institutions” (*Sunday Times Metro*, 2004b, 5). More locally, examples to protect the city’s heritage include the restoration of *Joubert Park’s Drill Hall*. Architect and developer Michael Hart said that this and other initiatives like it “preserves the historic wealth of the city, an aspect many people tend to ignore and neglect” (as quoted in *The Sunday Times Metro*, 2004c, 24). Possibly because of ignorance or just because of commercial interests, heritage is often sidelined, but redressing the past inequalities in South Africa remains a provincial responsibility.

Not all change (in urban regeneration or in the name of it at least) is positive. ‘Greedy developers strip SA of historic gems’ reads as a classic headline that characterises many experiences in the last two years or so. Increasingly “South Africa is under enormous pressure to prevent people from wrecking its heritage” (Paine, as quoted in *The Sunday Times*, 2004, 8). Ironically, as development mushrooms around the recovering city, capital investment is the largest threat to preservation and use of heritage in urban regeneration South Africa’s heritage legislation is

amongst the most comprehensive in the world but implementation is poor and prosecution insufficient. In regard to this, Fraser (2003a; 2004) questions the implications of revitalisation on heritage. Increasingly the economic health of cities has been investigated, in Johannesburg's case we no longer have locational aspects (like mineral resources) through which to renew/ regenerate our urban space, rather a focus on 'place economics' prevails (see Fraser, 2003a).

Donovan Rypkema identifies five senses that impact on the economic health of cities: A sense of place (particularity of a city), a sense of identity (cultural and physical attributes), a sense of evolution (functional, cultural and historical), a sense of ownership, and a sense of community (As cited in Fraser, 2003a, 2). These 'senses', in many respects, mirror the values of heritage. Rypkema goes on to argue that historic preservation has evolved in itself, "to being a vehicle of broader ends — city centre revitalisation, job creation, cultural stewardship, small business incubation, housing, tourism etc", as it plays out in urban regeneration (as quoted in Fraser, 2003a, 2).

Many people fail to recognise that current urban regeneration processes in Johannesburg have not 'just come about' but that they are the result of "an awful lot of hard work, frustration and dedication on the part of a large team of people in both the private and public sectors over a number of years. Now comes the even harder part — ensuring that its recovery is managed and based on sound regeneration principles rather than on short term opportunism which treats our heritage as

disposable” (Fraser, 2003a, 2). Many approaches to studying sustainable development have been used in various schools or disciplines; this research project chose to use a postmodern approach.

In summary, various debates (as they relate to this research report) have been outlined. Contemporary urban environmental management; the Policy and a Sustainable Development framework — have been contextualised in terms of: compact city and urban sustainability debates; the preoccupation on environmental rights and a justice approach; the existence of policy and implementation gaps; current urban regeneration initiatives; and the mostly impracticality of sustainable development. Finally the focus of this report, of environmental justice and the use of heritage as a possible lens to understand it, has been laid out in this literature review.

2.6 Why a postmodern perspective?

Contentious debate as to what extent “postmodernism embodies the emergence of a new social and political paradigm more conducive to environmental sustainability” exists in much contemporary academic literature (Gandy, 1996, 23 –24). Postmodernism, as a way of thinking espouses aesthetics (architecture, art and culture); socio-economics (globalisation); as well as being a paradigm of knowledge (with links to poststructuralism). In the context of this research project, both antithetical discourses of postmodernism will underpin the process, that of postmodernism as an era or socioeconomic period and postmodernity as a science or way of thinking and knowing (Gandy, 1996).

Watson and Gibson (1995) succinctly summarise this relationship by saying that “while both postmodern discourses problematise discontinuity and transformation, their subjects are radically different. For the first it is reality, the city, or more specifically late capitalist urban space that is the subject of the transformation and disjuncture. For the second, it is a type of knowledge, thinking and representation which is discontinuous with what went before.” (p. 1).

A theoretical framework of postmodernism will umbrella the broad, horizontal themes, of sustainable development, environmental values (culture and heritage) and the post-apartheid city which this research project hopes to explore.

These themes capture the essence of a postmodern approach (see Ward, 1997 and Lees, 2003), that there is no singular universal account for the spatial and temporal dynamics of the urban past in South Africa. The themes to be explored may offer a more holistic understanding of the differences within society, but the associations and relationships between people and places that exist in today's reality are varied — a feat many other schools of thought and epistemologies have not convincingly proved.

Lyotard states that postmodernism challenges the globalisation discourse because it looks at perception, meaning, subjectivity, culture and the contingencies of locality and history (Lyotard, 1984 as cited in Harrison, 2003a, 14). In geographical discourse the challenge to

facilitate a better understanding of environmental problems as well as the interrelationships between science, society and nature, exists if our understanding is to be truly reflective and have wider significance and impact for environmental policy and action (Gandy, 1996). Our experiences of urban regeneration are not necessarily influenced or adequately explained in global discourse and need a more endemic and intrinsic approach to study.

The 'politics of space' is evident within a postmodern approach when studying the confrontation between various new urban social movements and modernist planning regimes. "In South Africa, where the challenge is to overcome the fragmentation wrought by colonialism and modernist planning, the possibility of postmodern fragmentation poses less a threat than opportunity for building new ways of administering a less oppressive, less polarised, but still heterogeneous community" (Watson and Gibson, 1995, 8).

Issues of social justice, transformation, and human progress are high on the agenda of some progressive postmodernists who celebrate the diversity of social and cultural life (see Sandercock, 1998 as cited in Harrison, 2003a, 14). "This progressive postmodernism (or 'critical cultural studies') provides a powerful critique of both the discourse of globalisation and the ideology of neo-liberalism as it emphasises the non-economic dimensions of life and subverts any attempts to create overarching narratives" (Harrison, 2003a, 14). Thus more emphasis is placed on heritage and new frameworks of thinking like that of

environmental justice. For this reason a postmodern approach will hopefully cement this research project together as issues of culture and heritage are explored and used as conceptual tools to understand sustainable development and environmental justice in the context of urban environmental management.

2.7 Summary

This chapter has surveyed the relevant literature and explored the various themes: The changing focus in South African geography and urban studies, the compatibility of urban environmental management, policy and practice and sustainable development, and environmental justice. It has explored whether environmental justice is merely a new buzzword. The use of heritage as a lens through which to advocate environmental justice, and the reasons for adopting a postmodern approach were also explained. The next chapter lays out the methodology employed in this research project.

CHAPTER THREE:

Methodology

“Methods, theory, context and data are intimately intertwined and form part of the whole research process.” (Patel, 2001, 27).

3.1 Introduction.

With the theoretical background of the previous chapter as a context for this research report, this chapter details the choice of methodology and use of data for this research project, by using environmental justice as a conceptual framework to answer the research questions posed earlier. A qualitative methodological approach best served the needs for this research project, as peoples’ experiences, values and resultant opinions could best be gathered (see Kitchin and Tate, 2000) in a way which encompassed the perspective and purpose of this research. The time frame that grounded this research project spanned 2000 to 2004 (the second term of true democracy and freedom in South Africa); while the celebration of ten years of democracy in 2004 inadvertently champions the cause of environmental justice. The last five years or so too have seen the most progress and advancement in urban regeneration in South African cities.

3.2 Methodological approach.

In light of the frameworks within urban studies that focus on urban regeneration, the use of *Constitution Hill* as a **case study** in this research project highlighted the need for an environmental justice approach, to be

further explored. *Constitution Hill* is a unique mixed-use area of development ear-marked as one of the major inner city regeneration projects. The chief purpose of such a project is the upliftment of urban space in economic, social and cultural respects. Apart from extensive job creation, the *Constitution Hill* project will generate various business opportunities and promote urban tourism as it contributes to renewal and sustainable environmental management of our urban cityscape (JDA, 2003).

Case studies make for good qualitative (and sometimes quantitative) analysis and allow an investigation of the historical (temporal) as well as spatial dimensions in any research (Kitchin and Tate, 2000). The objective of this study was to demonstrate the role of heritage in environmental justice as a more precise, holistic and endemic conceptual approach in applying sustainable development to the broader context of future urban environmental management in Johannesburg. The use of *Constitution Hill* as a case study allowed an in-depth study of a particular issue (like heritage) from a myriad of perspectives — rather than surveying a phenomenon (such as environmental justice) in a general way (Kitchin and Tate, 2000).

Geographically, a case study approach is very useful as it encompasses the institutional as well as spatial and temporal aspects of any research process. In light of the consequent completion of the Constitutional Court, this project assesses many of the issues raised here in a contemporary timeframe; these issues are current and make for exciting

research in the here and now. Within an environmental justice approach "the environmental sector had to take cognisance of the basic needs of human beings, and to accept that the right of human beings to a clean, safe, and healthy environment was a legitimate environmental goal" (Khan, 2002, 15). The temporal dimensions (2000 to 2004) of this work coincided with the conceptualisation and building of the **Constitutional Court of South Africa** which was completed in April 2004, bringing to fruition the reality of *Constitution Hill* as a precinct of urban regeneration in Johannesburg.

3.3 Data Generation and Collection.

The first stage of research encompassed much fieldwork: several visits to the site of *Constitution Hill*, where primary data (via photographs and maps) were collected. This data outlines the building and development that has already occurred in light of the proposed and projected changes that are envisioned by Blue IQ for this geographic area. The second stage entailed undertaking the collection of further primary data (in the form of brochures; informational videos etc) as well as secondary data (Business Plans; Official Reports etc). This data is used to explore the effectiveness of heritage as a conceptual construct for effective environmental justice within practices of equitable urban regeneration and sustainable environmental management at *Constitution Hill* specifically and by assumption, in Johannesburg more generally.

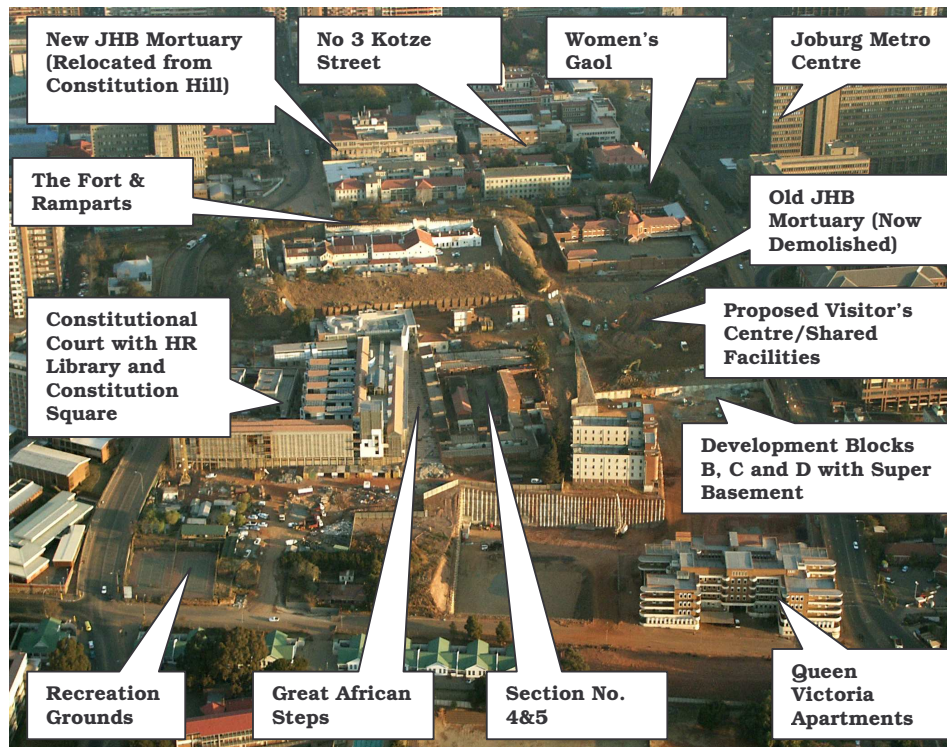


Plate 3.3: Oblique aerial photo of *Constitution Hill* from the North).

(JDA, 2003)

"Geographers place a great emphasis on the importance of visual imagery to substantiate claims about landscape, place and process (Bartram, 2003, 149). Recently, geographers have increasingly seen the significance and use of photographs as sources of information. The use of photographs was very convenient for this research project as "a photograph would be a more faithful recording of a scene" (Kitchin and Tate, 2000, 227). When describing heritage in words, there is a danger that subjective language could mar the findings. Whereas, the visual dimension of a photograph is a more objective way of conveying information. Although Scott (1990, as cited in Kitchin and Tate, 2000)

suggests that one should always carefully assess the usefulness and context of visual data by its: authenticity; credibility; representativeness; and its meaning, as this determines the validity and nature of the conclusions you draw from the situation or phenomenon. A criticism often levelled against the use of photographs as a methodology is "concerned about some of the implicit ambiguities of this 'non-prescriptive' methodology" (Bartram, 2003, 150).

A photographic essay (in chapter four) places many of the findings of this research report in context through physical evidence of the extent and effectiveness of heritage in urban regeneration at *Constitution Hill*. "There is a range of moral and intellectual dilemmas posed on how we view the world, and how this relates to individual and collective empowerment" (Bartram, 2003, 151). For this reason, the use of photographs made it easier to allow other people who have not physically been to *Constitution Hill* to get a sense of what it is all about. Heritage is often preserved through visual icons which is why photographs are an important source of data.

3.4 Public Surveys.

Interviews form part of the most commonly used means of data collection in any qualitative research initiative (Kitchin and Tate, 2000). This is because they provide personalised, rich and varied data; and are usually done in a non-threatening and less formal setting (see Bridge, 2003). The benefits of such an approach allow for people to say what they think and not just think what they say. In the context of this

research project the questions asked were designed to identify whether people understood the concept of environmental justice. The use of heritage to perform urban regeneration was also a central question of this research as this best dealt with exploring intergenerational justice issues. People being surveyed in the research process also provided for a sense of ownership as members of the public were consulted and included in the research project. Heritage is a varied and all encompassing concept and thus a variety of people were necessary and made part of this research project.

3.4.1 Informal conversational interviews.

Key informant interviews with the project co-ordinator of *Constitution Hill* at the *Johannesburg Development Agency*, as well as contact with the previous specialist for Strategic Urban Planning at the *City of Johannesburg* were undertaken, initially through e-mail correspondence, then later by scheduled telephone interviews. These interviews were done to get particular background to the development project (as well as the various roles and expectations of the stakeholders involved) and are not necessarily very objective but can give valuable insight into the respondents' personal opinions and experiences (Kitchin and Tate, 2000).

Both specialist and consultant members form part of the "policy community" and have relevant and specific knowledge that informed and better contextualised this research project. No direct quotations of either these two respondents will be used in this research project; rather

a synthesis of information (similarities and differences) of each specialist; as recorded in a written format during the interviews will assist as a springboard in answering the three research questions posed by this work.

3.4.2 Structured visitor interviews.

People-based interviews were designed, and used to form part of the fieldwork and investigation of this research project. These interviews ensured that the project engaged itself (specifically around the three research questions posed earlier) in a more general and 'public' way. The need for a 'public' approach is intricately linked to the fact that if an environmental justice perspective is effective, people need to be consulted and involved in the process. Various scholars have questioned the way interviews are done (limitations chiefly being *access* and *time*) as well as the nature and relevance of the questions posed (as this can affect the research process and outcomes).

In this research project the interviews/ questionnaires were purposely set out to ask specific questions so that the aims and rationale of this research would be focused and directed towards the research questions at hand, specifically towards the issue of heritage in the context of environmental justice. Initially, people-based interviews formed the basis of this research project and were undertaken within the *Constitution Hill* precinct. A sample of 25 'people on the plaza' (people visiting as tourists or as day visitors) was used as part of the public consultation process of this research project.

The people-based interviews (with the 25 various people from all walks of life whose names appear in a list included in the appendix) were done over a 6-week period, so that a range of different people would form part of the sample. Each interview lasted about 20 minutes. A diversity of people was necessary to make the sample representative of the South African population. General introductions of who the researcher was and the nature of this research started the process before a series of 18 questions were posed to the respondent. The respondent was given time to think about and answer each question in turn. The synthesis and analysis of these questions with responses is explored later in this research project (see the appendix for a sample of the people-based interview).

Some respondents were intrigued by this research and asked many questions (some of the issues being documented and included in the thoughts and reflexive processes of the researcher). This had an iterative impact on the research project in how other people were approached and these subsequent interviews conducted. "The best kind of qualitative research builds over time with the researcher moving backwards and forwards from the field to the interpretation of data and back into the field for more interviews, informed by the experiences of what has gone before." (Burgess, 2003, 243).

Oppenheim (as cited in Kitchin and Tate, 2000) suggests that interviews are a good precursor to questionnaires, as interviews provide the basis for close-ended questions on the questionnaire. "Used together, the

interview provides a pilot for formulating relevant questions and the questionnaire ensures a larger sample size that can be analysed quantitatively" (Kitchin and Tate, 2000, 213).

3.4.3 Structured stakeholder questionnaires.

Firstly, a structured people-based questionnaire (postal and fieldwork) of a sample of 50 local residents was undertaken. The involvement and consultation of residents was important since the urban regeneration associated with *Constitution Hill* could have various implications for their local community. The merits and demerits of questionnaires are well articulated in Kitchin and Tate (2000). Questionnaires can be conducted in a variety of settings and seem 'less formal' than a meeting or official interview. Both descriptive and analytical questions can be put into a questionnaire, which is essential for any good qualitative study. The danger with questionnaires (especially by postal means) is that respondents refuse or do not complete them, creating a major stumbling block in the research process (Kitchin and Tate, 2000). This was the experience with some of the respondents. Some people were convinced that participating in the research would somehow compromise their work or living arrangements. A few respondents who could not immediately complete the questionnaire agreed to fill it out and later return by post but did not return them at all.

In terms of safety concerns, the researcher chose to conduct the questionnaires following a church service (attended in May 2004), using a sample of 50 residents living within a 1km radius of *Constitution Hill*.

People attending *Christ Church Hillbrow* were fairly distributed in terms of age; gender and culture (although most respondents were of African descent and only one or two people were white). The nature and reason of the people-based questionnaire was briefly explained at a gathering of all the people; thereafter residents took approximately 20 to 30 minutes to each complete the form. The questionnaire (see the appendix for a sample copy) dealt with the same 18 questions posed in the people-based interviews at the *Constitutional Hill* precinct a month or so earlier.

The only difference between the people-based interview and the people-based questionnaire was that in the former the researcher lead and directed the process by asking and often explaining the questions. In the latter case, people were left to interpret the questions on their own and make purely personal responses.

Secondly, for a representative and varied younger perspective, a sample of 35 University of the Witwatersrand university students participated in a people-based questionnaire. This was the same questionnaire as used for the 50 residents in the local geographic area. The questionnaire was completed whilst they were attending a lecture on campus. This made for interesting findings since they are the 'present generation' who will enact changes of redress of environmental justice for 'future generations'. Suffice it to say that these means of data generation and collection in the form of interviews and questionnaires, gained a valuable 'grassroots' input from people of all 'walks of life engaging them over

their understanding and perceptions of concepts like heritage and environmental justice.

3.5 Sampling.

Of the potential 110 respondents only 94 interviews/ questionnaires were completed and retained. Figure 3.5 details the racial distribution per age groups of the entire sample, reflecting a fairly representative scenario when one considers the population make-up and demographics of Johannesburg

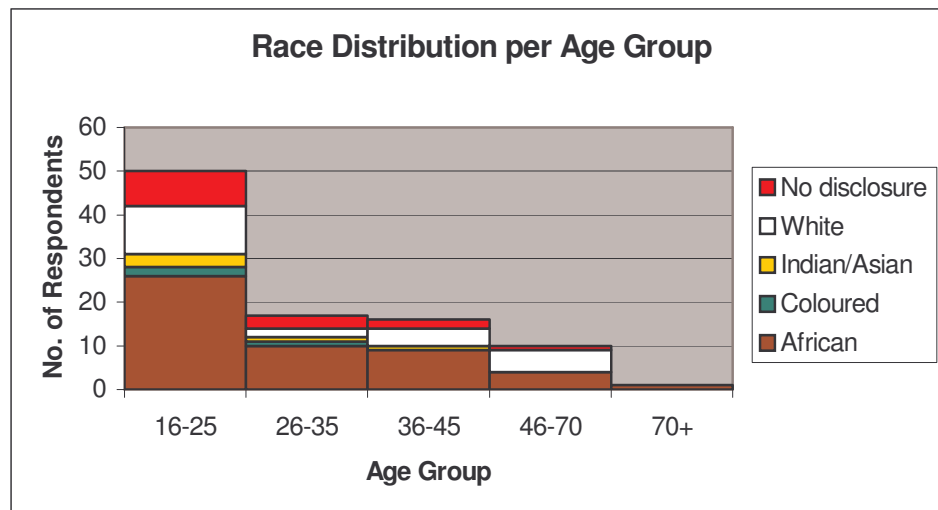


Figure 3.5 Race Distribution per Age Group of entire sample.

Demographically speaking, the majority of the people living in the residential area around *Constitution Hill* are African. The seemingly high incidence of white people are not in fact residents but mostly students at the University that formed part of the respondents (to the questionnaire) on WITS campus. Very few white people interviewed were residents of the local area. In the 'people-on-the-plaza' interviews, most people

spoken to were white (international tourists) or people from suburban areas around Johannesburg. This is important to note as it indicates that levels of awareness of what *Constitution Hill* is all about (and even where it is) is still developing. Overall, this sample seems representative and suitable to the research project and its findings.

3.6 Analysis of Policy documents.

Patton (2003) defines policy analysis as “the process through which we identify and evaluate alternative policies or programs that are intended to lessen or resolve social, economic, or physical problems” (p.1). A useful 6-step approach for successful policy analysis as suggested by Patton (2003) was used in this research report:

- Verify, define and detail the problem.
- Establish evaluation criteria.
- Identify alternative policies.
- Evaluate alternative policies.
- Display and distinguish among alternative policies.
- Monitoring the implemented policy.

A broad and holistic understanding of policy and processes related to Blue IQ, JDA and local government as it relates to urban regeneration were seen as a starting point for this project's thesis. Since this research project undertakes to explore a concept like heritage, the role of people and human interaction are essential. Observation and analysis

can thus provide a degree of validity by its zoning in on what people really *do* (and think) as opposed to what they *say* (Kitchin and Tate, 2000). Review of policy documents from Local Government/Municipality; Blue IQ and the JDA was important to help trace the discourse (or lack thereof) of environmental justice and heritage in a post-apartheid South African context. More important though may be the nature of the values that form the foundation of these policy documents.

3.7 The media; significant events and Internet research.

Internet sources that were consulted for further secondary material included:

- www.blueiq.co.za as at 30th October 2004.
- www.jda.org.za as at 30th July 2004.
- www.joburg.org.za as at 30th April 2004.

Other media-based sources included various newspaper clippings (particularly related to issues surrounding heritage); newsletters, as well as television programmes. Various seminars (relating to Urban Sustainability; Renewal; Regeneration or Urban Development and Planning) were attended to gain some general knowledge in this field of what practitioners and other researchers deemed most important and of topical interest. Apart from the informative and awareness aspect of such seminars, attending these and gaining some insight into contemporary issues helped contextualise and deepen this research, as

well as providing valuable ‘networking’ (and *snowballing*) opportunities of who to contact for further information or specialist input.

Regardless of either a quantitative or qualitative methodological approach, any research process is an iterative relationship between theory and context. In the light of this study, qualitative methodological techniques and analyses were employed best suiting the purposes of this work. The role of any researcher as an active agent in the research process is an issue explored by most researchers but especially by those doing reflexive work. Spatially and temporally, any research process too is aligned to specific knowledge and certain parameters, and prone to several limitations. This research project faced similar challenges as faced by many other scholars working in this field, most significantly the issue of methodology shaping the execution and outcomes of one’s research. For example, the use of the case study for this project, one of many good examples of urban regeneration in Johannesburg most easily aligned itself with heritage and environmental justice.

3.8 Summary.

As defined by Tesch (as cited in Kitchin and Tate, 2000) qualitative analysis can engender a theory-building approach. Identifying connections between phenomena can best be seen through a qualitative methodology. It is hoped this research project has many merits and will most likely promote the active participation in and ownership of the research process, by “people on the plaza” producing useful and significant results and that the findings will be of interest to all stakeholders in urban regeneration. The contemporary flavour of this project made it a perfect time to do this work. South Africa is in the business of redressing past imbalances, quite deliberately, and has developed a culture of ‘reflecting’.

To have a holistic approach and findings, this project needed to look backwards if we are to ultimately look forward, developing good signifiers of environmental justice (and environmental management) for future generations. As seen in this chapter, the use of photographs proved important as part of the qualitative methodology of this research project, much of the context of this research report is gained by seeing these pictures. "So we should not be dismissive of the sensory affects of visual imagery. On the contrary, we should recognize that they determine how we think, feel and act, and that we produce distinctive geographies accordingly." (Bartram, 2003, 157). The next chapter assesses the likelihood of being able to use heritage as a means for environmental justice to ensure sustainable urban regeneration in Johannesburg by showing the results of this research report.

CHAPTER FOUR

RESULTS:

The Place of Heritage at *Constitution Hill*.

“Our heritage is unique and precious and it cannot be renewed. It helps us to define our cultural identity and therefore lies at the heart of our spiritual well being and has the power to build our nation. It has the potential to affirm our diverse cultures, and in so doing shape our national character” (National Heritage Resources Act, 1999, 651).

4.1 Introduction

In the previous chapter, the research report’s methodology was outlined. This chapter analyses the data and documents the results of this research project. The various developments as envisaged for the *Constitution Hill* precinct as outlined by references to various themes in the literature review are also outlined. Through the course of this research project (2000 to 2004) much of the development and changes came to fruition, with the official opening of the Constitutional Court of South Africa coinciding with ten years of democracy on the 26th April 2004.

This chapter lays out the findings of this research project as they relate to the research questions that were posed in the introduction and done through the investigations of policy analysis; interviews; questionnaires and fieldwork. Several photographs of the *Constitution Hill* precinct are included to supplement and support findings; in most cases the heritage

potential of the various places at the precinct can only truly be appreciated with a visit in person. This is because heritage means so many different things to different people. For this reason it is hoped the photographic essay at the end of this chapter will contextualise some of the findings and conclusions made here.

The three central research questions that underpinned this research project were:

- ❖ What are the effects of an environmental justice perspective on urban regeneration?
- ❖ Does urban regeneration at *Constitution Hill* represent an environmental justice perspective?
- ❖ What are the links between heritage and intergenerational/ social justice as they relate to environmental justice for urban regeneration?

The research questions are investigated and answers are sought in the section that follows when analysing policy documents; interviews; questionnaires and the fieldwork undertaken at the *Constitution Hill* precinct. This research project was primarily concerned with looking at the role and value of **heritage** in contributing to urban sustainability and environmental justice within the context of urban regeneration. The qualitative nature of the interviews and questionnaires was such that these issues would be analysed. The remainder of this chapter explains the findings of the interview and questionnaire in more detail before making some remarks about the heritage potential of the *Constitution Hill* precinct as a site.

4.2 Blue IQ; the JDA and Constitution Hill.

Constitution Hill is home to The Constitutional Court of South Africa. Sandwiched in between Braamfontein and Hillbrow, the Constitutional Precinct sits on a hill overlooking “the bustling Johannesburg inner city to the south and the forested suburbs to the north, the site provides a unique perspective on the City of Gold and its dramatic history.” (Visitors Brochure, 2003). This 492-million Rand urban regeneration project is funded by The Gauteng Provincial Government’s Blue IQ Initiative (an economic strategy), the City of Johannesburg, the Department of Justice, as well as some other philanthropic organisations and is being delivered by the Johannesburg Development Agency (JDA).

Blue IQ is “a multi-billion Rand initiative of the Gauteng Provincial Government to develop economic infrastructure for specific major projects in smart industries, high value-added manufacturing and tourism. Blue IQ works in partnership with business and government departments as a catalyst to promote strategic private sector investment in key growth sectors of the Gauteng economy. Its central aims are to lift the growth of the Gauteng economy onto a new and significantly higher growth trajectory and to shift the mix of Gross Geographic Product (GGP) towards the three above-mentioned sectors”² (Blue IQ, 2004).

² As outlined on the website for Blue IQ, <http://www.blueiq.co.za/what.asp> (26/10/2004).

Broadly speaking, the Blue IQ's ethos and approach matches much of urban regeneration practices as outlined in the literature review earlier. Many of their principles gear development towards change that is sustainable. The Johannesburg Development Agency (JDA) was established in April 2001 (as an initiative of the City of Johannesburg) an economic development agency to stimulate and support area-based economic development, in fulfilment of **Joburg 2030** (Johannesburg's vision to attain 'World class status'), which manages capital investment and other programmes involving both public and private sector stakeholders (Luiz, 2003).

In 2002, JDA was appointed to manage what came to be known as the Constitution Hill Development Project. The JDA's ultimate goal is to "create an environment that will attract new investment opportunities, increase in occupancy levels as well as improved cultural activities with the potential of bringing in increased business tourism in defined areas" (JDA, 2004c). Figure 4.2 shows these planned developments by referring to various land use and activities within the precinct.

An analysis of Blue IQ and JDA documentation such as business plans yielded the following key values as fundamental to their policy and practice of urban regeneration:

- **Accountability:** *all our efforts are transparent and we are answerable to our shareholders, Board and stakeholders.*

This is significant since an environmental justice approach to urban regeneration would ensure fair and equal representation and power sharing of choices and decision-making that is open and transparent.

- ***Innovation and Creativity:*** *We endeavour to promote and fast track decision-making coupled with broader financial leverage as applied to the way projects are planned, led, managed and implemented.*

Environmental justice necessitates an evolutionary approach to redress inequities and correct past imbalances.

- ***Responsiveness:*** *We are sensitive to market forces and acutely aware of the difference this characteristic can make, especially in locales where shareholders and their partners have a concentration of assets and expertise.*

At Constitution Hill various people's opinions and expertise were included in making the site truly 'just' considering its past as well as present and future use as urban space in the cityscape of Johannesburg.

- ***Results-driven and customer focused:*** *We are practical, open-minded and approachable; and encourage a 'user-friendly' approach.*

- **Empowerment-minded:** *We are uniquely able to improve work practices and create opportunities. We espouse a progressive approach that is people-orientated.*

(As in JDA, 2004c)

These last two points resonate key aspects of an environmental justice perspective. All people apart from having a sense of participation and ownership need to be involved and see the benefits of urban regeneration. These are the principles upon which the *Constitution Hill* development was based. The JDA has not specifically made environmental justice a specific component of their values, although by implication, many of these aforesaid values have strong links to environmental justice. Environmental justice aims to redress past inequities by improving the quality of people's lives.

The values that JDA have grounded their approach on suggest a subliminal commitment to redress and making one's environment better and more pleasurable. The draw card for *Constitution Hill* is its strong historical and cultural links through heritage to prospects of urban regeneration.

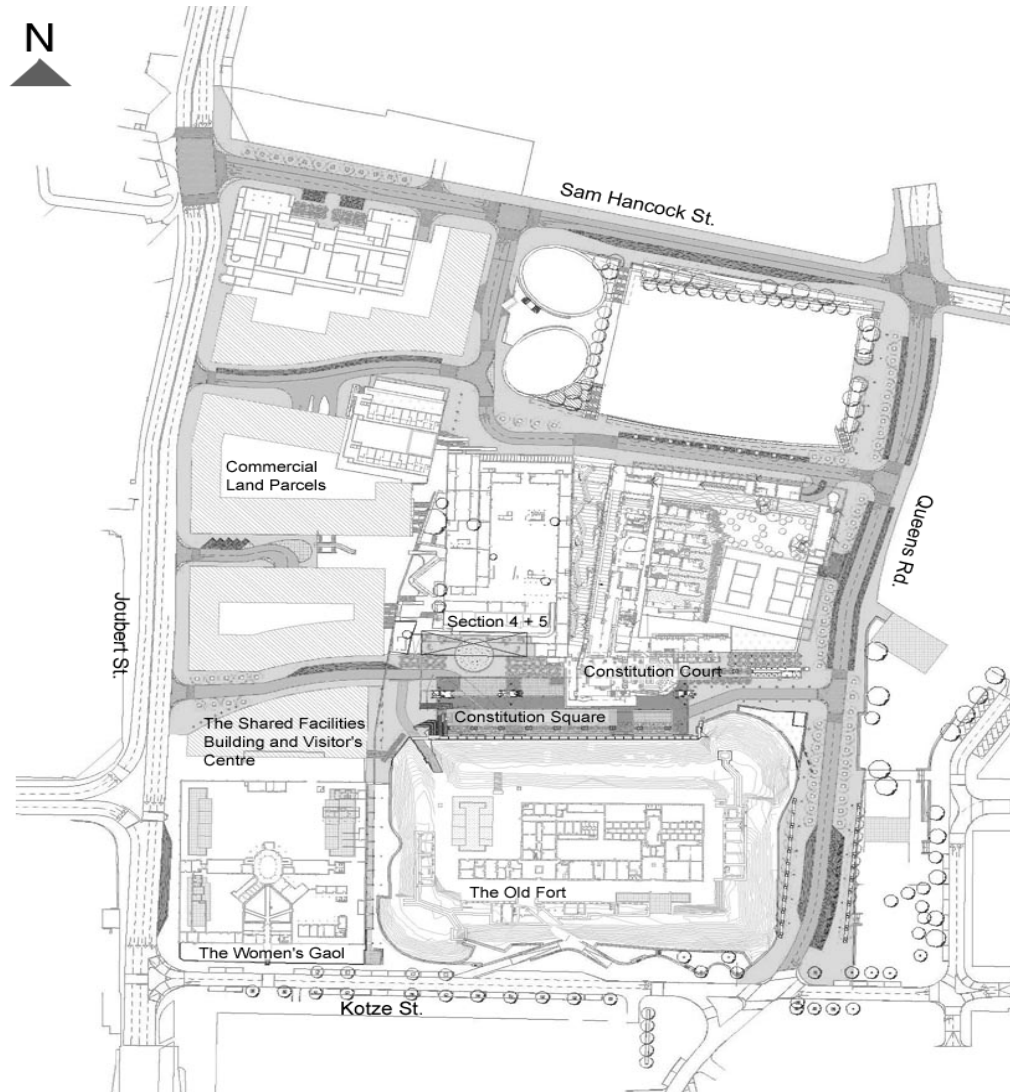


Figure 4.2: Proposed development of *Constitution Hill*.

(As in JDA, 2003a)

“*Constitution Hill* will be a major national and international heritage site, comprising an integrated and sustainable, multi-purpose and multi-dimensional space with a number of integrated and complimentary physical and institutional components, forming an integrated part of a revitalised City Centre” (JDA, 2004a, 1). This mixed-use development area (see Fig. 4.2) offers a unique cultural, historical, educational,

business and recreational space. It is a place where visitors can “experience the story of the South African transition, observe the process by which freedom is now protected and learn how South Africa is building the future on the past” (JDA, Media Release, 2nd April 2004)³.

The mission, vision and guiding principles (values) of the *Constitution Hill* Precinct are laid out in the *Heritage, Education and Tourism (HET) Business Plan* as:

Mission: working within the larger goal of the Constitution Hill Development Project, the HET team will strive to create and sustain programmes that will build and express the character of Constitution Hill as:

- A global beacon for human rights, democracy, and reconciliation, driven by public participation
- A vantage point which gives an understanding of our society in transition
- A *lekgotla* (meeting place) where we meet to talk to each other and celebrate our diversity
- A gateway from which to explore Johannesburg and its diverse tourism attractions
- A catalyst for the regeneration of Inner-City Johannesburg
- A world-class tourist destination, which will draw tourists from around the country and the World to visit.

³ As outlined on the website for JDA, <http://www.jda.co.za> (26/10/2004).

A strong emphasis on environmental justice is thus inadvertently seen within each of the points mentioned above. Through heritage, the HET plans to make this entire process sustainable and self-regulatory.

Vision: The HET team will strive to plan and develop Constitution Hill as a heritage, tourism and educational precinct that express the values of South Africa's Constitution and renders them physical to a broad range of audiences.

Guiding Principles:

- Constitution Hill's sustainability is contingent on its success as a Mixed-Use Development;
- Constitution Hill's sustainability is also contingent on its success as a key destination for those seeking an in-depth heritage, educational and tourist experience;
- Constitution Hill is a major tourist destination and will also serve as the gateway to 'Afropolitan' Johannesburg and its tourism attractions;
- Constitution Hill's development is driven by its unique position as a place where both the difficulties of the past and the possibilities of the future can be experienced;
- Constitution Hill is an extroverted, programme-driven campus fuelled by Public Participation.

(As in JDA, 2004b, 5)

4.3 The case for heritage at *Constitution Hill*.

There has been a great deal of emphasis on the heritage of *Constitution Hill*. Many articles in the media focus on the potential of heritage at the place since it resonates our past so vividly in a spatial (built on the old fort and a prison complex) and in a temporal sense (as its existence ties into a decade of democratic rule in a country recovering from the scourge of apartheid) (see Gerber, 2004). Garson (2004) describes the Constitutional Court as a ‘beacon of hope’ as it is:

“built on the grounds of the City’s notorious Old Fort prison where human rights were flouted and oppression flourished, the court will instead be a ‘shining beacon of hope’ for the protection of human rights and the advancement of human liberty and dignity... it is symbolic too of the tremendous strides taken in bringing investment, tourism and cultural life back to the city” (p. 1).

Blue IQ (and provincial government) has made enormous contributions in funding to bring about these changes and embracing these values. Just recently, *Heritage Day* (24th September 2004) was celebrated at *Constitution Hill*, showcasing the various and all-encompassing potential of heritage at such a site. “Heritage is a very significant day in our yearly calendar of events when we highlight and celebrate the tangible and intangible heritage on the site — the prison buildings, the stories of the unsung heroes and heroines who were imprisoned at Constitution Hill” (Segal, as cited in JDA press release, 20th September 2004, own emphasis).

The new *Constitution Hill* precinct is home to the Constitutional Court of South Africa as well as other statutory bodies. These bodies form part of a thriving complex of heritage sites and museums, exhibition and performance spaces, offices, shops, restaurants and other tourist facilities. It will be home to one of South Africa's major public art collections.

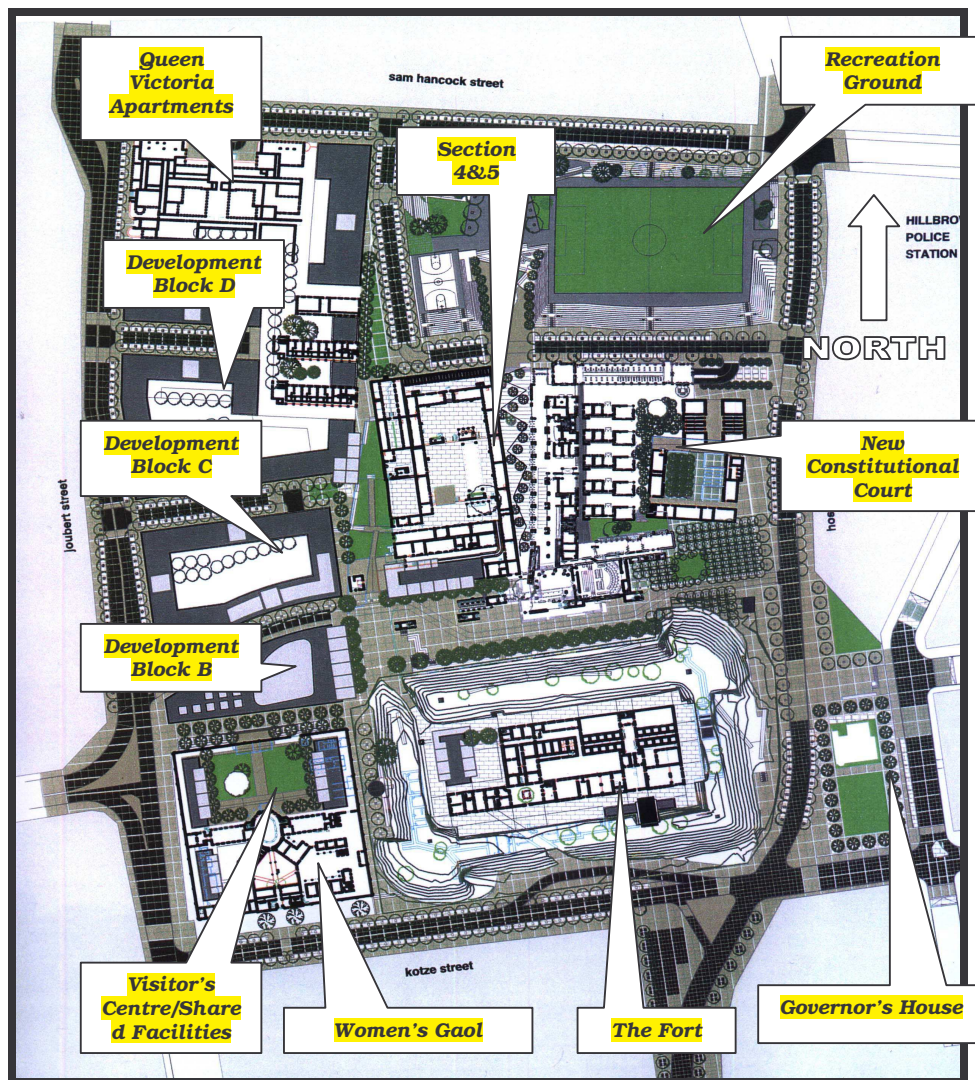


Figure 4.3: The *Constitution Hill* Precinct as at October 2004.

(As in JDA, 2004b)

The development aims to celebrate South Africa's ability to talk itself out of bloody conflict and into democracy. It will be an engine of growth and transformation for downtown Johannesburg, and a place where visitors can feel, safely, the beat of this vibrant but often inaccessible city.

Constitution Hill comprises: The Constitutional Court; Accommodation for the Constitutional Commissions; and Commerce space (36 000m²) for related commercial, retail and hospitality services (see Fig. 4.3).

In addition, the development will create 1730 super-basement parking bays, bus and taxi holding and drop-off facilities, upgraded peripheral roads and internal streets, a visitor's information and exhibition centre, new museums and related heritage and tourism activities, approximately 200 rental residential units, community facilities and public open spaces. The R460-million public sector spending on this development will leverage an estimated similar private sector investment amount to complete the initiative by the year 2006.

The heritage buildings on the site provide another key focus for the development. Over time, these buildings will be carefully repaired, restored and renovated, as museum and exhibition spaces:

- The renovation of the Old Fort to accommodate a variety of functions, as well as the allocation of 5500m² for exhibition and museum space;

- The refurbishment and adaptation of Section Four and Section Five (the “Native” Prison), to become a museum space and place of reflection and contemplation;
- The renovation of the Old Governor’s House to accommodate improved community facilities,
- The rehabilitation of the Old Fort and its ramparts, which will provide a powerful vantage point over the campus and Johannesburg, finally,
- The adaptation of the Women’s Gaol to become a museum space.

(Adapted from the JDA, July (2004), [http://www.jda.co.za/constitution hill/projects.stm](http://www.jda.co.za/constitution%20hill/projects.stm))

4.4 Analysis of other data:

The use of people-based interviews and questionnaires was designed to assess whether the values and plans for urban regeneration as envisioned by Blue IQ and JDA (outlined above) are in fact realistic and functional. The sample of both residents and visitors to the *Constitution Hill* precinct is a good representation of Johannesburg’s demographics. Figure 4.4. (a) and 4.4. (b) detail the racial distribution of people who made up this sample as respondents to the interviews and questionnaires.

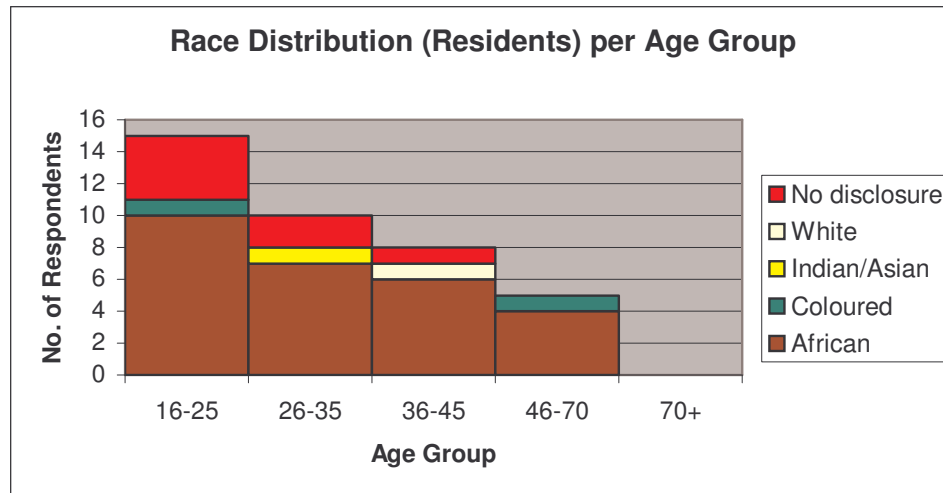


Figure 4.4. (a): Residents of local area around *Constitution Hill* per age group.

The high incidence of ‘no disclosure’ could be related to people’s xenophobia, not wanting to declare their nationality. It may be related to their legal/ illegal status as a resident in *Hillbrow*. This is not of particular interest to this project, although does by implication affect people’s perceptions of **heritage** related to *Constitution Hill*, in terms of their own culture and nationality. Environmental justice is about redressing the past, making for equitable use of urban space that once was used in a discriminate and selfish manner along lines of race to oppress and disenfranchise people. Fig. 4.4. (b) shows the racial distribution of visitors to *Constitution Hill*.

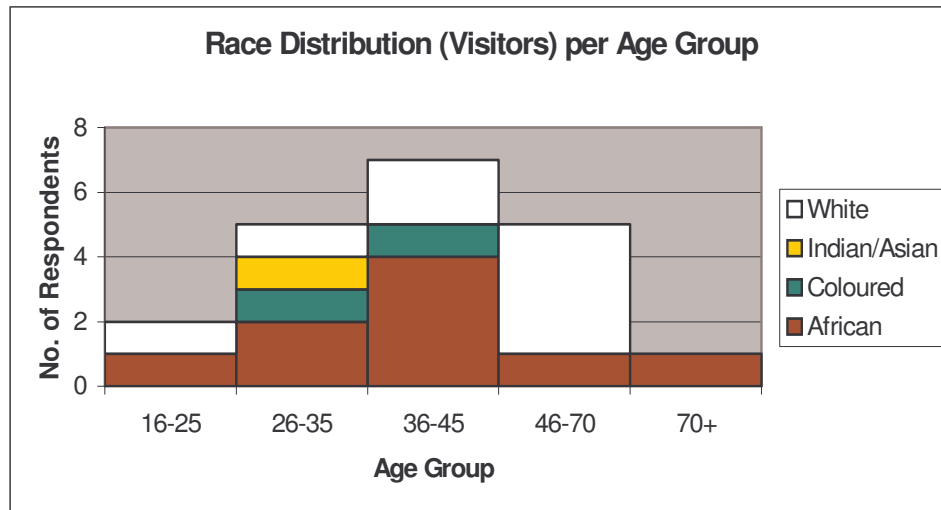


Figure 4.4. (b):Visitors of the precinct at *Constitution Hill* per age group.

Most people visiting *Constitution Hill* (part of the sample of 20 out of 25 people) were between the ages of 26 to 70 years of age (a group most notably able to be ‘tourists’ from a time and money spending point of view). Also marginally more white people (compared to Africans) visited *Constitution Hill* as a tourist. The few people of African descent that were visiting the precinct were doing so for personal reasons (like seeing what the place was all about since a member of their family or they themselves were imprisoned there at some time in the past). One respondent, quite emotionally, remarked, “I was imprisoned here for pass offences, stayed here for 14 days, it was an awful experience.” (Ernest Makheghsa).

In terms of the representational aspect of the project’s sample, the remaining figures shed some light on gender, profession and nationality

distribution of respondents. These issues can strongly influence people's takes on heritage (see Figures 4.4. (c), 4.4. (d), and 4.4. (e)).

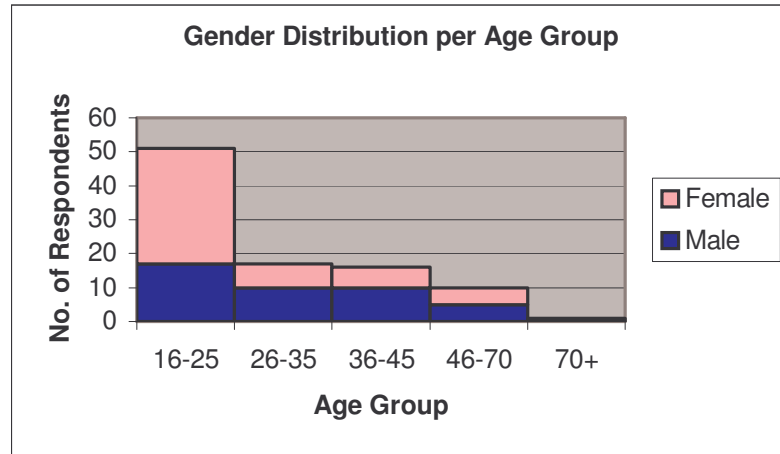


Figure 4.4. (c): Gender Distribution of respondents per Age Group.

Of the many people approached and asked to be a part of the interview process, mostly women obliged and were more willing than men to talk about such issues like heritage, and agreed more readily to go through the whole process of talking with the researcher in regard to urban regeneration.

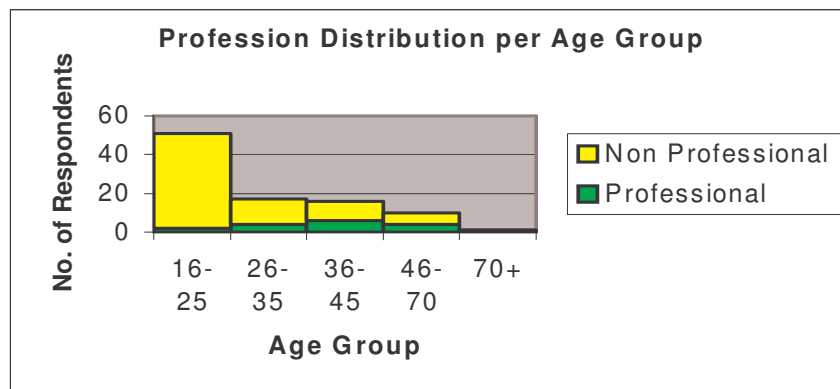


Figure 4.4. (d): Profession Distribution of respondents per Age Group.

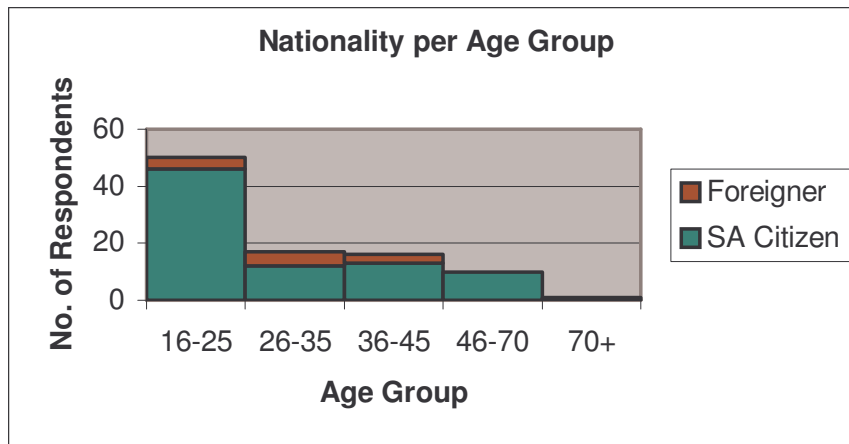


Figure 4.4. (e): Nationality Distribution of respondents per Age Group.

As is evidenced in the graphs above; most respondents fell within the age group 16 to 25 (due to the fact that most were university students). This accounts for the fact that most people fell into the ‘unprofessional’ category. Generally, most people interviewed or involved in the questionnaire process were South African citizens. This made the research interest into our **heritage** valuable and validated. A chief concern of this research project was with the impact heritage had/ could have on environmental justice (and this in turn affecting urban regeneration) in Johannesburg.

4.4.1 Urban regeneration

Since this project argues that environmental justice is a more valuable tool (than sustainable development *per se*) for urban regeneration practices in Johannesburg, understanding people’s conception of urban regeneration was a starting point. (Figure 4.4.1 outlines some people’s responses and perceptions). Deciding whether people understood the

concept was a subjective process, whereby the researcher compared the definition offered by respondents to that of the definition used in this research project:

Urban renewal (as most often applied in the USA) refers to the redevelopment of economic infrastructure; whereas **urban regeneration** (mostly applied in European literature) means the redevelopment of derelict residential areas or industrial areas, usually linked to the development of human and social capital.

More than 75 % of respondents seemed to agree with the American definition of urban renewal and almost everyone (even if not having a clear definition) recognised that urban regeneration is necessary in Johannesburg. One respondent described it as:

“incorporating history, culture and heritage with contemporary society that has clear objectives to do with sustainability and the nature of its (the city’s) identity” (Anonymous A).

Generally, the majority of respondents thought that urban regeneration of Johannesburg was essential

“as there are a number of historical buildings that people do not want to forget about” (Thembi Nxumalo).

“The centre of Johannesburg has been reduced to a typical Third world scenario of run down buildings, crime and grime and so forth. It is a shame that so much history is being forgotten” (Craig van der Merwe).

Some also identified the benefits of urban regeneration for increased tourism and the investment associated with foreign revenue. More than

70% of respondents could identify other ‘urban renewal projects’ like *Newtown*; the *Fashion District*; *Braamfontein*; the *Nelson Mandela Bridge* to name a few. More than half the respondents knew and could explain what **Joburg 2030** encompassed.

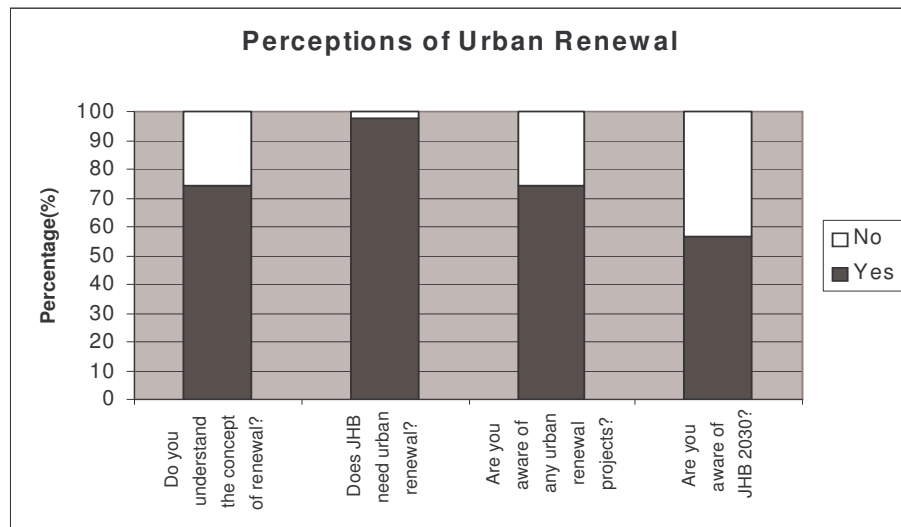


Figure 4.4.1: People’s perceptions of Urban Renewal.

In the analysis of Blue IQ and JDA policy documents, a strong emphasis on the need and importance of urban regeneration emerged. Increasingly this issue is becoming prevalent in the media. *Getaway* (a travel magazine) describes urban regeneration by saying that:

“Jozi will never again be a mining camp or the sedate park of colonial-era corporations with street swept white’s only by apartheid. There can be no doubt that it is steadily moving towards a vision that will make it one of the great cities of this continent – and the world” (Don Pinnock, Nov, 2004, 114).

4.4.2 Heritage

Heritage is “conceptualised as the meanings attached in the present to the past and is regarded as a knowledge defined within social, political and cultural contexts” (Graham, 2002, 1003). Based on this rather broad definition, of the 94 respondents, various differing definitions of what they understood by the term **heritage** emerged, although some mirrored the definition as used in this research report. For example:

“(Heritage) refers to your culture. What you have done in your life and how you develop that into your belief system” (Lerato Mpolokeng).

Some did see heritage as more of a physical phenomenon like

“Monuments, buildings and places of interest that have a credible history that could be preserved” (Mrs. Sayman).

Figure 4.4.2 graphs some of the analysis. Around 72% of people understood the term heritage as used in this research project.

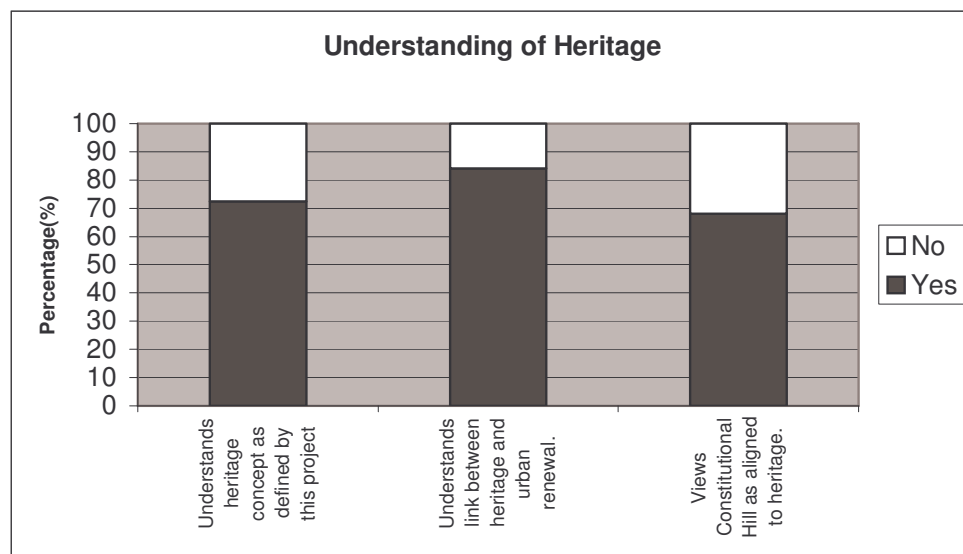


Figure 4.4.2: People’s understanding(s) of Heritage.

“Heritage is from the same root as ‘inheritance’, it has not always been a facet of the South African past (it may well be in the future). It is the welding of our history and the inheritance of what we have learnt or should have learnt from the past, it encompasses things like your rights...” (Graham Bailey).

Despite people having varying definitions to that of this project’s perspective of heritage, more than 80% of respondents agreed with the notion that a link between heritage and urban regeneration exists, as the project sought to capture different interpretations. Discovering the nature and extent of this link is something this project worked towards showing as being that of **environmental justice**.

Of all the responses offered to the question “do you think that *Constitution Hill* is a site that aligns itself with the notion of heritage?” 68% of people indicated that they agreed and offered some interesting personal opinions as reasons.

“(Constitution Hill) is open to the public, it allows everyone to see the past in light of the present (and future). It educates people about those that have suffered” (Ernest Makheghsa).

“It blends in our past and our future, ultimately what happened affects all South Africans and needs to become accepted as part of our culture” (Jade-Michelle Mangelo).

“Old buildings of historical importance have been preserved. A very good balance has been struck with the building of the court as well as the commercial components” (Anonymous B).

“They have taken the past and juxtaposed it with the present. Our history is used to explain why the Constitutional Court exists today” (Mr. and Mrs. Rodrigues).

“Constitution Hill is allowing the future generations to learn about the past... how this has shaped and now protects their human rights” (Mathabe Ndlozi).

This project hoped to identify the values and understandings people have of heritage. Many respondents agreed that heritage was a central feature of *Constitution Hill*. In this measure, JDA’s policy initiatives and plans to market this place on its heritage potential are clearly paying off as tourists and locals alike found the site an educational experience.

4.4.3 Environmental Justice

Constitution Hill is a good example of how urban renewal can be a vehicle for environmental justice “because of all the building and creation of jobs. How they have used urban space is important, this could make downtown very viable in the future” (Mrs. Sayman).

Most respondents seem to have had a good understanding that heritage is integrally related to urban regeneration — not just from a historical or architecturally significant perspective— but that human rights and people themselves form an important part of heritage. To test whether people think that inter-generational and social justice issues are remediated through the existence and purpose of *Constitution Hill* the latter part of the interview and questionnaires were designed to get the

public's perspective on what they regarded as spatial inequalities or the most important environmental issues in Johannesburg.

Figure 4.4.3 elaborates on the most important 'environmental issue' as identified and conceptualised by the respondents. The term 'environment' was explained and used in its broadest sense when asking this question in the interviews but may have been misunderstood in the questionnaires by many people. Many questionnaire respondents still have a very 'green' perspective on what constitutes an environmental issue. A large portion of the public fail to see 'brown' issues such as infringements on people's basic human rights; people's right to freedom; safety; choice etc. They fail to see these issues as being 'environmental'. This may be related to our oppressive past (where too much emphasis was placed on conservation) and natural resources were often made more important than people.

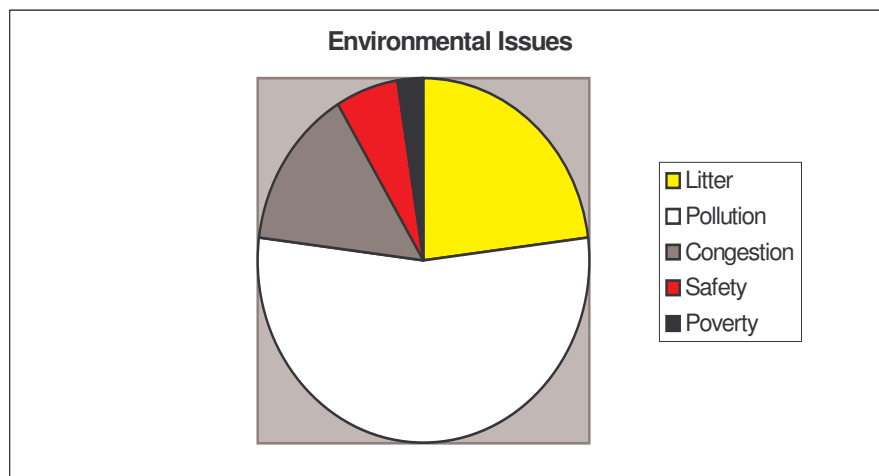


Figure 4.4.3: Most common environmental issues identified in Johannesburg.

Most respondents see pollution (air, water and solid) as the main environmental concern in the city. The use of the question relating to **social** and **spatial inequalities** which asked “do you think that social and other spatial inequalities still exist within the city of Johannesburg?” attempted to bring thinking in the interview/questionnaire process into the arena of environmental justice. Figure 4.4.4 demonstrates some of the environmental justice and conceptions of environmental problems. Most respondents (62%) stated that various forms of ‘spatial inequalities’ still exist within the urban fabric of Johannesburg. Answers ranged from responses like:

“the poor live in slum buildings” to “homelessness, poverty, unemployment — these still manifest in and around Johannesburg.”

Most responses tended to locate ‘environmental’ problems as those related to the natural world. Apart from these others quoted here, people still rarely see the environment as being about people and the ‘built’ environment and so miss out on important social justice and inter-generational justice issues. Very few respondents (less than 20%) had heard of the term ‘environmental justice’ and could not offer a definition for what they thought it meant. When the definition was offered (as used in this research project) many respondents agreed that *Constitution Hill* could be seen as a good example of environmental justice (just less than 40%); making statements such as:

“These buildings speak of the past and tell us how to do things differently in the future” (Anonymous C).

“This place is new and clean, we feel safe here, as though this is an area designed for all people, regardless of age, sex, race or religion/ culture — to enjoy” (Mr. and Mrs. Rodrigues).

Over 40% agreed that they thought the government was doing enough in addressing environmental justice in the urban context, saying things like there is a “good balance between preservation of old buildings and (the) upgrading of the area to create a safer and friendlier environment”.

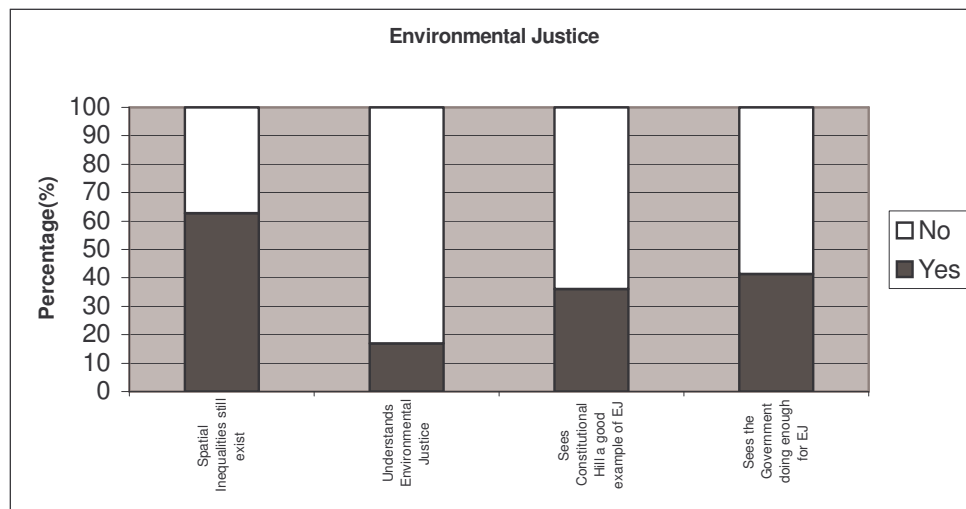


Figure 4.4.4: Environmental justice and conceptions of environmental problems.

4.5 *Constitution Hill* precinct — place of heritage.

Visiting the precinct that houses the highest court in the land, the Constitutional Court of South Africa, shows the phenomenal transformation of an urban space from its historical use as a place of horror and punishment to that of the champion for justice and protector of basic human rights and dignity. One can only truly experience the real heritage potential of this site by making a personal journey through this space as you explore the past in light of the here and now, giving

one a sense of a very bright hope and future. This next section of the chapter forms part of a photographic essay of heritage (played out at *Constitution Hill*). These 19 pictures of the precinct were taken during April 2004 before the opening of the Court and celebration of freedom and democracy in South Africa.



Plate 4.5.1: Front of the Constitutional Court of South Africa.

The frontage of the Court building suggests that everyone's heritage in our country is equal by acknowledging (in the various colours of our flag) all 11 official languages of South Africa. Architecturally the building gives the Court a sense of power and status, which it deserves.



Plate 4.5.2: Constitution Square and people-on-the-plaza.

The square is open and reasonably expansive, giving one a sense that all people have the right to space and opportunity to enjoy and express themselves in an urban area, which celebrates diversity and uniqueness at the same time.



Plate 4.5.3: Constitutional Court Chambers.

The Court chamber lends itself to heritage as the use of cowhides as covering for the judges' bench makes use of African culture and symbolism for justice. The bricks that make-up the chamber was taken from dismantling the previous awaiting trial block. Within the walls of the past's oppressive and hurtful history, people's pleas are today being heard, rights protected and justice served.



Plate 4.5.4: Foyer of the Constitutional Court of South Africa.

The symbolism of cases being heard under the tree (in African culture) is well reflected in the architecture of the foyer to the court. At the same time it is postmodern and different shapes; textures and designs give the feel of newness.



Plate 4.5.5: Art Gallery within the Constitutional Court Building.

The walkway through the art gallery to the Court is a vast corridor and majestic stairwell, the height and openness suggests transparency and a journey of democracy and freedom. Many prominent as well as upcoming artists have various pieces of their work showcased here. Justice Sachs has been instrumental in acquiring very unique and culturally relevant artworks that well articulate and represent South Africa's varied heritage.



Plate 4.5.6: Entrance to the Constitutional Law Library.

The entrance to the largest Human Rights Library in the Southern Hemisphere is graced by a very pertinent quote by our former President, Mr. Nelson Mandela, who said: "It (Democracy) is an ideal which I hope to live for and to achieve. But if needs be, it is an ideal for which I am prepared to die".



Plate 4.5.7: Doors to the outside of the Constitutional Court.

The 27 human rights are carved into the doors of the Court in sign language and make up the 9m-timber door to the foyer of the court.

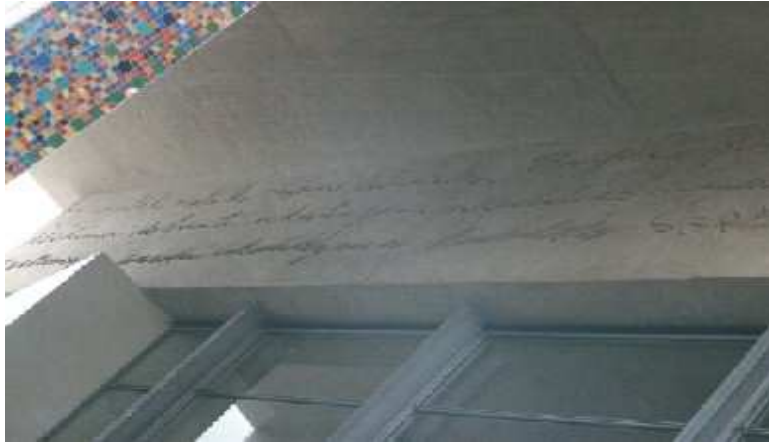


Plate 4.5.8: Human Rights inscribed on the roof of the entrance to the Constitutional Court.

The basic human rights (Human Dignity, Equality and Freedom) are written into the concrete in the handwriting of each of the 11 Constitutional Court Judges (including Justice Yacoob who is blind). This is an impressive and innovative part of the Court building that reinforces the consultative and public feel of justice.



Plate 4.5.9: Remnants of Section 4 Awaiting Trial Block, now stairwells on the Constitutional Square.

Keeping the old alongside the new evidenced on the 'plaza' where sections of the Awaiting Trial block have been kept as examples of heritage.



Plate 4.5.10: Temporary exhibition outlining features of the Women's Prison, opened as a Museum on Women's Day, 2004

The women's prison is now open as a museum and well reflects the oppressive aspects of Apartheid on women.



Plate 4.5.11: View of Northern JHB, as seen from the Ramparts, Section 4 immediately in the foreground.

From the ramparts of the Old Fort one gets a good sense of the 'old and new' in terms of buildings and architecture. Section 4 is kept in its original form, although the Awaiting Trial block was removed (to create the Constitutional Square), with sections of the Awaiting Trial block's stairwell being kept as reminders of the grim past.



Plate 4.5.12 The Old Fort Complex as seen from the Ramparts, looking South.



Plate 4.5.13: Inside entrance of the Old Fort.

The Old Fort predates most of the other buildings and areas in the Constitutional Precinct. A great deal of history and heritage is reflected and articulated in the Fort (most of the rooms and areas) being kept or restored to its former nature. The inside of the Old Fort entrance shows the pre-Colonial aspects of this place's history. Today most of this space forms part of the museum, although sections are used for commercial purposes, a coffee shop and restaurant sees to the needs of patrons after an emotional and highly informative tour with well-informed and friendly guides.



Plate 4.5.14: Front entrance of the Old Fort.

From the front one gets a sense of this place's oppressive and discriminatory past. The tunnel leading into the Old Fort suggests a forbearing and prison environment. Whereas the Court's entrance is open, expansive and welcoming.



Plate 4.5.15 The Great African Stairs

Intersecting the Court buildings on the one side and Section 4 (the Prison) on the other are the 'Great African Stairs', juxtaposing the old oppressive past against the new Democracy and freedom of the present. Built using the bricks from the Awaiting Trial Block one walks through the suffering of people imprisoned at this site.



Plate 4.5.16: Great African Stairs from the top, looking North.

The Brass plates (on the outside of the windows to the Court buildings) on the left are etched with images of people's views and experiences of heritage by a local artist. The purpose of these (other than to express people's perspectives) is to diffuse the sunlight into the building for the art gallery so as to keep temperatures and light levels at an optimum for art.



Plate 4.5.17: Entrance to Section 4 & 5: the African Men's Prison.



Plate 4.5.18 Courtyard of Section 4 & 5.



Plate 4.5.19: Solitary Confinement in Section 4 & 5.

Section 4 & 5 has been kept in its original form as much as possible, the brutality of prison life well reflected on the walls of cells by the graffiti of prisoners and fellow in-mates. Graffiti, as a medium, are becoming valuable sources of history. The tower of the Constitutional Court building can be seen through the restrictive and entrapping mesh of the solitary confinement — giving one a sense of redress and freedom.

4.6 Summary

From the findings in this chapter, environmental justice has been suggested as a possibly more progressive alternative than sustainable development in urban regeneration practices in Johannesburg today. Heritage has been suggested as possibly a good medium through which to achieve an environmental justice perspective in sustainable urban environmental management. From the photo essay one gets a sense that *Constitution Hill* captures the old while celebrating the future. This is a place that gives dignity to the past by acknowledging the suffering and oppression while recognising and championing the hope of our future. The final chapter of this research reports pulls together the findings of this research project as it makes several conclusions and some recommendations that affect policy and planning practices.

CHAPTER FIVE

CONCLUSION

“Environmental justice is about incorporating environmental issues into the broader intellectual and institutional framework of human rights and democratic accountability... it concerns itself primarily with the environmental *in*justices of these relationships, and the ways and means of rectifying these wrongs and/or avoiding them in the future” (McDonald, 2002, 3).

“Equity and justice are integrally connected to the achievement of sustainable communities... The challenge for governments is to recognise the pivotal importance of environmental justice to sustainability of policy-making” (Agyeman *et al*, 2003, 331).

5.1 Introduction

There has been an increasing emphasis on sustainable development in environment and development circles over the past decades (Burgess, 1999). Culminating in the *World Summit on Sustainable Development* (WSSD) hosted in Johannesburg (2002), cities across the country have been conceptualising the most effective and pragmatic means to urban sustainability. However, progress has been patchy, largely due to a lack of theoretical and practical rigour (Patel, 2001).

In providing more rigour and meaning to the concept, this research report has suggested that heritage is a valuable approach to urban regeneration in Johannesburg, more so than sustainable development *per se*. The intergenerational focus within sustainable development well

articulates the goals of environmental justice. Thus using an environmental justice framework within which to achieve urban regeneration as suggested in this report may provide a more coherent and pragmatic conceptual approach for development in Johannesburg. Although this research project was grounded in the discipline of geography, by assessing the outcomes of urban regeneration at *Constitution Hill*, various implications of these results exist for planners and environmental management specialists more specifically. This chapter argues that a new perspective of understanding urban regeneration (through heritage) is an innovative and postmodern means to urban studies in the South African context and will have important implications for both Geography and Planning.

A synthesis of the various themes explored in this research project is summarised here, followed by a brief discussion on the strengths and shortcomings of the research framework, before concluding with the key findings of this research report. Some recommendations will be made that affect policy and planning practices of urban environmental management in South Africa for the new Millennium.

5.2 Key themes explored in this research report.

Urban regeneration is high on the governments' (local; provincial and national) agenda. Increasingly pressure is placed on planners and decision-makers to come up with sustainable means and products to securing this urban revival. This research project has been concerned with tracing the contemporary patterns and experiences in urban

regeneration of the cityscape of Johannesburg. Within this context, the plausibility and practical implementation of a broad and contentious concept like that of sustainable development has been questioned. This suggests that possibly a more concrete approach in a postmodern; post-apartheid South Africa would be that of environmental justice. Heritage was used as a specific means whereby environmental justice as a discourse could be tested to measure its effectiveness as a pragmatic approach to sustainable development in urban regeneration. Urban studies and how we understand and study the urban environment has undergone various paradigmatic and epistemological changes in the past decades.

Political transformation and reforming of policy for democratic practice form part of this change. This has an impact on the changing focus in South African geography. South Africa's policies and governance have been criticised with reference to 'a failure of vision or neo-apartheid' (Beavon, 2001) whilst a strong focus on 'urban fragmentation' suggests the reasons for contemporary disparities within policy-and-practice (Harrison, 2003a). As we face problems like that of globalisation on the African continent, in our own attempt to reinvigorate our urban landscapes, more sustainable means and development are necessary to implement the 'African Renaissance'. Urban strategists, policy-makers and practitioners are thus faced with a myriad of challenges. This report shows that a link between environmental justice and urban regeneration exists and could assist in facing these developmental challenges.

Through the use of *Constitution Hill* as the case study an environmental justice approach can easily account and perpetuate sustainable urban regeneration. In the context of 'environmental problems in an urbanising world', which is the focus of environmental governance and environmental management, there is a need for a postmodern perspective in order to define the new environmental agenda for urban space (Hardoy, *et al*, 2001). This research project chose to use postmodernism as a theoretical means through which to explore the issue of urban regeneration through an environmental justice perspective. It was evident that there is more than one way to explain urban regeneration and this allowed the researcher to ask questions that yielded a wide range of answers and reasons for urban change.

Several other themes or issues worthy of further research were found and have been alluded to in the process of this research project. Although this research project has focused more on the outcomes of urban regeneration, these other issues will briefly be outlined here, as they influence the process whereby urban regeneration is ultimately sustainable. A fundamental question is that of what makes (or could make) an urban space sustainable? The issue of urban sustainability is particularly relevant in much geographical research and discourse because the concept of 'sustainable development' remains theoretically porous. In the context of urban regeneration, various projects aim to sustainably renew urban space, and promote economic growth and prosperity.

Provincial to local level government have incorporated international trends towards the promotion of economic growth by including a distinct and strong focus on dealing with the apartheid legacy, particularly in the confines of poverty alleviation (Rogerson, 2000). The renewed emphasis on 'urban fragmentation' suggests that not much progress has been made in bringing about the restructuring and redistributive justice that was expected from a decade of democracy in South Africa (Harrison *et al*, 2003). These scholars ask very important questions which related to the overall aims of this research project as one examines the gap between rhetoric and practice/ implementation of sustainable urban environmental management

In contextualising this research report, current urban environmental management, policy shifts and the concept of sustainability have also been alluded to, from 'compact city' debates (see Todes, 2003) to increased popularity of a rights and environmental justice approach. "Environmental policy development and implementation has become a 'hot topic' in southern Africa, following global imperatives for countries around the world to articulate their intentions to become more sustainable through public policy" (Lotz-Sisitka *et al*, 2003, 5). Several scholars like Lotz-Sisitka *et al* (2003) have explored the 'policy-in-practice' gap within environmental management (see Patel, 2004). Changing trends in policy-making in South Africa are leading to an emerging stakeholder paradox, which creates all sorts of problems when it comes to implementation (Nhamo, 2003).

Environmental justice is an emerging discourse that increasingly is gaining popularity in much of environmental management. South Africa celebrated 10 years of democracy in 2004 yet many challenges and problems remain. Urban regeneration is possibly the most important on the list that enshrines the emphasis in government planning and spending on: human rights, dignities, and practices that ensure equitable development in light of our past and political legacy. For this reason, this research project has suggested the lens of heritage (through which to explore the usefulness of environmental justice) as a valid means towards more sustainable urban planning and implementation that will make cities like that of Johannesburg a 'World-class' city. *Constitution Hill* is a good example of safe, clean, open and accessible urban space that attracts tourism and generates economic growth and development.

The dynamics of spatial changes and the use of heritage as a tool for change were clearly seen through a case study approach (of *Constitution Hill*) in this research report. After all, "a holistic approach to sustainability requires that the continuity or improved social, cultural and economic well-being of human communities is an integral component of environmental renewal" (Richards and Hall, 2000, 1). *Constitution Hill* is all about rights and justice. As a place its *modus operandi* is using heritage to champion intergenerational and social justice. It can therefore be seen as a test case for urban regeneration within an environmental justice perspective.

Heritage is however a value-laden concept. Jacobs (1997) has sparked some interesting work in the arena of 'values' in environmental policy and decision-making and for this reason this research project suggests that possibly a fourth conceptual framework (that of environmental justice) be applied to make sustainable development more concrete and pragmatic. In the context of this report, the nature and impact of 'values' in heritage (and by implication, in environmental policy and decision-making), was deliberately not explored. The arena of values is in and of itself another whole terrain of research that could be explored in the near future.

5.3 Strengths and shortcomings of this research framework.

To effectively involve people and glean their opinions and ideas around urban regeneration, interviews and questionnaires made up the main body of a qualitative approach in this research project. This report has outlined the results of that process in chapter 4. Kitchen and Tate (2000) expound the benefits and shortcomings of using interviews and questionnaires together, arguing that interviews often provide a sounder data set, whereas questionnaires filter out meaningful information as a result of closed-questioning. In this research project this was not necessarily true. The interviews provided much needed information that questionnaires could not have gained although often the questionnaires added insight to many reflexive aspects, which the interview did not yield.

For example, mostly residents responded to the questionnaire, whereas the visitor interviews involved people that had no immediate contact and interest with the local community. In this way, many issues pertinent to residents in relation to their experience of *Constitution Hill* and urban regeneration were raised, making for interesting and necessary research in the future. Many residents of Hillbrow (with its own unique set of problems) wanted to know how urban regeneration at *Constitution Hill* would benefit them and the local community.

Despite some of these shortcomings, using both interviews and a questionnaire approach proved beneficial to this research project. People's views and experiences were essential for the heritage slant of this research process. Interviews are useful as they try to increase the comparability of responses and ensure that responses are made to all questions by every interviewee. Furthermore they may reduce the effects and biases of the interviewer through 'free conversation' (Patton, 1990 as cited in Kitchen and Tate, 2000).

5.4 Conclusions and recommendations.

In light of the three research questions posed in this research project, this report has shown that urban regeneration in Johannesburg with a focus on heritage has occurred at *Constitution Hill*. Urban environmental management, policy and planning specialists strive for urban sustainability in their development endeavours, although the concept of sustainable development *per se* is too broad and nebulous to

achieve these aims, environmental justice is a more concrete and pragmatic approach to sustainable and urban regeneration that is just in South Africa. The regeneration and use of urban space at *Constitution Hill* attests to this.

Increasingly, urban space, the nature of and how we use that space in the future is under the spotlight. Much urban regeneration in South African cities is necessary. This research report has shown that environmental justice is likely and possibly a way to go. Ultimately, there is more than one way to configure and implement urban regeneration. Celebrating our heritage is just as important as the physical infrastructure in a city. The carefully chosen site and building of the Constitutional Court of South Africa on *Constitution Hill* precinct is spatial and temporal evidence of this. Pride, our history and the past are all means to bringing the public into the process of urban regeneration (Callewaert, 2002). Environmental justice has positive and all encompassing effects on urban regeneration; and this is well articulated in the architectural make-up and layout of *Constitution Hill*.

Heritage, intergenerational and social justice are intricately linked as peoples' past and experiences of the past are used to facilitate and entrench urban regeneration. Involving people in the process of urban environmental management is truly sustainable. The implications of this research are reasonably extensive and relevant to geography and the field of planning in the new Millennium. South Africa is engaging in the process of redress and reconciliation, environmentally just and sustainable urban regeneration forms part of that process.

APPENDIX

Constitution Hill: People-based Interview

To be used at the CH Precinct, a sample of 25 random people to be interviewed.

Preamble:

Dear Sir/ Madam, my name is Clinton van der Merwe. I wonder if I may take up a moment of your time. I am a postgraduate student at the University of the Witwatersrand, here in Johannesburg. I am reading towards a Masters degree in **Environmental Management**. My research, that I am currently undertaking, is on **urban renewal and regeneration** in the City of Johannesburg. Specifically, I am interested in the **role and value of heritage** in contributing towards the objectives of **urban sustainability and environmental justice**. I am using *Constitution Hill* as my case study. Would you be willing for me to have a moment of your time to interview you, your responses will invaluablely assist me in my research (about 5 minutes or so)?

The information gained from this interview will remain strictly confidential and if you prefer, you may remain completely anonymous.

1.	<u>Name of respondent:</u> _____.								
2.	<u>Gender:</u> <table border="0"><tr><td>☐ Male:</td><td>☐ Female:</td></tr></table>	☐ Male:	☐ Female:						
☐ Male:	☐ Female:								
3.	<u>Age:</u> <table border="0"><tr><td>☐ 16 to 25</td><td>☐ 26 to 35</td><td>☐ 36 to 45</td><td>☐ 46 to 70</td></tr><tr><td colspan="4">☐ Older than 75</td></tr></table>	☐ 16 to 25	☐ 26 to 35	☐ 36 to 45	☐ 46 to 70	☐ Older than 75			
☐ 16 to 25	☐ 26 to 35	☐ 36 to 45	☐ 46 to 70						
☐ Older than 75									
4.	<u>Profession:</u> _____.								
5.	<u>Nationality:</u> <table border="0"><tr><td>☐ South African:</td><td>☐ Other:</td></tr></table>	☐ South African:	☐ Other:						
☐ South African:	☐ Other:								
6.	What do you understand by urban renewal/ regeneration? _____ _____ _____ _____ _____								

7. Do you think Johannesburg needs urban renewal/ regeneration?

Yes:

No:

If yes, why?

8. Are you aware of any urban renewal/regeneration projects?

Yes:

No:

If yes, what are they?

9. Are you aware of **Joburg 2030** (South Africa's vision of making this city a 'World-class City?')

Yes:

No:

10. What do you understand by the term **heritage**?

11. Do you consider heritage an important part of urban renewal?

Yes:

No:

Why?

12. Do you think that **Constitution Hill** is a site that aligns itself with the notion of heritage?

Yes:

No:

If yes, why?

13. Do you think that **social** and other **spatial inequalities** still exist within the city of Johannesburg?

Yes:

No:

What would you say is an example?

14. What **environmental issues** do you think exist in the city of Johannesburg today?
- _____
- _____
- _____
15. Are you familiar with the concept of **environmental justice**?
- Yes: No:
- If yes, how do you understand it?
- _____
- _____
- _____
- _____
16. Do you think that **Constitution Hill** is a good example of how urban renewal can be a vehicle for **environmental justice**? Why?
- _____
- _____
- _____
- _____
17. Do you think that the government is doing anything to address **environmental justice** issues in the urban context?
- Yes: No:
18. Why did you visit **Constitution Hill** today?
- _____
- _____
- _____
- _____
- _____

Thank you for your time, your participation in this interview will be invaluable towards my research project. Have a good day and enjoy your visit at *Constitution Hill*.

Race: African: Coloured: Indian/ Asian: White:

List of names of ‘people-on-the-plaza’ that were interviewed during the people-based interview⁴:

1. Ernest Makheghsa
2. Lorato Mpolokeng
3. Jade-Michelle Mangelo
4. Mrs. J. Sayman
5. Hillary and Barbara
6. **Anonymous A**
7. Graham Bailey
8. **Anonymous B**
9. **Anonymous C**
10. Mr. And Mrs Rodrigues
11. The Singh family
12. **Anonymous D**
13. Thandi Dlamini
14. Themba Nelo
15. Adrienne Rivera
16. Jocelyn Mmuthle-Mofokeng
17. *Nil return*
18. *Nil return*
19. *Nil return*
20. *Nil return*
21. Martha Mosala
22. Lovejoy
23. Mathabe Ndlozi
24. Bennie B. Mchunu
25. *Nil return*

⁴ Of the 25 respondents approached for an interview, several chose to remain **anonymous**, others did not have the time to talk and asked to do the interview on their own and return later by post. In all 5 cases where this happened these interviews were not returned (marked *nil return*).

List of names (WITS university students) that participated in the people-based questionnaire while at a lecture on campus.

1. Craig van der Merwe
2. Dr. N. Hyde-Clarke
3. Candice Rom
4. T. Bird
5. Priya
6. Prinisha
7. Jade Archer
8. Claudia
9. **Anonymous E**
10. Jane Almany
11. Elena Louridas
12. Tamar Blieden
13. Alain Ngono
14. Sasha
15. Soll
16. Tumi
17. Charmaine Mogari
18. Sammo
19. Valecia Mabuza
20. Siyabonga Ngwenya
21. Bongiwe Mabetshe
22. **Anonymous F**
23. Ann Baker
24. Lusanda Ntuli
25. Yelanda
26. Tammy Lewis-Houghting
27. Lisa Ntungilimpaye
28. Gero Lilleite
29. Ndawo Khanyile
30. Nokwanda Thabethe
31. Precious
32. Nontando Mthethwa
33. Zamekile Mdlela
34. Seba
35. **Anonymous G**

List of respondents (residents around *Constitution Hill*) that participated in the people-based questionnaire.⁵

- | | |
|------------------------------|----------------------------|
| 1. <i>Nil return</i> | 2. Thabang |
| 3. Nwama | 4. Mathew |
| 5. <i>Nil return</i> | 6. <i>Nil return</i> |
| 7. Thethe Loma | 8. Paulinah Vetshe |
| 9. Sheila Motshegoa | 10. Malindi Sarah Nkosi |
| 11. Felicia Sibanda | 12. Jessie P. Masoma |
| 13. Anonymous H | 14. Maza |
| 15. Anonymous I | 16. <i>Nil Return</i> |
| 17. Anonymous J | 18. Richard Hlongwane |
| 19. Epeleng Nane | 20. Mloosa Edmund Mkhunu |
| 21. Anonymous K | 22. Mohe Anyema |
| 23. Sibusiso Dube | 24. <i>Nil return</i> |
| 25. <i>Nil return</i> | 26. Gally Matannse |
| 27. Annah Taukobong | 28. Edughaen Monday Hanson |
| 29. Lennox Tshinautha | 30. Sally |
| 31. Tando Dubeni | 32. Henry Hwanna |
| 33. Lionel Madiba | 34. Dave Hall |
| 35. Thembi Nxumalo | 36. R. Nicholson |
| 37. Daniel Mabasa | 38. <i>Nil return</i> |
| 39. <i>Nil return</i> | 40. Kelubela Mokeli |
| 41. Kgomotso Matlhabane | 42. Anonymous L |
| 43. Simon Modiba | 44. <i>Nil return</i> |
| 45. Walter Phiri | 46. George |
| 47. <i>Nil return</i> | 48. Jennifer Spencer |
| 49. Rifumo Ethu Ben Maluleke | 50. <i>Nil return</i> |

⁵ Of the 50 questionnaires handed out at *Christ Church Hillbrow*, 11 respondents did not return their questionnaires.



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12th April 2004

Dear Fellow Wits Student.

Constitution Hill: Masters Research Project

My name is Clinton van der Merwe. I am a postgraduate student at the University of the Witwatersrand, here in Johannesburg. I am reading towards a Masters degree in **Environmental Management**, under the supervision of Dr. Zarina Patel. My research, that I am currently undertaking, is on **urban renewal and regeneration** in the City of Johannesburg. Specifically, I am interested in the **role and value of heritage** in contributing towards the objectives of **urban sustainability and environmental justice**. I am using *Constitution Hill* as my case study.

Would you be willing to give up a moment of your time to answer the attached questionnaire, your responses will invaluablely assist me in my research. Once you have completed it, please return it to your lecturer who will place it in a self-addressed envelope to me. If you have any questions or queries, please feel free to contact me, my contact details are at the end of the survey.

Yours truly,

Clinton D. van der Merwe
Masters Candidate

Constitution Hill: People-based

Questionnaire

(To be given to a sample of 35 WITS students studying various disciplines).

The information gained from this questionnaire will remain strictly confidential and if you prefer, you may remain completely anonymous.

1.	<u>Name of respondent:</u> _____.			
2.	<u>Gender:</u>			
	Male:	Female:		
3.	<u>Age:</u>			
	16 to 25	26 to 35	36 to 45	46 to 70
4.	<u>Profession:</u> _____.			
5.	<u>Nationality:</u>			
	South African:	Other:		
6.	What do you understand by urban renewal/ regeneration?			
7.	Do you think Johannesburg needs urban renewal/ regeneration?			
	Yes:	No:		
	If yes, why?			
8.	Are you aware of any urban renewal/regeneration projects?			
	Yes:	No:		
	If yes, what are they?			
9.	Are you aware of Joburg 2030 (South Africa's vision of making this city a 'World-class City?')			
	Yes:	No:		

10. What do you understand by the term **heritage**?

11. Do you consider heritage an important part of urban renewal?

Yes: ☐

No: ☐

Why?

12. Do you think that **Constitution Hill** is a site that aligns itself with the notion of heritage?

Yes: ☐

No: ☐

If yes, why?

13. Do you think that **social** and other **spatial inequalities** still exist within the city of Johannesburg?

Yes: ☐

No: ☐

What would you say is an example?

14. What **environmental issues** do you think exist in the city of Johannesburg today?

15. Are you familiar with the concept of **environmental justice**?

Yes: ☐

No: ☐

If yes, how do you understand it?

16. Do you think that **Constitution Hill** is a good example of how urban renewal can be a vehicle for **environmental justice**?

Why?

17. Do you think that the government is doing anything to address **environmental justice** issues in the urban context?

Yes:
No:

18. Why did you visit **Constitution Hill** today?

The information gained from this questionnaire will remain strictly confidential and if you prefer, you may remain completely anonymous.

Thank you for your time, your participation in this questionnaire will be invaluable towards my research project. Have a good day and I trust you will visit *Constitution Hill* in the near future. Please return to your lecturer, thank you!

Any queries/ questions relating to my research can be directed to:

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12th April 2004

Dear Sir/ Madam.

Constitution Hill: Masters Research Project

My name is Clinton van der Merwe. I am a postgraduate student at the University of the Witwatersrand, here in Johannesburg. I am reading towards a Masters degree in **Environmental Management**, under the supervision of Dr. Zarina Patel. My research, that I am currently undertaking, is on **urban renewal and regeneration** in the City of Johannesburg. Specifically, I am interested in the **role and value of heritage** in contributing towards the objectives of **urban sustainability and environmental justice**. I am using *Constitution Hill* as my case study.

Would you be willing to give up a moment of your time to answer the attached questionnaire, your responses will invaluablely assist me in my research. Once you have completed it, please place it in the self-addressed envelope included and mail it back to me later today? If you have any questions or queries, please feel free to contact me, my contact details are at the end of the survey.

Yours truly,

Clinton D. van der Merwe
Masters Candidate

Constitution Hill: People-based

Questionnaire

(To be posted/ given to a sample of 50 local residents (within a 1km radius of the CH Precinct)

The information gained from this questionnaire will remain strictly confidential and if you prefer, you may remain completely anonymous.

1.	<u>Name of respondent:</u> _____.			
2.	<u>Gender:</u>			
	Male:	Female:		
3.	<u>Age:</u>			
	16 to 25	26 to 35	36 to 45	46 to 70
	Older than 75			
4.	<u>Profession:</u> _____.			
5.	<u>Nationality:</u>			
	South African:	Other:		
6.	What do you understand by urban renewal/ regeneration?			

7.	Do you think Johannesburg needs urban renewal/ regeneration?			
	Yes:	No:		
	If yes, why?			

8.	Are you aware of any urban renewal/regeneration projects?			
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	If yes, what are they?			

9. Are you aware of **Joburg 2030** (South Africa's vision of making this city a 'World-class City')
 Yes: No:

10. What do you understand by the term **heritage**?

11. Do you consider heritage an important part of urban renewal?
 Yes: No:
Why?

12. Do you think that **Constitution Hill** is a site that aligns itself with the notion of heritage?
 Yes: No:
If yes, why?

13. Do you think that **social** and other **spatial inequalities** still exist within the city of Johannesburg?
 Yes: No:
What would you say is an example?

14. What **environmental issues** do you think exist in the city of Johannesburg today?

15. Are you familiar with the concept of **environmental justice**?
 Yes: No:
If yes, how do you understand it?

16.	Do you think that Constitution Hill is a good example of how urban renewal can be a vehicle for environmental justice ? Why?

17.	Do you think that the government is doing anything to address environmental justice issues in the urban context?
	Yes: ☐ No: ☐
18.	Why did you visit Constitution Hill today?

The information gained from this questionnaire will remain strictly confidential and if you prefer, you may remain completely anonymous.

Thank you for your time, your participation in this questionnaire will be invaluable towards my research project. Have a good day and I trust you will visit *Constitution Hill* in the near future. **Please place in the envelope at the back of the church as you leave, thank you!**

Any queries/ questions relating to my research can be directed to:

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