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Changing Urban Policy From Below: the Case Study of Somali Migrants in Johannesburg

By

SITHALIMA ABDOOL

(450328)

A DISSERTATION PRESENTED IN PARTIAL FULFILMENT OF THE REQUIREMENTS FOR THE MASTER OF ARTS DEGREE AT THE AFRICAN CENTRE FOR MIGRATION AND SOCIETY, FACULTY OF HUMANITIES AT THE UNIVERSITY OF THE WITWATERSRAND, JOHANNESBURG.

February 2, 2017

Supervisors: Dr Matthew Wilhelm-Solomon and Dr Margot Rubin

Declaration

I declare that the work that I am submitting is my own work and I have not been assisted by anyone in it's the production. I am submitting this work for the Degree of Masters of Arts in Migration and Society, at the University of Witwatersrand.

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Sithalima Abdool

Johannesburg, ……..……day of……2017

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Abstract

In Johannesburg, the Somali migrant community has set up businesses in Mayfair. Mayfair is a suburb situated on the western side of Johannesburg's original central business district, and has gradually witnessed a process of urban change and transformation outside the regulations of the City of Johannesburg Metropolitan. Based on the regulations of the area, 8th Avenue is zoned for residential use. However, at the moment, the area has witnessed radical changes, which have seen people engage in many unplanned activities. Such developments have not gone unnoticed by the City of Johannesburg's Urban Planning officials, who argue that the area is zoned for residential purposes and laws have to be adhered to before the space is altered from residential to business use. However, the Somali business migrants in the area continue change the residential component of the area, despite the laws against such construction. The research report looks at how Somalis in Mayfair continue to change the 8th Avenue area, despite the City of Johannesburg's restrictions around the use of space as business. Engaging in this concept of human-non-human interaction, derived from Actor Network Theory (ANT), the research explains how materials and artefacts of the city, in this case, land use regulatory tools, assist in regulating social and spatial conduct, and human activities. In what then follows, the research traces how Somali migrants of Mayfair interact with the City of Johannesburg's urban management and planning practices through the movement of written materials that challenge urban management and usage. The research also illustrates, using de Certau's theory on strategies and tactics, how bureaucratic actions (through written documents) divide the city residents as well as city planners to create certain alliances, as well as tactics in the development of Mayfair. The research finally shows, using Lefebvre's theory of the right to the city, how Somalis migrants take possession of space and use the concept of the right to the city, as urban inhabitants, instead of relying on their right as refugees or asylum seekers.

Keywords: *Migration, Somalis, Mayfair, City of Johannesburg, Urban space, appropriation, negotiation, written documents*

Chapter One- Introduction

This chapter provides a brief background of South Africa, with a special focus on Mayfair, Johannesburg, where the research is based. It highlights the current situation in these areas in relation to land use and urban planning, which are the main issues of concern throughout the project. The plight of Somali migrants, as well as their Oromo counterparts, is briefly described, although deeper details are offered in later chapters. This chapter gives the reader an idea of where the research is set and the background to the existing problems. Here, the research questions are listed, so that readers can understand the purpose of the study.

1.1 Background

South Africa has changed in the post-apartheid era, seeing more diverse interactions of people, both within and from other parts of Africa; this includes refugees, asylum seekers, skilled professionals and those who are affected by socio economic issues. [1] Owing to various capitals and actions both individually and collectively, migrants have become significant actors in the production and re-production of urban space. [2] A stance that stresses the agency of migrants is often seen as defiance against the prevailing paradigm of migrants'- as victims and part of an excluded group. [3] As such, many public and private sector initiatives do not take account of migrants as key players in city development, growth, resilience and sustainability.[4] Moreover, it is seldom that research that looks into the agency of migrants precisely focuses on the ways migrants produce spaces. Yet, migrants are a significant part of the contemporary spatial production in city spaces; which is evident in Mayfair.

Mayfair is a suburb located to the west of Johannesburg's inner city.[5] Here, a process of urban design outside the plan of the city of Johannesburg Metropolitan is taking place. Based on the plan of the area, 8th Avenue in Mayfair is zoned for residential use. At the moment, however, a view of the area illustrates many radical changes made to the neighbourhood:

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[1] Ihsan Publication, *Refugee- Whose Responsibility.* http://ihsanpublications.awardspace.com/online/2008/08_refugees.htm (accessed February 9, 2017).

[2] Tabea Bork-Hüffer, Benjamin Etzold, Betina Gransow, Luigi,Tomba, Heral Sterly, Kimiko Suda, Frauke Kraas Frauke and Ryanne Floc. "Agency and the Making of Transient Urban Spaces: Examples of Migrants in the City in the Pearl River Delta, China and Dhaka, Bangladesh." *Population, Space and Place*, 22, no. 2 (2016): 145.

[3] Ibid

[4] International Organization for Migration, *Migration Initiatives 2015, Regional Strategies; Migration and Cities* http://publications.iom.int/system/files/pdf/migration_initiatives2015.pdf (accessed February 9, 2015).

[5] City of Johannesburg. "Heritage assessment Fordsburg Newtown West Mayfair." Joburg Archive , April 2008, http://www.joburg-archive.co.za/2011/inner_city/fordsburg_mayfair/heritage_history.pdf (accessed June 2014).

today there stands a number of shops, restaurants, car wash areas, mosques, barber shops, among other unplanned uses. The migrant residents, many of whom are of Somali origin, have initiated many of these changes. The first Somali communal construction project, Masjidul Shafi, opened for Somali and other immigrant groups, could be seen as the catalyst that drastically began to transform the area, not just in social terms, but also as a space being negotiated by migrants. The City of Johannesburg (CoJ) planners have created and constructed the area according to their view as trained professional planners and bureaucrats aligning to city-wide policy. Simultaneously, Somali businesses and residents in the area continue to change and re-construct the function of the area into various uses that are not in line with CoJ policy for the area. This development of space can be seen as change that is being initiated from below by the Somali migrant community.

From a more theoretical perspective, urban planning initiated by urban planners in the City of Johannesburg is associated with the kind of authorised reshaping of space that anthropologist Michel de Certeau[6] describes as 'strategies' and sociologist Henri Lefebvre[7] describes as 'representations' of space. With this kind of instrument of power in the creation of modernity, City of Johannesburg planners are creating what Sally Merry terms 'spatial governmentality' through formal procedures taken against local Somali business owners for using the space for business rather than for residential purposes.[8] Despite the regulations put in place, Somali businesses in the Mayfair 8th Avenue community continue to reshape and use the area in a way that the City of Johannesburg has not thought would occur. Before delving deeper into the illegal use of space among the Somali migrants, it is important to highlight some of the urban development models and policies in the CoJ, because the study is based on these very models and policies.

1.2 CoJ Urban Development Models and Policies

South Africa's victory over apartheid opened a new era where the country sought to overhaul all institutions in order to align them with the new democratic order[9]. For a long time, the country had relied on apartheid urban development policies that had resulted in a spatially segregated and dispersed society in the urban area. Therefore, following the 1994 success,

[6] Michel de Certeau, *The practice of everyday life* (Los Angeles: University Of California Press, 1988).
[7] Henri Lefebvre and Donald Nicholson-Smith, *The Production of Space* (Oxford: Blackwell Publishers, 1991).
[8] Sally Engle Merry, "Spatial Governmentality and the New Urban Social Order: Controlling Gender Violence through Law," *American Anthropologist* 103, no. 1 (2001).
[9] Sustainable Development, *Model For South African Urban Development In The 21st Century?.* http://www.sustainabledevelopmentnetwork.com/pdf1/52783458-A-Model-for-South-African-Urban-Development-in-the-21st-Century.pdf (accessed July 2014)

urban planners and managers had the responsibility to restructure, transform, reconstruct, and integrate the cities that had been divided. This could only be achieved through the formulation of more inclusive policies. Donaldson attributes most of the planning problems facing CoJ and other South African cities to the racially segregated urban growth patterns during the apartheid era, financial constraints in the majority of the municipalities, and the fast rate of urbanisation[10]. He also argues that it was difficult to establish overall urban development policies because the country has different groups of settlements, each with its unique characteristics. For example, there are small towns, the informal settlements, the urban core, and other forms of settlements. Regulations that may succeed in the urban regions may not be of much use in the villages, and vice versa. Consequently, it is vital to ensure the development models and policies established are tailored towards a particular form of settlement or region.

Like other urban areas in South Africa, developments in the CoJ are expected to be in line with the Integrated Development Plan (IDP). The IDP, used by city of Johannesburg, is a five year planning instrument that centres on spatial planning and economic growth and development plans.[11] It is informed by several other legislations such as the Municipal Systems Act 23 of 2000, the Spatial Development Framework and the Regional spatial Development Framework (RSDF).[12] The RSDF is used within the IDP, in order to develop plans and evaluations of Johannesburg, and more importantly outlines elements which will direct future developments.[13]

Given the scope of this research, it is impossible to provide all the models and policies for urban development utilised by the CoJ, however the necessary policies for Mayfair will be heighted further in section 2.3. However, some of the provisions of the most important documents in South Africa are highlighted, where these concern urban planning and development. For example, the 2013 Spatial Planning and Land Use Management Act, gives some insights into what is expected of anyone seeking to purchase and/or develop land[14]. One cannot be granted ownership of a particular property until the municipal requirements are

[10] Ibid
[11] Kluth Charnell , "The design of policy to physically permeate exclusive social enclaves: As applied to Maboneng". *University of Witwatersrand*, October, 2014. file:///C:/Users/Salma/Downloads/Kluth%20Research%20Report%202014.pdf (accessed May 19,2017).
[12] Ibid, 36
[13] Ibid
[14] Government Gazette, *Spatial Planning and Land Use Management Act 2013*,http://www.gov.za/sites/www.gov.za/files/36730_5-8_Act16of20.pdf (accessed June 2015).

met. The minister in charge is allowed to alter the Act after consulting the public. With the public views, the minister can develop policies relating to spatial planning and land use, devise corrective measures for the municipals' failure to effectively implement the land use scheme, and determine the right procedures for lodging appeals, as pertains to the Act.

Aside from the specific policies that govern land use in Johannesburg, there are several programmes aimed at meeting the city's goals in terms of spatial planning and development. For instance, there is the Land Redistribution Programme that seeks to ensure that the poor have land for both residential and productive purposes[15]. Through this programme, households comprising the urban poor, labour tenants, and other people, are able to purchase land from willing sellers. Such projects mainly target the marginalised groups, as well as needy women. Next, there is the Land Restitution Programme that is concerned about people who have lost their land due to racially discriminatory legislation. The procedures for land restitution are in line with the Restitution of Land Rights Act, 22 of 1994[16].

1.3 Research Purpose

This research report shows how space as understood by urban planning of the CoJ has been challenged from below by Somali business migrants through the continuous use and appropriation of space as business rather than the planned residential use designed by the City of Johannesburg. Space then encounters two different discourses, one from above through the City of Johannesburg's urban planning schemes, policies, plans and visions, and the other from below, shaped by Somali businesses of the area, who continue to expand their businesses in a space zoned for residential use. Scott's arguments about individuals breaking modernist impositions to survive fits well in explaining the phenomenon of Mayfair, where the CoJ's urban officials have overlooked actual changes in reality on the ground so as to produce, by power, through regulatory mechanisms, what they envisioned as desirable understanding of spatial usage.[17] However, individuals and collectives (migrants) in the Mayfair community, who continue to undermine the City of Johannesburg zoning laws by reshaping space according to their own socio-cultural desires and in order to continue operating their business, are challenging the functionally planned urban space by the City of

[15] Department of Land Affairs, *White Paper on South African Land Policy 1997*.http://www.ruraldevelopment.gov.za/phocadownload/White-Papers/whitepaperlandreform.pdf (accessed July 2015).
12
[16] Ibid
[17] James C. Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed* (New Haven, CT: Yale University Press, 1998).

Johannesburg, in Mayfair, as is shown below. What this shows is that the Somali business community is emphasising an almost oppositional approach by continuing to open businesses in an area zoned for residential use. The Somali's current activities in Mayfair not only constitute an important transformation of the space but also the community's cultural form and social practices. Many do not take into consideration the regulatory mechanisms; rather developments are usually completed in consultation with kin and close friends. Urban planners and officials from the City of Johannesburg have not been silent on such constructions. Numerous legal proceedings have been initiated against Somali businesses and property owners, who have continued to perpetrate the unplanned creations in the area zoned for residential use. Yet the Somalis, and the Oromo's , in the 8th Avenue area in Mayfair continue to create more businesses as time passes, now extending into 9th Avenue and parts of 10th Avenue. Therefore, the creation of businesses and certain structures in the Somali hub has not been met with any welcoming responses from the City's officials who continue to argue, through land use policy and legal mechanisms, that the area is zoned for residential use. Despite several attempts by the City administration to close down the businesses and the so-called illegal usages, their efforts have been futile.

The focus here is on how the Somali community of Mayfair, as a non-national group, are appropriating space. This is important as it gives us an analysis of the political and legal strategies that this community is using to avoid closure of their businesses. The study of Somalis in Mayfair becomes important as it contributes to the scholarly literature on how urban inhabitants, as non-nationals, appropriate their own space. It also adds to literature on Somali urban inspiration and claims of belonging to Johannesburg, illustrating how Somali communities, together with other migrants, continue to shape the neighbourhood and character of Mayfair. As a result, the Somali community and their struggle over the usage of urban space will show how urban inhabitants, despite being a minority group in Mayfair, defend their urban aspiration and their sense of community and meanings of space. Moreover, we see how urban inhabitants can navigate the formal structures of the planning systems using the same methods against the system that was initially created to protect and serve the community. Inspired by Actor Network Theory (ANT), the research is also interested in the varied alignment and realignment of the forces that connect humans and objects, so as to understand the ways in which practices that are tied to bureaucratic materials link residents, city officials and planners in permitting alliances, tactics and strategies in the production of the city spaces. I show how documents become linking points within

bureaucratic arrangements, but more interestingly, I try to show how by means of writing, documents become on-going conversations and responses between the urban citizens and city officials.

Following de Certeau's strategies and tactics and Matthew Hull's views on documents as forms of escaping responsibility, the research shows how Somali's in Mayfair as urban inhabitants are able to converse with the city while, at the same time, escaping responsibility using written documents.[18] The city conversing through documents is meant to be an effective tool deployed to enforce land use regulation, yet this seldom is true, as is shown below. Some urban inhabitants can use the same conversation created by the city, to keep the city at bay while continuing to engage in their everyday business interactions. Moreover, the appropriation of space according to Lefebvrian belief is highly connected to the idea of the 'right to the city', opposing methods of functional management and isolation. By using the notion of the 'right to the city', as argued by Lefebvre, we are able to go beyond and challenge the notion of citizenship, embedded in the concept of nation-state, where migrants practice their 'right to the city' as urban inhabitants through spatial usage and appropriation. This research shows a new perspective within the literature of migration and urban studies, and contributes to a group of issues understudied in Johannesburg's urban literature. It also gives evidence as to how migrant communities transform, re-produce and negotiate the physical space, and how this in turn, changes societal behaviour and impacts urban governance.

1.4 Research Report Outline

This introductory chapter is followed by literature review section. The third chapter highlights the methodology used to gather the data, including the method of analysis and the difficulties faced in the research process. The fourth chapter illustrates the ways in which the Somali community in Mayfair are appropriating space and interacting with spatiality. The fifth chapter follow technocratic and bureaucratic performance of the COJ, through the movement of written material used as forms of spatial contestation; here it looks at how migrants are using the same documentary practices against the city; how documents allow for conversing with the city; and how they become strategies against the city. The sixth chapter shows how the right to the city, as in the case of 8th Avenue, can appeal to a wide-cross

[18] See Michel de Certeau, *The practice of everyday life* (Los Angeles, California: University Of California Press, 1988) and Matthew S. Hull, "Documents and Bureaucracy", *Annual Review of Anthropology* 41, no. 1 (2012).

section of society appealing for change, and can be an urban opportunity shaped by collective action. The seventh chapter is the concluding chapter.

Main question

How do the strategies and contestations of Somali migrants in Mayfair form part of connections of actors, both human and non-human, producing space in Johannesburg?

Sub-questions

- How are the Somali migrant communities transforming 8th Avenue Mayfair? How is this transformation causing contestations?
- How has the City of Johannesburg reacted to this spatial transformation? How are documents used in urban planning?
- What tactics have migrants used to subvert and challenge the City of Johannesburg actions?
- How do Somali migrants continue to expand businesses further in Mayfair through the use of documents?
- What are the outcomes of these actions?

Chapter Two – Literature Review

Chapter Introduction

The literature review section is an important part of any research as it gives the researcher the opportunity to explore the available literature on the issues of interest. Through the literature reviews, one is able to obtain information about the research topic, compare the views of different researchers, and identify gaps in the literature that have to be filled with additional research. In this case, various issues relating to urban planning, Johannesburg, and migrants are addressed. The chapter provides the views of some of the great scholars on urban planning; the advantages, as well as disadvantages. It offers the main arguments behind the development of an urban planning framework, or rather shows why cities like Johannesburg find it necessary to engage in spatial planning. Further, the chapter has literature on the CoJ, and the role it has played in hosting Somalis and other migrants. It also explores some of the problems emerging from the apartheid era that the South Africa citizens, together with migrants, continue to face as concerns land, urban planning, and development. The information is this chapter offers a good foundation for the current research.

2.1 Urban Planning

There has been ongoing debate in urban design whether or not professionals can in fact plan urban function and city life.[19] Supporters of the "functional city" believed it was possible; leading them to build and plan various modernist creations where the city found itself divided between different functions and zoning practices.[20] Critics were however not silent, many advocating for an alternative planning approach. For example, Donald James contends that urban reformers in the past era have regarded the city as a space to excise their control and power.[21] He goes on to argue that the desire and ambition that occupied enlightenment

[19] Jennifer Mack, "Urban Design from Below: Immigration and the Spatial Practice of Urbanism," *Public Culture* 26, no. 172 (2013), 153

[20] Ibid

[21] James Donald, "This, here, now: imagining the modern city", in *Imagining cities: Scripts, signs, and memories*, ed. Sally Westwood and John M. Williams, (London, Routledge, 1997), 180.

rationality was that which rendered the city as transparent and orderly and in that way, a continuous project of perfecting the city. It is for him, the vision of the functional city of subjectivity as well as space.[22]

Michel Foucault, however, observed that urban architecture and the general development had adopted a political angle in the 18th century. The goals of the government, as well as governance techniques were reflected in the existing architecture. Cities that once had separated from issues of common law were now a reflection of the kind of governance exercised in a particular territory. According to Foucault, the "model of the whole city became the matrix for the regulations of the whole state".[23] On the other hand, Scott contends that planning and control initiated from the state on subordinate groups is usually unsuccessful, especially when used in actual life circumstances, however, when communities arise through complex connections over extended phases of time, they depict remarkable amounts of unplanned originality and extended stability.[24] Similarly, Jane Jacobs contends against urban planning practices of the 20th century.[25] She argues that, neighbourhoods are an important part of the city space that regularly change and respond to the necessities of those who live and work in them; unlike the isolated function that Le Corbusier argued for.[26] Jacobs also contends that cities that are designed and arranged by urban planners decrease the flow of communication, creating more opportunities for economic decline, societal dissatisfaction and cultural deterioration.[27] It was, therefore, Jacobs' belief that urban planning should contain decisions of societies and communities, including decisions of populations who are affected by urban planning.[28] Likewise, optimistic theorists, Hughes and Sandler, who follow on the advocacy planning, argue that citizens may be tapped for their insights or observed for their practices; assisting designers build more inclusive urban forms.[29] However, Hou looks at the ideas of 'guerilla urbanism' and the way locals occupy

[22] Leonie Sandercock, "When Strangers Become Neighbours: Managing Cities of Difference," *Planning Theory & Practice* 1, no. 1 (2000).
[23] Penelope Edmonds, *Urbanizing Frontiers ; Indigenous Peoples and Settlers in 19th-Century Pacific Rim Cities* (Vancouver: University of British Columbia Press, 2010), 16
[24] John D. Eigenauer,*Summary of Seeing Like A State*, http://docshare01.docshare.tips/files/9282/92822743.pdf , (accessed July 2015), 19,
also see James C. Scott, Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed (New Haven, CT: Yale University Press, 1998)
[25] Jane M. Jacobs, *Death and Life of the Great American Cities* (New York: Random House, 1981).
[26] Ibid
[27] Ibid
[28] Ibid
[29] Mack, "Urban Design from Below", 154

spaces that planning has assigned for other purposes and argues that such changes to urban space usually occur after urban designers involvement in project is completed.[30] My arguments in this thesis will develop the insights of Scott when he argues contemporary planners have overlooked reality to create, by power, what they imagine necessary or appropriate.[31]Moreover, Scott argues that not only have these plans produced socio-economic breakdowns, but also huge psychological damage: "high modernist designs for life and production tend to diminish the skills, agility, initiative, and morale of their intended beneficiaries."[32]

Scott therefore contends that extreme modernist enforcements similarly weaken the arrangements and structures that they are designed and meant to assist. Yet, he believes that, paradoxically, this ineffectiveness is overcome by persons who violate its regulations to sustains themselves and survive.[33] Here, outside the functionalist preview, the slow growth and alteration of the area has created an alternative space, one which is administered by businesses, and one that resembles the social and cultural practices of the Somali community of the area. The question is then how do Somali businesses continue to alter planned urban spaces of the City of Johannesburg Metropolitan, despite opposition from the city. Here, the research argues that Somali businesses and property owners are appropriating space, while at the same time negotiating space/practice/ownership/control through written documentary practices. One of the ways they are able to do so is through documents: documents that are produced to argue their case through lawyers and advocates, and documents that are produced by private urban planners to buy time away from committee hearings. In this context, migrants encounter the government (CoJ) through the movement of bureaucratic material; such as policy papers, rezoning decisions and court verdicts. What we than see, is that although documents were meant to be tools of the city's control, the very same documents can also inspire new forms of strategies to subvert CoJ's control.

2.2 The Actor Network Theory (ANT)

The phenomena presented in this thesis can begin to be explained using ANT. ANT as a theory, using space and time, explains the manner in which our daily lives are constructed. ANT follows the fragmentary creation of space as well as associations through distinct

[30] Ibid
[31] James C. Scott, Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed (New Haven, CT: Yale University Press, 1998), 349
[32] Ibid, 349
[33] Ibid

spheres of the state of things, [34] and puts a critical focus on uncovering and exposing the connections amongst humans and non-human, as well as showing how non-humans create and produce the spaces and social interactions.[35] Moreover, for ANT, there is not one single way of organising the world we live in; rather there is potentially many ways of doing so, and non-humans are a crucial part of this organisation of life.[36]

Therefore, ANT sees non-humans as central actors in the production of everyday life, shifting from the notion of human-focused interpretations.[37] According to Farias and Bender, "by enabling an escape reification of the city so common in social theory, ANT's notion of hybrid assemblages offers richer framing of the reality of the city - of urban experience that is responsive to contingency".[38] Similarly, in terms of urban theory, assemblages too recognise non-humans as a central player in urban theory, which mainly shows the ways or manners of organising and asserting certain claims as well as entitlements; what this than means is that newer identities are created via associations of network. [39] McFarlane, looking at assemblages, considers materiality similar to locations of influence that emerge collectively and interact.[40] He believes that assemblages offer a dense explanation of relations and interactions together with the agency of materiality.[41] Therefore, conceptualizing the city as assemblages gives agency to nonhuman actors, allowing a network of interaction between human and non-human. It is therefore the aim of this research to show how human and non-humans interact when it comes to spatiality and usage.

Continuing the debate between human and non-human interactions, Latour argues that we should replace the study of social institutions with that of collectives of humans and artefacts, in what he terms 'corporate bodies or 'object institutions', in which artefacts (as non-humans) do not remain "merely the passive instruments of social agents but active in the creation and

[34]Yonn, Dierwechter. "The spatiality of informal sector agency: planning, survival and geography in black metropolitan Cape Town" PhD dissertation., London School of Economics and Political Science, (2014), http://etheses.lse.ac.uk/2269/1/U615216.pdf (accessed July 2015), 17

[35] Henry Wai-chung Yeung, "Towards a Relational Economic Geography: Old Wine in New Bottles?," *National University of Singapore*, 19 March 2002,https://courses.nus.edu.sg/course/geoywc/publication/yeung_aag.pdf, (accessed July 9, 2015), 13

[36] Ibid

[37] Ibid

[38] Ignacio Farías, "Towards a Flat Ontology?", in *Urban Assemblages: How Actor-Network Theory Changes Urban Studies*, ed. Ignacio Farias and Thomas Bender (New York: Taylor & Francis, 2009).

[39] Hesam Kamalipour and Nastaran Peimani, "Assemblage Thinking and the City: Implications for Urban Studies," *Current Urban Studies* 3, no. 4 (2015), i

[40] Ibid

[41] Ibid

maintenance of these agents".[42] This phenomenon is demonstrated by Hull, who illustrates that bureaucrats steadily disperse responsibility across organisations, even with the system of transparency and accountability in place, thus assisting it to become a collective agent. From this, Hull argues that the file appears as an important non-human agent, its importance is located in "its ability to support the formation of an authoritative voice of government, to allow individuals to escape responsibility and to facilitate individual and small group enterprise within the larger organization".[43] He therefore argues against the idea that documents are in reality able to enhance the control of government, he exposes how in the seizing of land and constructing of mosques, papers, files and manuscripts go contra to bureaucracy, and turn it to their own control through alliances and manipulation. Following Hull's argument that documents do not essentially increase the control of government, I disclose how the Somali migrants in 8th Avenue use documentation as an effective tool against the City of Johannesburg in allowing them to continue to use the area as a business space, despite the city's refusal for them to do so. One of the ways they are able to do this is through written documents that are created to argue their case through private urban planners, private lawyers and advocates in order to buy them time away from committee hearings and steering their businesses away from closure. These written documents become the tools through which business people of Somali origin negotiate space usage, in a way that would rarely happen in person. This way they manage to keep the state at bay, while also expanding businesses further into other areas of Mayfair.

Moreover, written documents are used as strategies and tools of resistance by migrant groups; this kind of resistance is captured well by de Certeau's theory of strategies and tactics.[44] For de Certeau, the everyday life contains in it a web of spatial and temporal actions. The idea of the 'everyday', can be deduced as "those most repeated actions, those most travelled journeys, those most inhabited spaces that make up, literally, the day to day".[45] Taken cumulatively, de Certeau argues, these acts (of the everyday) can potentially interfere into and undermine power. However, by what means is this possible. For De Certeau, space is

[42] Matthew S. Hull, "The File: Agency, Authority, and Autography in an Islamabad Bureaucracy," *Language & Communication* 23, no. 3-4 (2003): 290.
[43] Katherine Verdery, "Matthew Hull and Ethnographies of the State," *HAU: Journal of Ethnographic Theory* 3, no. 3 (2013), 408
[44] Ibid
[45] Christine Ho, See-way. "Talking Chinese in Canada: the poetry of Fred Wah".Masters dissertation, University of Hong Kong, (2009), http://dx.doi.org/10.5353/th_b4320980, 11
accessed April 2016).

arena in which strategies and tactics are fought over. It is with this that De Certeau argues, that urban planners and those in power try to enforce their ideologies on the city through the rearrangements of space, but urban inhabitants counter this by employing various tactics and using space as they please. This research therefore shows the ways in which Somali's in Mayfair use and appropriate space is a form of such resistance, made possible by written documents.

What this means is that the state, in our case the City of Johannesburg municipality, is not an overpowering body, but rather an entity that can be shaped and negotiated by the individual's everyday experiences. One of the ways individuals and communities can undermine the power of the state is through documentation. In an age where technology has grown significantly, as human beings we still continue to be surrounded and even controlled by a flow of paper whose materiality have immense consequences.[46] Writings within documents hold some degree of power through language that is used to produce the document. State governance becomes a material practice through the use of written documents, and as Hull argues, for us to understand the ways in which government works, it is essential that we understand the material dimensions of bureaucratic semiotic technologies that are used. [47]

In the context of this thesis, I touch upon ANT because it is able to track the steady creation of Mayfair as 'a new space in making' and in addition, interactions of associations amongst various groups; as well as interactions between non-human and human actors and agents. This is important in terms of land use management and development, as the process itself is complex and comprises different actors, both individuals and collectives, including human and non-humans. For Ovens et al, the management of land use comprises the ways in which land is developed, used and controlled.[48] Berrisford and Kihato suggest that planning on a wider notion is made of actions that focus on influencing development over a phase of time.[49] These land use instruments are composed of a wide range of land regulations and zoning

[46]Matthew S. Hull, "The File: Agency, Authority, and Autography in an Islamabad Bureaucracy," (2003)
[47] Matthew S. Hull, "Documents and Bureaucracy," *Annual Review of Anthropology* 41, no. 1 (2012).
[48] Rubin Margot."Land Management and democratic governance in the City of Johannesburg : Synthesis Report", *Centre for Urban and Built Environment Studies*, February 2008, http://www.planact.org.za/wp-content/uploads/2014/08/1.-Synthesis-Report-Land-Management.pdf (accessed August 2015)
[49] Stephen Berrisford and Wanjiku Kihato, "Local Government Planning Legal Frameworks and Regulatory Tools: Vital Signs?," in *The Developmental Local State: Lessons from Theory and Practice*, ed. Mariam Van da Donk et al. (Cape Town: UCT Press, 2007).

schemes used by the city to control the development of land.[50] The regulation of land, part of the management of land systems, contains legislation, various regulations made by local authorities and conditions that control the way land is used; much of this regulation is meant to control people's actions, in order to allow people to attain a shared purpose.[51]

However, land use regulations are not always adhered to by individuals, especially when they are contrary to the desired development needs of individuals and communities. In such cases, urban land use management is caught at the crossroads of various contestations. As Rubin argues, land use is taking place through many channels that are in opposition to land use regulations, specifically because it does not support many land use pursuits; which people create and are in need of within their areas.[52] This is true in the case of Mayfair, as many of the businesses have developed due to certain needs and demands within the Somali and Oromo community, and also because of how they envision and understand space. Such continuous land usage and development ignores the country's regulations, which term the usage illegal. Consequently, conflicts arise between the city authorities and the migrants, making the migrants usage of spatiality an issue of great interest among law enforcers. However, as we shall see below, migrants remain adamant in their illegal land use despite the regulations. They have devised strategies to expand their businesses over the years. More importantly by following Hull's usage of ANT through written artefacts and document system, we are able to extend the argument that non-human objects are not simply instruments of already existing social organisation, rather they cause the formation of uneven networks and groups. They are also used as methods of resistance in escaping responsibility, and as a means of dissent.

2.3 Rezoning Policies and Processes in Mayfair, Johannesburg

As mentioned above, the Somali and Oromo migrants often fail to adhere to the regulations of land use in Mayfair. They use tools, such as written documents, to buy time and escape law enforcement officials. Before any further discussion about this issue, it is important to get more information about Mayfair, and the existing rezoning policies and processes. Once one gets to know about the said policies, it will be easier to understand the direction of this

[50] Ibid, 383.
[51] Ibid
[52] Rubin, "Land Management and democratic governance in the City of Johannesburg", 22-23

particular research. Mayfair is located in the Western section of Region F in the CoJ.[53] Region F is located near the South-eastern border of CoJ and is part of the seven administrative regions, covers about 240km² and contains fifteen municipal wards.[54] The region includes the inner city of Johannesburg, as well as the industrial and residential areas, located south of the inner city. Region F not only varies in density but also in the different ways in which it is used. The east-wing of the mining belt and the M2 freeway separates the various uses, including residential, commercial and industrial areas.[55] Mayfair falls under ward 58, has many commuters passing through it on a daily basis between the inner city and western suburbs of the city. This region acts as a gateway to the inner city and is near the two most important freeways in the city, M1 and M2, as well as the cultural hubs of Fordsburg and Newtown, which are located to the east, and the 2010 Soccer City stadium located to the south.[56]

[53] Eugene Cloete, Marelize Botes, and Michele de Kwaadsteniet, "Stellenbosch Municipality Water Services," in *Sustainable Stellenbosch Opening Dialogue*, ed. Mark Swillings, Ben Sebitosi, and Ruenda Loots (Stellenbosch: Sun Press, 2012), 133.
[54] Ibid
[55] Ibid
[56] Ibid



Figure 1: Mayfair. Reprinted from Google Maps (2016)



Figure 2: *Mayfair. Reprinted from Google Maps (2016)*

In the image above, Region F, according to CoJ

Having known the actual location of Mayfair, it is necessary to look into the existing policies and process as pertains to the use of land. First, the term Land Use Management is used to refer to all legal regulations relating to land use in Johannesburg. There are a set of regulations that govern how each property in the CoJ is developed, which are dependent on the property zoning as outlined in the Town Planning Scheme. Currently, the Town Planning Scheme used differs from one part of the city to the other. Therefore, anyone who seeks to develop any given property should first identify the suitable planning scheme depending on the location. Zoning is also influenced by the conditions provided in the Title Deed. This means that developers are sometimes forced to adjust their plans to meet these conditions. Other important laws that control land use are the Public Health Bylaws and the National Building Regulations and Building Standards Act[57]

Mayfair Town Planning Scheme

Today, Mayfair is governed by the 1979 Johannesburg town planning scheme, which consists of zoning maps (A series), density maps (B-series) and scheme clauses. Zoning maps show the current zonings of properties. Density maps show building lines, heights zones (coverage

[57] Ibid

and floor area) that determine how many units one can have on a property. Moreover there is something called Scheme clauses, within the actual town planning scheme, which are development control conditions that stipulate what a person can build on a stand. These are basically conditions that are related to building control, for example parking, height, floor area ratio, coverage building lines, etc. All three documents need to be simultaneously referred to when one looks at the area to determine rights and regulations, including development conditions. Town planning schemes are used on a daily basis for the function of land use management.[58] Each legal right to develop and use land is given in the zoning schemes of individual properties.

The zoning map below shows current land use rights in Mayfair. The scheme in Mayfair consists of residential 4 properties otherwise known as Res four, as shown below in the colour orange. Res four is a land use right which gives primary rights for dwelling units, residential buildings, excluding hotels, where an on-consumption licence is granted according to the Liquor Act (Act 27 of 1989).[59] However, there are other primary land use rights that are permitted in the zoning of such institutions, with places of public worship and places of instruction indicated in the zoning map by the colour pink. This also includes educational institutions, social spaces and spaces of worship, which are indicated by the colour blue in the zoning map below. The zoning map also indicates business usages that exist mainly along Albertina Sisulu Street and Church Street, which are shown in the colour red. Each property also has a title deed that has conditions layered out in it, which may limit the way in which properties are used or developed. In terms of density, the majority of properties in Mayfair have a density of one dwelling per 200m²; which depends on the size of the property (Erf), because not all the properties are the same size. The height zone in Mayfair consists predominately of height zone 0 (H0) which permits three stories.

[58], Berrisford and Kihato, "Local Government Planning Legal Frameworks and Regulatory Tools".
[59] City of Johannesburg Archive . *Consolidated Johannesburg Town Planning Scheme, 2011*. http://www.joburg-archive.co.za/2011/pdfs/town_planning_2011.pdf,(accessed July 2015), 52

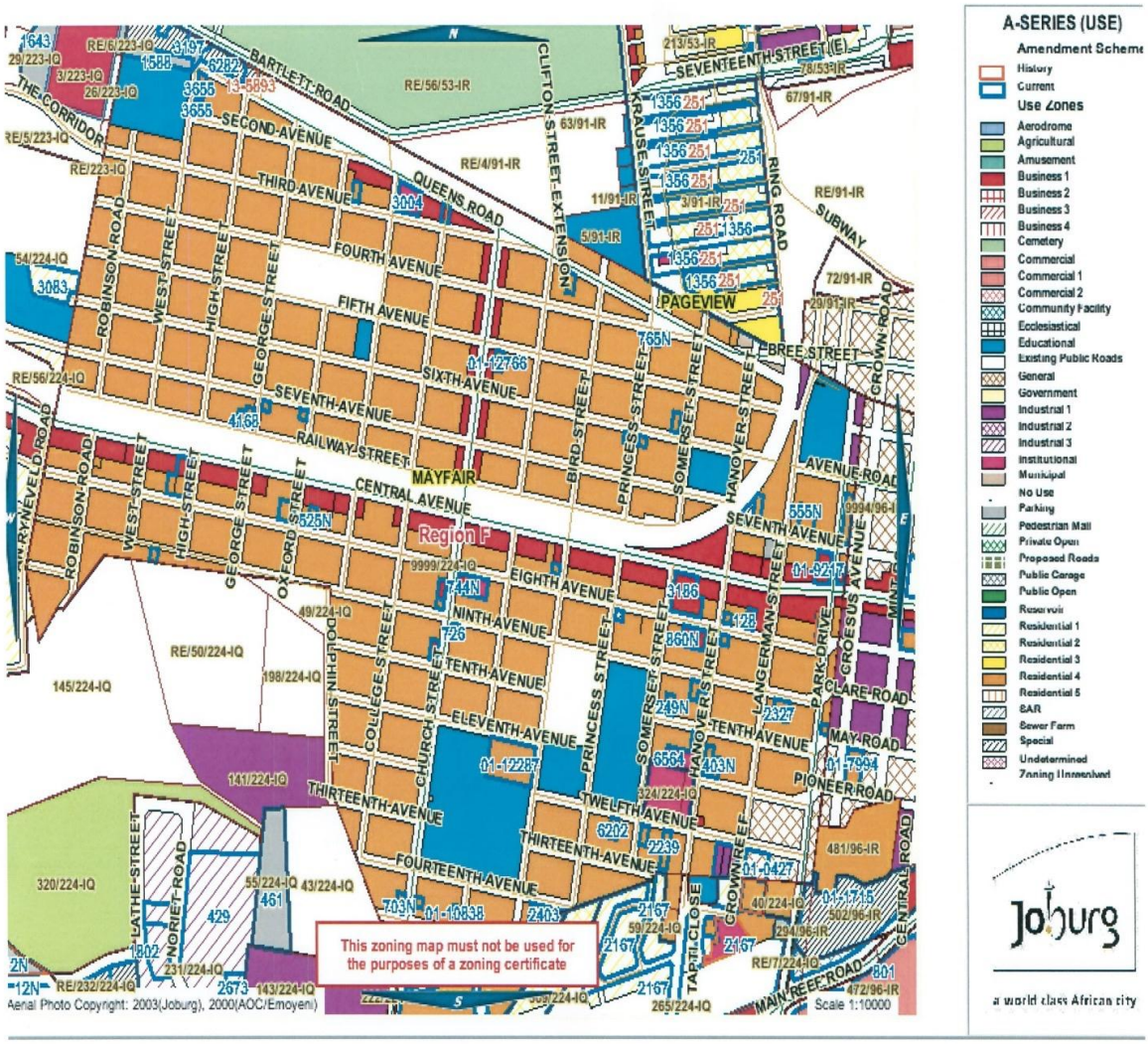

Figure 3: An A-Series Map showing the existing zoning rights in Mayfair

Regional Spatial Development Framework (RSDF)

Another important (if not very important) regulatory document that the CoJ uses to regulate development is the RSDF. The RSDF is an important part of the Council's development policy as it provides local resource, infrastructure and capacity information. The policy also shows potential rights, and provides advanced spatial planning for future potential developments. In terms of Mayfair, the RSDF is basically very limited, as it only addresses a few main roads. For example, it recognises business rights in Albertina Sisulu and Church Street. The RSDF refers one to the Mayfair/Fordsburg Urban Development Framework and precinct plan, which then gives developers incentives to move to a particular area.

Urban Development Framework (UDF)

The Mayfair/ Fordsburg UDF, recognises the majority of the area for single residential uses (depicted in yellow in the map below); which means one dwelling house on the property. It also identifies a few institutional sites. According to the UDF, Albertina Sisulu road is classified as a major road and Church Street is identified as an activity spine, which permits business rights along these roads. And as a result of the 1979 Johannesburg Town Planning Scheme, properties are currently residential four (Res four); which allows for a much higher density; however the UDF limits the properties to a maximum of 30 dwelling units per hectare while permitting on-street parking on all residential streets.

This UDF is however self-contradictory, because it gives Res four rights according to the 1979 Johannesburg Town planning Scheme, yet creates additional restrictions to this. For example, the existing policy (RSDF) supports single dwelling residential units in Mayfair, yet the properties already have rights for residential four zonings according to the 1979 Johannesburg town planning scheme, which is for multiple flats, so basically, the existing policy does not take existing zoning into consideration. In other words, rights are already vested in the property and a policy cannot take already existing rights away, however that is what the policy is currently doing. The City of Johannesburg therefore has to review their town planning scheme, the density (B series maps), in order to allow dwelling units to be in line with Res four zoning.

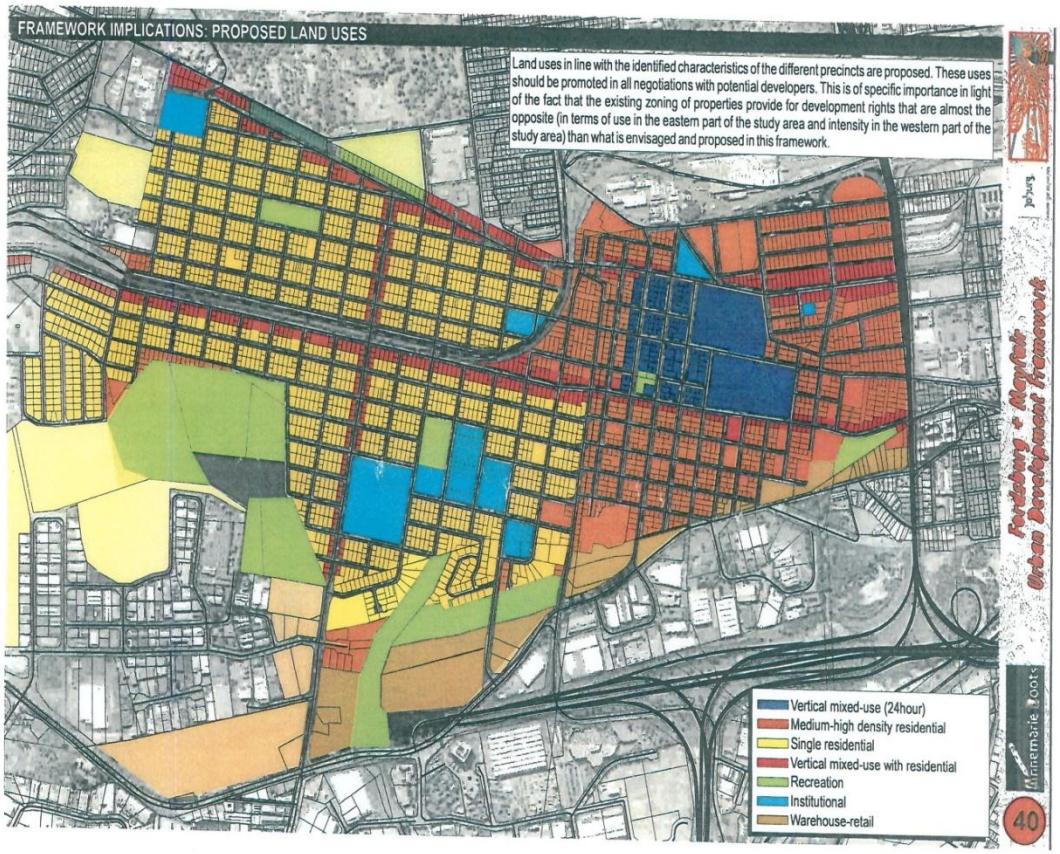

Figure 4: UDF map of Mayfair.

2.4 8th Avenue and Land Use

According to the land use documents I have discussed above, 8th Avenue is recognized through official zoning as Res four, which consists of primary rights for dwelling units, residential buildings, excluding hotels, where an onsite consumption licence is granted according to the liquor Act.[60] There is also an institutional right along 8th Avenue which is the Louis Brail Centre for the Blind. At the present however, 8th Avenue between Park Drive and Church Street has various business uses that are contrary to both the scheme and UDF. Most of the properties on 8th Avenue are zoned Rez four but are currently being used as businesses such as shops, restaurants, guest houses, lodges, mosques, educational institutions and many others of similar character, which ignores zoning maps as shown in the figure below.

[60] 1979 Johannesburg Town Panning Scheme, 52



Figure 5: The expansion of businesses into 9th Avenue in and further down into 10th

The aerial view of the area in the figure above, which I created, shows the modifications and growth of businesses that have been taking place on 8th Avenue, and that are now expanding further. Everything in colour in the map shows various businesses that are currently taking place on the ground. These businesses are composed of various grocery shops, barber shops, internet cafes, restaurants, coffee shops and various other amenities, including various institutions, such as Islamic schools and mosques. Businesses first began on 8th Avenue, and have expanded due to factors explained in the previous chapter.

Many of these land changes have been initiated by mainly Somali migrants, including the newer emerging Oromo community in Mayfair (as shown in chapter four). The migrant community has changed the use of the area to cater for their needs and demands. This has caused conflicts between the migrant communities and the CoJ authorities. The communities' activities make them liable for the contravention of land management regulations. However, it is necessary to note that individuals have the opportunity to apply for the amendment of the zoning regulations and propose changes to the title conditions. The application process is usually very complex, necessitating the help of land surveyors, lawyers, and other relevant professionals. Those that seek to make an application are required to collect forms from Land Use Management offices. The council then reviews the applications with reference to the Regional Spatial Development Framework (RSDF), which dictates what changes can be made. It is worth noting that making applications comes at a cost. For instance, those applying for rezoning have to pay a fee of R3, 757 to the council, approximately 288 US Dollars[61]. R600 is payable for the removal of restrictions, not to mention professional fees, advertisement costs, and other expenses. It takes a year or more for the council to decide on the case, after which the applicants and their legal representatives are called for a Tribunal Hearing.

This means that property owners should adhere to the different zoning, or apply for Land Use Scheme to be changed through council. Take for example, property owners want to use their property for purposes other than outlined in the scheme, they can lodge an application for the council to consider making some changes. First, the applicants are expected to make notifications about their application in the Provincial Gazette, as well as two local

[61] Ibid

newspapers.[62] The notice on their application should be published in English and a second official language. In the notice, the applicants should clearly indicate the By-law on which their applications are made and the relevant land use scheme. Other details that should be provided include the township, street address, the date, and contact information of the applicants. The property owners should also display a similar notice on the actual property; in a conspicuous area where people can easily read the notice. The notice must remain legible for at least 21 days. Secondly, the applicants must prove to have complied with the notice requirements through a written affidavit to the city[63]. Upon receiving the applications, the City issues copies to any interested Roads Authority, neighbouring municipalities, and other relevant stakeholders. The parties that show interest in a particular application are expected to issue their objection or comments in 60 days, failure to which it is assumed that they are no longer interested in the case. The comments or objections issued by the interested parties are forwarded to the applicants within the first two weeks of receipt. All comments and concerns raised must be thoroughly analysed before a final decision is made on a particular application. At any time before this decision is made, the applicant has the freedom to amend or withdraw the application. The City, on the other hand, has the power to refuse any application as it deems fit. If an amendment is approved, no other party can apply for further amendments within the following 24 months[64].

2.5 Somalis and Land Management Policies in Mayfair

Somali migrants, who own businesses in Mayfair, do not adhere to the land management policies, especially on matters of rezoning. As discussed above, property owners are given the opportunity to apply for the amendment of any land use scheme that does not meet their needs. For example, they can make a rezoning application to use land for another purpose, other than initially intended. They can make residential land a business location if their proposition is accepted by the Council. Somalis in Mayfair, however, continue to use residential property for businesses purposes, and although some have applied for rezoning of their residential property to businesses, they however are meant to wait for the COJ's rezoning approval before continuing to use residential property for the purpose of business; this is therefore contrary to the City's regulations. Somali migrants; including the newer

[62] Joburg.*The City of Johannesburg, Municipal Planning By-Law*, 2015. http://www.joburg.org.za/images/stories/2016/Feb/The%20City%20of%20JHB%20Municipal%20Planning%20By-law.pdf, 19
[63] Ibid
[64] Ibid

emerging Oromo community, continue to pay rent to the land owners, and operate their businesses without much concern. When notified by city officials to close their businesses through written documents, they use lawyers and other professionals to draft similar documents, as bureaucratic material with the aim of buying more time to continue with their everyday business operation. This way, they continue to operate their businesses knowing full well that they contravene the zoning regulations. If the city succeeds in organising tribunal hearings, the business people, with the help of legal professionals and through written documents, formulate excuses to avoid attending the hearing; postpone them, or cancel them all together. For example, business people may fail to attend hearings on the pretext that they are attending a religious trip in another country, or facing a health problem of some sort.

The discussion chapter provides more information on the extent to which the Somali's violate the land management regulations in Johannesburg, based on the views gathered directly from the businesspeople themselves; the views obtained directly from the Somali migrants will also show why they choose to go against the set rules with regard to land use management. However, it is important to mention some of the likely factors behind their behaviour at this stage. Firstly, South Africa is prone to xenophobic attacks; xenophobia is derived from Greek words with the meaning 'fear of strangers',[65] and in South Africa, especially in townships where foreign migrants operate businesses, the migrants find themselves being attacked, and their businesses being destroyed. Such attacks are driven by great fear or dislike of the foreigners (especially African foreigners), and often affect immigrant business people, both in the urban areas and the informal settlements in the country. In the few years that have passed, the number of shopkeepers who have been injured in xenophobic attacks has increased, Somalis having being amongst those highly affected. In 2006, the Somali community lost around 28 of their own, during violence in Western Cape[66]. Attacks in 2008 also witnessed many Somali shopkeepers being killed, or badly injured, while others involuntarily had to leave for safety, leaving everything they owned behind. Studies have indicated that a large portion of the South African population are xenophobic, particularly the black communities in townships. Such issues cause tension between the South Africans and the immigrants, and make it difficult for the latter to trade in most townships in the country. They have been forced to move to places like Mayfair which they consider safer due to

[65] Jackson Yo. *Encyclopedia of multicultural psychology*. (Thousand Oaks, CA: SAGE Publications, 2006), 483.
[66] Andrew Charman and Laurance Piper. "Xenophobia, criminality and violent entrepreneurship: violence against Somali shopkeepers in Delft South, Cape Town, South Africa". *South African Review of Sociology* 43, no. 3 (2012): 81-105.

various socio-economic and religious factors. Therefore, and, despite the fact that Somali business and property owners are not supposed to trade in residential areas without permission from the CoJ authorities, they do so to sustain themselves and their families, and to escape xenophobic attacks. Consequently, Somali immigrants therefore argue that they violate the existing land use regulations because they have no access to the land set aside for commercial purposes. Besides, running businesses is the only option that many of them have since they are unlikely to get formal employment.

Moreover, Somali businesses owners that share similar backgrounds and interests influence each other, since they work under similar operations and face similar challenges. It is therefore, in my view, that the Somali migrants may be influencing each other into violating the established land management policies and processes. Take for example, a Somali and a couple of his friends operate businesses in Mayfair and he receives a letter from the municipal council indicating that he should close his business because he is operating on residential land. This person is likely to continue operating illegally because his friends are doing the same. Why would he terminate his operations when his friends are still running their businesses? Convincing such a person to do what is right on their own is bound to be an uphill task. Hence, my ethnography and interviews in latter sections of my paper will give better insights into their behaviour.

There are many Somali's and other immigrants in different regions in South Africa. For example, as Liedeman and other authors explore the success of the spaza shops run by foreigners in South Africa, they mention the presence of Somali's in Delft, one of the townships in South Africa.[67] These shops offer goods at more affordable prices as a strategy to beat the businesses operated by the native South Africans. Clan-based networks also give Somali's an upper hand in the business world, and because of this, it is my belief that many Somali's who have shifted to Somali strongholds such as Mayfair have been able to create successful businesses. However, it is not clear to me whether Somali business people in places other than Mayfair contravene land management policies and processes put in place; this would of course need an entire study dedicated to it.

[67] Liedeman, Rory, Charman, Andrew, Piper, Laurance and Petersen, Leif. *"Why are foreign-run spaza shops more successful? The rapidly changing spaza sector in South Africa", (2013). Econ3x3, November 13, 2013, http://www.econ3x3.org/article/why-are-foreign-run-spaza-shops-more-successful-rapidly-changing-spaza-sector-south-africa*

2.6 The Right to the City

What is more is the acts through which Somali/Oromo business and property owners attempt to have their spatial usage rights realised through various strategies of resistance and dissent, can be argued to create acts of citizenship that have the 'right to the city', entrenched in newer forms of citizenry acts to political involvement. These mobilisations and strategies are intimately tied to the right to the city, a concept initiated by Henry Lefebvre.[68] Since, 1968, when the notion of the right to the city was started by Henri Lefebvre, it has generated much praise for a more open entry to the urban space and has challenged the static notion of citizenship practice tied to the state. [69] *The Right to the City* is mainly worried about "the problems of the city and urban society".[70] According to Lefebvre, the right to the city is a "superior of rights: rights to freedom, to individualization in socialization, to habitat and to inhabit. The right to the *oeuvre*, to participation and appropriation, are implied in the right to the city".[71]

The right to the city calls city citizens social agents of transformation, rather than the common individualistic concept of rights centred on nation-state membership. Lefebvre's concept of right to the city dismisses the idea of citizenship embedded in the nation state, and instead calls for citizenship that is embedded in urban usage and space. For Purcell, the notion of right to the city, is one that goes beyond political participation of citizens as state citizens to that which includes citizens as urban participants.[72] This kind of right is attained through the practice of everyday life, instead of the common rights attained through the nation state. The way migrants use spatiality to realise their needs, and in turn, negotiate their right to rezoning as well as to continue operating businesses are parts of their understating, recognition and participation in the concepts of 'the right to the city'. For migrants, the right to the city is realised through the everyday use of spatiality and resistance against the city, not through Westphalian ideology of citizenship, but rather through an urban citizenship model.

[68] Genevieve Carpio, Clara Irazábal, and Laura Pulido, "Right To The Suburb? Rethinking Lefebvre And Immigrant Activism," *Journal of Urban Affairs* 33, no. 2 (2011): 185–208.
[69] Ibid
[70] Ibid
[71] Ibid
[72] Mark Purcell, "Citizenship and the Right to the Global City: Reimagining the Capitalist World Order," *International Journal of Urban and Regional Research* 27, no. 3 (2003).

Although Lefebvre is able to assist us in understanding the newer citizenship practices and rights that societies practice, his understanding of space can be critiqued. As Guggenheim argues, Lefebvre's comprehension is limited. [73]

Since societies are typically driven by capitalist and economic consumption, Guggenheim contends Lefebvre's understanding that space is merely productive, leaves out economic causes, which he believes does not give a better understanding of society as separated into functional field or cities.[74] What ANT does however, is use a language and methodology that explains how actors employ objects to achieve tasks, a language that permits a means to describe spatial conflicts.[75] ANT is able to therefore to explain complex accounts of agency since actors function by means of enrolling distinct others. The capability to translate distinct actors turns out to be vital to the power relation that mediate networks, in this case, networks of urban growth and design. Enrolment in ANT is the method whereby actors create further networks inside their organisations. As such, agency is then not isolated in bodies; however, it is extended so that every actor is a web of relations, and the ability to enrol more actors in this web of relations is crucial for negotiations, in this case, the negotiation for a space and place. Important in the development of enrolment is the concept, intermediary. Callon explains that everything moving amongst actors as intermediaries, that explains the relations connecting them.[76] For Callon, written documents, machines and objects, including money, all make up intermediaries.[77] Policy thus becomes an intermediary disseminated to attempt development. However, Callon argues that intermediaries and actors do not have a rigid meaning, they can move between enrolling for translating or for assisting translation.[78] Using ANT, I show how migrant business and property owners are able to negotiate for a change in policy that supports their business initiatives.

[73] University of Zurich,"Urban Research and Architecture: Beyond Henri Lefebvre,"http://www.henrilefebvre.org/hlt/fls/Lefebvre_program2009.pdf, (accessed May 2016), 14
[74] Ibid
[75] Ibid
[76] Callon, Michel, "Techno-economic Networks and Irreversibility," in A Sociology of Monsters? Essays on Power, Technology and Domination, Sociological Review Monograph, ed. John Law (London: Routledge,1991),134.
[77] Ibid
[78] Ibid

2.7 Literature on Johannesburg, Migration and Somalis

Why is Johannesburg particularly important? According to Harrison, et al, a focus on Johannesburg is arguably important, as the city is a dynamo, both economically and socially.[79] As such, scholarly attention to the city will hopefully inform policy development that is responsive to this reality. Harrison, et al. continue to mention that Johannesburg is a transforming city. It is growing in economy and population and at the same time, changing in terms of economic structure, demographic composition and spatial form.[80] For this reason, it will inevitably understand change in a very partial sense, and many dimensions of change will remain elusive.[81] However, it is possible to draw on the available data to map some of the contours of change.[82] As such, Harrison, et al. argue that any proper understanding of Johannesburg must engage with the 'materialities' of the city.[83] They also note that the challenge is to empirically inform understanding of what may be happening in the city; bridging the unnecessary divide in the reading of Johannesburg. They go on to say that in Johannesburg, extreme inequalities in the material context, evident in many forms of spatial disparities, have contributed to hugely variant political, social and personal subjectivities. Equally, urban subjectivities redirect back on the physical landscape in innumerable ways, and this is apparent, for example, in the ways in which youth, gender, racial identities and immigrant cultures are visibly represented in the physical space.[84] On the other hand, Simone argues that urban infrastructure not only consists of wires, tunnels and highways, but also of human bodies, people and systems.[85] On this note, Mbembe and Nuttal argue that, "people, bodies, intersections, and networks structure and delineate the material culture of the city. They constitute the fabric – or infrastructure – of the contemporary African metropolis".[86]

In terms of the migration, Jinnah maintains that as an urban centre and economic hub in the region, Johannesburg has always draws migrants both within and outside South Africa.[87] Landau argues that Johannesburg migrants have created a space in which they live semi-

[79] Philip Harrison, Alison Todes, and Graeme Gotz, "Materialities, Subjectivities and Spatial Transformation in Johannesburg," in *Changing Space, Changing City: Johannesburg after Apartheid*, ed. Alison Todes, Chris Wray, Graeme Gotz andPhilip Harrison (Johannesburg: Wits University Press, 2014), 3.
[80] Ibid,16
[81] Ibid
[82] Ibid
[83] Ibid, 19
[84] Ibid, 20
[85] Achille Mbembe and Sarah Nuttall, "Introduction: Afropolis," in *Johannesburg the Elusive Metropolis*, ed. Achille Mbembe and Sarah Nuttall (Johannesburg: Wits University Press, 2008),27
[86] Ibid
[87] Jinnah, Zaheera "Making Home in a Hostile Land: Understanding Somali Identity, Integration, Livelihood and Risks in Johannesburg," *The Journal of Sociology and Social Anthropology* 1, no. 2 (2010).

permanently in Johannesburg, in a space between home and the site of undefined future.[88] Landau continues, as such, parts of Johannesburg have become extra territorial spaces that are in, but not of, South Africa.[89] Concerning Somalis in Johannesburg, Jinnah notes that Somali's are virtually in one suburb - Mayfair and some parts of Fordsburg, which is located near the city centre.[90] Thus, Jinnah argues that over the years, Somali's have been able to transform the landscape of the city due to their keen sense of business, which differentiates them in terms of who they are and how they live.[91] She adds that Somalis were some of the first non-Southern African Development Corporation's migrants who arrived in the country, some even before 1994.[92]

For Sadouni, Somalis' urban inspirations and claim of belonging to Johannesburg, play a role in the religious fabric and bring new elements into South African Urban Islam.[93] These urban aspirations are not only linked to local and national politics, but also British imperial connections, which brought Somali servants of British soldiers to the emerging global city of Johannesburg in the 1900's.[94] Thus, migration is at the centre of major changes in Johannesburg. In this metropolis, the Muslim religious landscape has undergone major changes with the incorporation of many new immigrants since 1994; that is the post-apartheid era.[95] About the Somali economy, Thompson contends that Somalis bring closer the separated city through their entrepreneurial skills, mainly as they bring cheap goods into some of South Africa's dangerous townships.[96] He further notes that the ethnic economy of Somalis has produced a significant asset to Gauteng by means of the lively enclave situated in Mayfair; which also has given many refugees newer opportunities.[97]

Taking the above arguments to account, the research highlights how migrants use the right to the city to develop newer notions of citizenry practices. Often, research on migrants does not

[88] Loren B. Landau, "Transplants and Transients: Idioms of Belonging and Dislocation in Inner-City Johannesburg," *African Studies Review* 49, no. 2 (2006)
[89] Ibid
[90] Ibid
[91] Ibid
[92] Ibid
[93] Samadia Sadouni, "Somalis in Johannesburg: Muslim Transformations of the City," in *Topographies of Faith: Religion in Urban Spaces,* ed. Irene Becci, Marian Burchardt, and José Casanova (Leiden: Brill, 2013).
[94] Ibid
[95] Ibid
[96] Richard Grant and Daniel Thompson, "City on Edge: Immigrant Businesses and the Right to Urban Space in Inner-City Johannesburg," *Urban Geography* 36, no. 2 (2014).
[97] Ibid

show the agency of migrants and the ways in which they produce and contest urban space.[98] By using these theories, however, we are able to follow how migrants negotiate spaces in the urban city using the same written materials that the city uses and understands. With this, we see how migrants become active agents in producing new kinds of spaces, while also adding to the literature that acknowledges the non-human position in the construction of urban form. We also see how by expanding claims to spatiality through usage and various modes of dissent and resistance, and finally creating modes of collective action, migrants are in reality practising Lefebvre's notion of the 'right to the city'.

This research therefore wants to find out how Somali migrants have transformed, manipulated and negotiated their place in urban space, in this case, Mayfair, Johannesburg. It seeks to show how migrants become agents of urban development, and how they secure their place in the city through different mechanisms. Mayfair as a space continues to change and expand from below as more Somali migrant business move into the area, creating what many urban theorists call a 'bottom up approach', and what Sorkins calls an enduring culture of opposition.[99] Moreover, this kind of spatial construction of space from below goes contra to space as planned and followed from above. What is then seen in this case is a kind change of the actual area from outside of the functionalist paradigm of space to that which serves as a social, economic and cultural production of the Somali community. However, such developments have not gone unnoticed or accepted by the city of Johannesburg Urban Planning officials, who, following functionalist ideologies of space, argue that the area is zoned for residential purposes and laws have to be adhered to before the space is altered from residential to business use. On the other hand, the Somali business migrants in the area continue to go about changing the space, despite the laws against such creations. Yet Somalis and the emerging Oromo community have been able to continue to change and use the 8th Avenue as business, despite the City of Johannesburg restrictions around the use of space.

Moreover, the research seeks to add some further insight on the literature on Johannesburg and on practices of strategies and tactics that migrants deploy to gain territory and space in the city. For example, Landua and Manson assert that foreign migrants change space by

[98] Bork-Hüffer et al,"Agency and the Making of Transient Urban Spaces, ".

[99] Micheal Sorkins, "The End(s) of Urban Design," in *Urban Design*, ed. Alex Krieger and William S. Saunders (Minneapolis: University of Minnesota Press, 2009).

means of various strategies and tactics in order to escape regulation.[100] Furthermore, Vearey argues that, "the idea of a concept city relates to the formal, planned, mapped, urban structure favoured by local government authorities".[101] As such, Vearey states that, "the concept city portrays a formalised and exclusionary space that in the case of Johannesburg, is aspiring to be a world class city".[102] Vearey then goes on to say that "such a concept challenges the notion of an inclusive city and does not match the realities experienced by urban residents".[103] Moreover, Kihato argues that, "with the state constructed as so central to urban governance in both policy and planning circles, we miss the opportunity to see how other urban actors influence the character of urban relationships and regulations".[104] Having this in mind, this research shows how "other urban actors" as Kihato calls them, in this case, migrants as urban actors, influence urban policy and influence urban regulations, not as citizens of the nation-state, but rather as citizens of the urban space.

Chapter Summary

Scholars and researchers have in the past contributed to the discussion about spatial planning in urban areas. Donald James, for example, believed that the desire and ambition occupied by enlightenment rationality was that which rendered the city as transparent and orderly and in that way, a continuous project of perfecting the city. Scott, on the other hand, recognises that people in the twentieth century see the need to apply scientific knowledge in most of their endeavours. Although this knowledge is helpful in areas such medicine, it may not yield positive results when dealing with complex environments like societies. According to Scott, top down planning, centralised control, and rational structures are bound to meet failure, hence the need to allow people to experiment and to exercise their creativity. Moreover, the issue of documentation arises. Hull argues against the view that documentation that helps foster government control is not always true, in some instance it could go against its creation. Matters of Somali migration have also been discussed in this chapter. Following war in their homeland, many Somalis have been forced to flee to places such as South Africa, and to create a place in a new space, in this case, in Mayfair. Somalis in Mayfair have taken it upon themselves to restructure land use and engage in businesses in areas meant for residential use.

[100] Loren B. Landau and Tamlyn Monson, "Displacement, Estrangement and Sovereignty: Reconfiguring State Power in Urban South Africa," *Government and Opposition* 43, no. 2 (2008).
[101] Joanna Vearey "Hidden Spaces and Urban Health: Exploring the Tactics of Rural Migrants Navigating the City of Gold," *Urban Forum* 21, no. 1 (2010): 43
[102] Ibid
[103] Ibid
[104] Caroline Wanjiku Kihato, *Migrant Women of Johannesburg: Everyday Life in an in-Between City* (Basingstoke: Palgrave Macmillan, 2013), 27

Questions on how or why they choose to violate the existing regulations are answered in the following chapters.

Chapter Three- Methodology

Introduction

This chapter explores the techniques used to gather information from the targeted population. It begins by showing how, as a researcher; I first interacted with the people of Mayfair, and made my intentions known. It also shows how I was able to select suitable participants for the study, and the inclusion criteria involved. In addition, the chapter outlines how the data gathered from the participants is further analysed, for use in answering the study questions. The ethical considerations made during the research are also discussed.

3.1 Researcher's positioning

My interest with the Somali migrants in Mayfair first arose when I was working part time as an assistant to a private urban planner in the South of Johannesburg. I became very interested in how most of his Somali clients were using various strategies to avoid committee hearings and escape responsibility by requesting copies of letters that the urban planners were writing to the city. I met a man who requested the urban planner to make an excuse in writing to the city explaining that he was going for pilgrimage and he could not come to the meeting. Months later, another excuse came up. I began talking to the private urban planner together with some of his clients and realised that these excuses were used as a means of escaping responsibility. When I spoke to the clients, I found their stories even more interesting. During this time, I knew I had found a topic for my Master's thesis once I completed my undergraduate studies. I recognised that I wanted to do an ethnographic research to find out more about this fascinating discovery. As such, I commenced my Masters research in 2014 and I spent nearly nine months on fieldwork between 2014 and 2015. I used the ethnographic research methodology, which combined different approaches allowing for close attention to all issues of interest in my study.

I began the research by first gathering general information about the area - Mayfair. I initiated conversations with people, telling them what I do, giving them details about my research, and familiarising myself with certain individuals. I would refer to these people later when I needed some explanation or direction on certain topics. I was also keen to observe the people as they carried out their daily activities, especially in the initial stages of my research when I needed to make daily field notes. The more I became familiar with the area, the easier it became to talk to people informally and to get their views on the issues of interest. I knew

that through informal conversations, I would get some of the information that the people would not be willing to share in an interview for fear of victimisation or retribution.

3.2 Ethnography

Ethnography is the procedure of seeking knowledge about a certain culture from people of that particular culture.[105] It can also be explained as a method that employs qualitative research for understanding human elements of space. This research approach is defined by three principles; firstly, it uses observation as a tool to understand human behaviours; secondly, it traces the everyday that people partake and the way they live without interruption; and lastly, it seeks to understand actions of those who are being studied, from their own perspective.[106] Traditionally, anthropologists were the ones who used ethnography; however, this has changed over the years. Although using ethnography does not guarantee objectivity, it does ensure a more profound understanding of the hidden elements being studied, and thus make it an interesting methodology. Ethnographic research was therefore chosen because it would help me get the emic perspective - the Somali's view of their own behaviour – in this case, the migrants view and perspectives on land use - in addition to the outsiders' views. The ethnographic approach was also chosen because it allowed me, as the researcher, to immerse myself into the lives of informants, and to gain valuable insights into their everyday experiences.[107]

3.3 Data Collection Methods

Participant Observation

Observation is important as it permits the researcher to learn more about people's activities in a particular setting.[108] I examined how the Somali migrants behaved in their natural setting. Observation is made more meaningful by participation, where a researcher learns about a community by participating in their activities. In the current study, participation came at a later stage where I was allowed to ask questions in meetings held by property/businesses owners. I also attended the closed door negotiations between the CoJ officials, Somali

[105] Tony L. Whitehead, *What is ethnography? Methodological, Ontological, and Epistemological Attributes*, http://politics.ucsc.edu/undergraduate/chicago%20style%20guide.pdf (accessed 20 January 2016)
[106] Geri-Ann Galanti, "How to Do Ethnographic Research," *Western Journal of Medicine* 171, no. 1 (1999), 19-20
[107] Marcus, E. George, "Ethnography In/of the World System: The Emergence of Multi-Sited Ethnography," *Annual Review of Anthropology* 24, no. 1 (1995).
[108] Barbara B. Kawulich, "Participant Observation as a Data Collection Method," *In Forum Qualitative Sozialforschung/Forum: Qualitative Social Research* 6, no. 2 (2005).

business owners, and their legal representatives. Additionally, I tagged along with individual property and businesses owners to their private town/urban planners as they followed up on their rezoning applications. I also watched them reply to notices received from the City, and letters sent by the high court. Further, I attended private strategic meetings that the Somali and Oromo business and property owners' associations held, and recorded some of the sessions with the permission of the parties involved. Where I was not allowed to record, I took notes.

Kawulich provides certain benefits of participant observation in research[109]. For instance, the researcher gets the opportunity to assess the people's nonverbal expressions as they perform their activities. The nonverbal expressions can help show their actual feelings towards certain issues. Observation also allows the researcher to examine how the groups involved interact with each other, how they communicate, and the amount of time consumed in their activities[110]. These are some of the details that may not be identified through interviews or other data collection technique. During interviews, the participants may conceal some aspects of their lives that are exposed in the natural setting.

Madde asserts that ethnographers need to create a range of notes called 'jottings', 'field notes', 'dairies' and 'logs'.[111] Therefore, I took notes in the field, during participant observation. I was able to note down any information that appeared useful, including short quotes, dates, and names. My field notes also contained descriptions of structures, human behaviours, and qualities that I felt would help me capture the ethnographic setting. I used a dairy to write down the analytical progress of the research, and relate my field notes and interviews to the existing theories. Wolfinger provides some important tips on writing field notes based on the two main approaches: the salience hierarchy and comprehensive note taking.[112] The former entails a description of the most noteworthy/interesting observation, while the latter involves a comprehensive/systematic description of occurrences during a particular period. I used both of these methods when writing my field notes for different locations.

[109] Ibid
[110] Ibid
[111] Madden Raymond, *Being Ethnographic: A Guide to the Theory and Practice of Ethnography* (Thousand Oaks, CA: Sage Publications, 2010), 122
[112] Nicholas. H. Wolfinger, "On Writing Fieldnotes: Collection Strategies and Background Expectancies," *Qualitative Research* 2, no. 1 (2002).

Informal and Formal Interviews

I collected data through interviews; both formal and informal. Here, informal interviews refer to the normal conversations that I held with different people in Mayfair. As I conversed with them, I asked questions to which they replied in the process of narrating stories about their current situation. During informal conversational interviews, one must try to be as flexible as possible in order to obtain relevant information in the manner that seems most appropriate[113]. There are no predetermined questions, hence the researcher must know how to ask the questions that come to mind, depending on the flow of the conversation. On the other hand, formal interviews are usually structured with predetermined questions.[114] The interviewees had to be informed about the interviews before hand, and requested to avail themselves at a particular venue and time. This was a voluntary process so no one was coerced to participate. My interviews with city officials, migrants and the local Indian community followed the semi-structured approach with open-ended questions formulated beforehand. Semi-structured interviews, according to Barnard, are understood as "much of the freewheeling quality of unstructured interviewing, but are based on the use of an interview guide".[115] The advantage of semi-structured interviews is their ability to provide a well-defined set of guidelines for the interviewer. It also gives the person being interviewed the liberty to articulate their views. Moreover, they are able to give the researcher a more reliable qualitative data set.

The material on which I analyse my research is based on about 40 recorded interviews, which I had transcribed. These are interviews with migrants, city officials and local Indian residents in Mayfair. The interviews varied from about thirty minutes, sometimes an hour, and occasionally an hour and half. Some interviews with the migrants were unrecorded, due to their unwillingness to be voice recorded. In such cases, I turned to informal conversations and other times to informal interactions, which helped me gather relevant information, which I captured in my field notes.

Land Use Maps

I created my own land use map of the area under study to show how the land is utilised by the migrant communities and other parties. I chose land use mapping to provide visual

[113]Allen Rubin, *Empowerment Series: Research Methods for Social Work* (Engage Learning, 2016), 168.
[114] Ibid
[115] Harvey Russell Bernard, *Research Methods in Anthropology: Qualitative and Quantitative Methods*, 3rd ed. (U.K: Atamira Press, 2002), 205.

information on the number of properties that were being used as businesses without the permission of the city within the 8th Avenue area and the surrounding streets. I was also able to show how businesses have expanded from 8th Avenue to other streets. To create the land use map, I requested a general map of Mayfair from the City of Johannesburg (8th Floor Metro Centre). The map that I used contained various stand numbers (or Erf numbers) of each property in Mayfair including the current recognised legal land use by the City of Johannesburg. The process was manual and labour intensive. I had to walk around the area and record the illegal land uses present in 8th Avenue and surrounding streets. I then created a land use map in order to identify the extent of illegal business developments on 8th Avenue, and surrounding areas. I did this by using the information collected to create digital land use maps, through the employment of Geographic Information System (GIS).

Documents

I analysed documents, such as letters and notices to various migrant individuals from the City's attorneys, letters of committee hearings, and various letters from the City of Johannesburg. All the documents I handled were either original or copies received from migrants and their private urban planners/lawyers. Documents (as conversations between the city and migrants) were useful in providing a hidden works or aspects of land use management, which I might have missed, or that I might have not captured during participant observation. They also helped answer the questions that were not dealt with during the interviews.

3.4 Context and Participants

When I started my research, my main site of focus was 8th Avenue, especially because many Somali's were situated on this street. However, I slowly penetrated into other parts of Mayfair due to the continued expansion of businesses, and the arrival of more migrants in the area. 8th Avenue remained the main site but I also followed migrants to some of the places to which they went, such as visits to their lawyers and private urban planners, or when attending committee hearings. In addition, I attended many of the meetings that were held by property and business owners to discuss matters concerning the 8th Avenue. In these meetings, I was able to watch the interactions among the City of Johannesburg officials, business/property owners, and local Indian residents. Evidently, the main participants were the city's officials in

Mayfair, the ward councillor, Somali migrants in 8th Avenue and nearby streets, and the local Indian community.

Obviously, one had to be of Somali origin to be interviewed as a Somali migrant. However, this should not be taken to mean that the Somali migrants interviewed were from Somalia. This is because, in Mayfair, there are people of Somali ethnicity who originated from Kenya, and other regions in East Africa. The participants had to be Somali business people in Mayfair, as this was the only way they would give credible information about their situation. Any person above the age of 18 could participate, as long as they were able to properly articulate their views about the matters of interest. More importantly, they had to be willing to share facts and opinions concerning land use management in the Somali stronghold, Mayfair.

Using this criterion, I was able to randomly select suitable participants by first informing them what the study entailed. Half of the participants were Somali migrants as they were the most important part of the research. The remaining respondents were Indian residents and the city officials. The Indians were selected using the same criteria applied in the selection of the Somalis. They had to be Indian residents, above eighteen years, operating businesses in Mayfair, and willing to make their contributions to the study. The city officials were selected through a formal request made to their office. The first ten officials willing to participate in the study were interviewed at their preferred venue, at the time agreed upon.

3.5 Method of Analysis

The data analysis was conducted on sections of writings of the ethnography, notes written during fieldwork, and additional material gathered during the research, including tape recordings, documents, and desktop literature about Mayfair. In the case of tape recordings, I first transcribed my data prior to analysing it. My data analysis was an on-going procedure, between writing and reading. During the ethnographic research, I asked the main questions followed by sub-questions about Mayfair and various issues of interest. The more I handled the questions the more my mind opened up to deeper issues that needed to be discussed, giving me a direction to follow in my research. I obtained more answers from the informal interactions with the participants. All this information had to be written down and analysed.

I used thematic analysis to analyse my transcripts, interviews and field notes, in order to find an existing thematic pattern. Patton argues that “Inductive analysis means that the patterns,

themes, and categories of analysis come from the data; they emerge out of the data rather than being imposed on them prior to data collection and analysis".[116] My data overall was analysed using thematic code analysis; I started making links between the themes and theory, trying to find any alliances or conflicts between respondents and trying to find various strategies or tactics respondents used.

3.6 Ethics

Since I was using an ethnographic methodology, as a researcher I gained most of my information through communication, including interviews and document analyses. Thus, in order for me to discuss and analyse those being studied, I needed to have access to subjects and respondents. For this reason, respect for individuals and institutions being studied was of great importance. The participants of the research were protected in the research process, and are protected here in the report, as much and as best as possible. The participants were ensured confidentiality and anonymity when approached. An explanation was given as to the rights of the participants before interviews were initiated, as the primary concern was their protection. In the ethnographic write-up, absolute confidentiality in descriptions has been maintained to ensure informants' identities are not publicised.

I also informed my research subjects that they had the right not to answer particular questions and the right to withdraw without consequences at any given time in the research. However, this did not apply in some cases with regard to the City of Johannesburg officials, who had the duty to provide information about urban planning in the context of Johannesburg and Mayfair. Where informed consent was needed, I gave the research participants, and their legal representatives where necessary, a chance to openly enquire about my research. I made sure to inform participants that it was their choice to participate, or not. I also tried to avoid classification, since I was dealing with a sensitive group, and since I was also using photography I had to make sure to that I obtained consent before taking pictures of individual or group participants.

3.7 Challenges/Upsides of the Study

Undoubtedly, this research is one of the most interesting projects that I have done so far. However, it was not an easy task. The difficulties were apparent from the beginning owing to the language barrier. Many of the migrants that I initially interviewed were Somali and

[116]Michael Quinn Patton, *Qualitative Evaluation and Research Methods* (Thousand Oaks, CA: Sage Publications, inc, 1990), 44

communicated in Somali. I do not understand Somali and had to get a Kenyan born Somali to translate some of the interviews to English. With regard to the Oromo community, I conducted my interviews in English, with informants having to continuously clarify themselves during interviews. However, during the strategic community meetings, both Somali and Oromo community members communicated in English towards each other since both the groups hardly understood each other's native languages, which was to my advantage.

Further, in the beginning of my research many of the Somali migrants wanted to find out what I was doing in the area. I constantly had to walk around the area with my student card explaining my situation to any informant that would ask. However, many of the participants including businesses and property owners were interested in the study and were eager to tell their stories. Many who thought that I worked for the U.N. hoped that I could take their story somewhere, where they could be assisted. In reality, many of the migrants wanted a way out of the uncertainty in which they were regularly operating their businesses. They believed that sharing would pave the way for lasting solutions for the problems they faced.

During participant observation, I would regularly be asked about the project I was carrying out. When I told participants that I was a student, I quickly became their interest of research and informants wanted to find out more. I had to explain to them that, as a student, I am required to conduct research on any issue of interest. I told them that working for a city planner gave me the opportunity to interact with Somali migrants, soon developing great interest in their culture, practices, and the circumstances surrounding their migration to South Africa from their homeland. I was also interested in the manner in which they used their land, especially because they operated within residential land. During this period, I made the decision to conduct further research about the Somali community. With this information, many began to warm to me and were more willing to share their experiences, fears, and hopes for the community, particularly in Mayfair.

The local Indian population was more willing and happy to let me know how the growth of businesses in the residential neighbourhood was affecting the residential component of the area. Therefore, it was not that difficult to get information around their perspectives on the topic at hand. I believe that their behaviour was driven by the fact that they had been in the country for much longer than the Somali immigrants. They had seen South Africa go through the apartheid period, and experienced all pain and suffering that came with this. The Indians

together with the Black South Africans had fought to obtain their freedom and to ensure that people of all races were accorded equal rights[117]. Through this process, they developed a sense of ownership of the land. Therefore, it is likely that some of them view the Somali migrants as intruders who are misusing their land and depriving them of many business opportunities.

The informal daily conversations and interactions that I had in the course of my field work were undoubtedly the most important and richest source of direction, assisting me to ask the right questions and go to the right people. These daily interactions allowed me to become part of the community, and experience the migrant's survival strategies and their fight for the right to the city. Throughout my fieldwork, I was alive to the resilience and solidarity that migrants exhibited which helped them continue to operate their businesses despite the continuous demand by the CoJ that their businesses be shut down.

Chapter Summary

This study utilised the ethnographic research methodology which combines a set of qualitative techniques to gather information about different cultures. For this research approach, observation is crucial as it helps unearth hidden meanings and explains people's behaviours. It is also concerned about events in everyday life. As the researcher, I began by familiarising myself with certain individuals in Mayfair. I introduced myself and made them aware of my research intentions. Data were collected through informal conversations, interviews, as well as observation. In the field, I made notes about structures, human behaviours, and any other details I deemed important. Additional information was obtained from maps, some of which were provided by the city officials. Through inductive analysis, themes were identified in the data collected. As concerns ethics, the study relied on participants who were willingly able to contribute. They had the right not to answer certain questions, or discontinue their participation at any point during the research.

[117] Brand South Africa. *Indians helped build the new SA*. https://www.brandsouthafrica.com/south-africa-fast-facts/history-facts/india-150 (accessed July 2015).

Chapter Four

Spatial appropriation in Mayfair

Introduction

According to Feldman and Stall, spatial appropriation is both separate and collective production, selection, ownership, alteration, and development of space in order to create possession over it.[118] For Feldman and Stall, it is an appealing practice, which involves changing both the human and physical environment, which in turn has transformative effects on people. This chapter illustrates the ways in which the Somali community in Mayfair are appropriating space. It shows how appropriations come about, and shows how Somalis redesign the city's urban form from below, transforming 8th Avenue into a critical site of social life. The chapter also shows how transformation has lasting effects on the city through the construction, development and use of buildings, as well as on urban regulation.

4.1 Current State of Affairs in Mayfair

As earlier stated in the methodology section, I spent nine months in field work to make sure that I gathered as much material as I could, about the ways in which Somali migrants used land in 8th Avenue and Mayfair in general. I began with participant observation where I learned about the people's activities by observing and participating. Throughout my interactions with the migrant communities, legal professionals, and the city officials, I made notes that I would later use to answer my research questions. The following is a summary of the field notes made within the nine-month period. This includes the notes made after the informal and formal interviews.

The Somali Quarter of Mayfair

My own image of Mogadishu is the rapidly increasing Somali community of Mayfair, located in the inner West region of Johannesburg. Away from the distress of war that persists in their homeland, the Somalis in Mayfair uphold high entrepreneurial standards that are noticeable among people residing in the area. Through the on-going conversions of residential properties into restaurants, shops, and other business amenities, the Somali population in 8th Avenue has transformed Mayfair into a business hub.

[118] Robert M. Feldman and Susan Stall, *The Dignity of Resistance: Women Residents' Activism in Chicago Public* Housing (Cambridge: Cambridge University Press, 2004).

Strolling down 8th Avenue, one cannot help but notice an area filled with Somali people going in all directions; including some gather around Amal, a Somali shopping centre that was once home to BMW, but now hosts many Somali shops. These shops deal in various items and services, including *'abayas'* (a female Muslim cloak), '*dira'* (traditional Somali dress for women), perfumes and shoes. Selling nearly the same items, most shop owners in the Amal shopping centre depend on clients they have formed relationships or associations, who then refer other customers to their shops. Opposite Amal shopping centre, a Somali owned travel agency is short of seats in their small space, but their clients patiently wait to book their tickets to their different destinations. Along this line a Somali woman is walking down the road with thermos flasks in her hand and a plastic packet with disposable cups. She enters shops, internet cafes, and any other door she can find, shouting in a piercing voice "*shah asariya, bages, ades"*[119]. Here, she invites people to drink tea, either black or white, depending on their preference. Many of the internet cafes, by this time, are filled with men, most on social media, others watching music on YouTube, while others make international calls back home or overseas.

On Bird Street, a number of Somali women gather around each other sitting close to one another; most of the time they seem to be on the phone for social purposes. However, with an investigative eye, it is not difficult to notice that every few minutes each of the women gets up from their chair only to return later. Not far from them there is a group of men sitting and standing around each other talking, while a few run in and out of what looks like the back of a house where the women are seated. At first glance, it almost looks like the two groups are relaxing outside in a conversational mode, but another closer look and one sees that this is no social event, in actuality it is one of Mayfair's well known *'Khat'* markets called *"berta"* (farm - here meaning *khat* farm).

This khat market attracts a number of buyers from Ethiopia, Somali, Uganda, Kenya, Tanzania, and Zanzibar, and on rare occasions, a number of people from Yemen. Mayfair seems to unmistakably hold an interestingly diverse market for *'khat'*, one that produces contestation at different levels. *'Khat'* or what is scientifically known as *Catha edulis* is a type of grass-like stimulate that is found in many parts of the world, and is habit forming.[120] The stimulant is usually used by people from parts of Yemen, Kenya, Somalia and Ethiopia;

[119] *Shah asariya*- is a name given to tea that Somali's drink means after/during sunset. *Bages* – means Black tea *Ades*- means white tea.

[120] Fatumo A Osman and Maja Söderbäck, "Perceptions of the Use of Khat Among Somali Immigrants Living in Swedish Society," *Scandinavian Journal of Public Health* 39, no. 2 (2010).

and the chewing *khat* is said to be, in Somalia, part of the traditional culture, although some researchers/scholars have refuted this claim. [121] According to Section 3 of the Drug Act, in South Africa, *khat* is termed as an illegal substance, and as such, the South African police has to enforce the law on the ground accordingly.[122] The police are allowed to conduct searches when they suspect, under reasonable grounds, that any provision of the Drug Act has, or is about to be breached. In 8th Avenue however, *khat* is not just a plant it is business. Selling khat is a means of survival for many who lack the capital to start alternative businesses, for both men and women.

Just right in from of the group of women selling *khat*, appears an old man dressed in the modest Islamic attire of white and giving *dawah* (invitation to the right path of Islam). He stands on the busy road providing theological inspiration, while another man helps him hold the speaker. A number of men and women sit across the road from him listening attentively, while some Somalis passing by nod with agreement to his speech. His tone of speech is one that is critical but at times reflective, making Somali passers-by go into a reflective zone that takes them away from their near reality to a place of spiritual thought right in the middle of the street. The delivery of this kind of street sermon waits not for the people to come to it, rather it is brought and delivered to one, in a space that belongs neither to the speaker nor the listener, making it difficult for the listener to ignore. The sermon is delivered throughout the week at several different places, ensuring that its theological message reaches as many people as possible. Much of what is being communicated and conversed is done in Arabic and simultaneously translated into Somali. The location of this particular sermon is also a critical one. Situated near the *khat* market, it illustrates the views of Somali Muslim scholars with regard to the *khat*; the idea that the usage of *khat* stands as something to be corrected. Leaving the sermon and walking down the route of 9th Avenue, as the sun sets, one can easily pick up the aromatic smell of coffee beans coming from the *bunna bet* (literally meaning house of coffee / or cafe in Amharic) as the coffee beans are being roasted by an Ethiopian lady outside her traditionally set up cafe. With the sunset and the rest of Mayfair having retired in front of their TV screens at home, a flat screen TV is placed outside the '*Television*

[121] Jane Fountain and Dirk J.Korf, *Drugs in Society: European Perspectives* (Abingdon: Radcliffe Publishing, 2007), 59

[122] Government Gazette 33601, *Drugs and Drug Trafficking Act No. 140 of 1992*, (2010), http://www.justice.gov.za/legislation/acts/1992-140.pdf, 8

House' restaurant in the Somali quarter of Mayfair, attracting a huge crowd of soccer fans who cheer at the top of their voices. At this time, the Somali quarter of Mayfair becomes ever more vibrant with nightlife.

The atmosphere of 8th Avenue is not one of business alone, it holds a mixture of business, culture, religion and the everyday activities that produce the socialisation of people on the streets, creating vitality to the eye that seeks to explore 8th Avenue. For some Somalis, the area is home, away from home, an opportunity away from the never-ending conflict of Somalia and South African townships. For others, it is a transit place to a new destination, yet in this transit place they use their space to their fullest potential, leaving their mark. The name "Little Mogadishu" itself is a name that has been given by local Indian residents and passers-by, as evidence to the growing number of Somalis in 8th Avenue. Unlike the Ethiopian migrants, Somalis are not new to South Africa.

Subsequent to state failure in Somalia, Somali's started arriving to South Africa primarily in the 1990's.[123] With the passing of time, Somali's started moving into parts of South African townships, including into other parts of other main cities.[124] According to Brown, Somali's assert South Africa as an ideal place in Africa due to their ability to easily access refugee status as well as work and self- sufficiently obtain property.[125] This is different to other places in the continent such as, for example, in Kenya, where Somalis are required to live in refugee compounds.[126] Brown goes on to say that Somalis living in South Africa are a minority ethnic population, who consider that their entrepreneurial, religion and status as refugees makes them different to other communities, which forces them to depend on one another in order to survive.[127] Therefore, Somali's in Mayfair prefer to interact with and rely on each other, creating a spatially visible Somali community. This area continues to be the uncontested heart of the Somali community in Johannesburg. Today, Mayfair, from Langerman Street to Mayfair West, stands as a predominantly Indian Muslim community and residence to many Somali's who dwell in Johannesburg.[128] According to Sadouni, Mayfair, as well as religion, has drastically changed, due to the migration and inhabitants of Somalis to

[123] Jinnah, "Making Home in a Hostile Land", 91
[124] Ibid, 92
[125] Brown, Parvee. "The integration strategies and social networks of Somali woman in Cape Town". PhD dissertation., University of Cape town, (2014) https://open.uct.ac.za/bitstream/item/14657/thesis_hum_2015_brown_p.pdf?sequence=1,180-185
[126] Samadia Sadouni, "God Is Not Unemployed: Journeys of Somali Refugees in Johannesburg," *African Studies* 68, no. 2 (2009).
[127] Brown, The Integration Strategies and Social Networks of Somali Women in Cape Town", 3
[128] Ibid

the area.[129] However, since the Indian community was affected by apartheid policies and resisted urban laws in Mayfair, they developed a sense of ownership to the area, causing much tension around the way Somali's are using space today.

The Role of Religion

Since the majority of Somalis are Muslims, Islam became one of the reasons why Somali's who arrived in Johannesburg preferred to live in Mayfair.[130] Their religion formed an important part of their identity. Moreover, Muslim organisations such as the South African National Zakah Fund (SANZAF), Africa Muslims Agency (AMA) and other similar NGO's located in Fordsburg had assisted many of the earlier Somali's in Mayfair with food parcels, primary and secondary education, bursaries to universities, and other social redistributions. These NGO's financed social activities in the name of Islam, and some of its traditional institutions include *zakhat* (obligatory alms), *sadqha* (voluntary charitable contributions) and *waqf* (pious endorsements).[131] Such social redistributions became an important means of support for the early Somali migrants who were not familiar with the new country.

Currently, many of these Islamic organisations still continue to support Somali social activities, although the number has reduced over the years. Religion to Somali's is an important factor that has created a connection between them in Mayfair. Sadouni argues that Somalis, if they had to be classified, would rather be classified as Muslims instead of being classified under a racial category.[132]

Therefore, Islam acted as a doorway to the earlier Somali's who arrived in Mayfair. From many of the interviews I have done, many of the Somali's in Mayfair agree that the area is suitable because it is easier to practice Islam. For example, Firhan,[133] a Somali born male, who owns a shop and lives in Mayfair, when asked about his perception of Mayfair, responded "You know Mayfair is good, the Muslim community is nice … many Somali's are here in Mayfair I feel like I am at home"[134]

[129] Sadouni, "Somalis in Johannesburg"
[130] "Understanding Political Islam in Somalia,"2014, http://www.michaelshank.tv/understanding-political-islam-in-somalia/ (accessed February 11 2017).
[131] Sadouni, Samadia. "Political engagement of Islamic NGOs in the South African Public Sphere". *Annual review on Islam in Africa*, no.11 (2012): 45
[132] Ibid
[133] Not the participant's real name. Interview by Sithalima Abdool. Mayfair, 2014.

Religion also came up in many other answers. For instance, when I asked an Ethiopian-born Somali whether he felt included in the local Mayfair community, he answered, "I don't have problem with the local community. We go to the same Masjid sometimes, but I pray in the Somali masjid because it's near for me. Somali is my community because I am Somali but it's good to live in peace with everyone. We are Muslims and Islam unites us ..."[135] This goes to show how much religion brought them together in a foreign land. In another instance, Sheikh Mahmoud, an Islamic teacher at the Al-bayaan Islamic institute, was asked his opinion regarding Mayfair. He was quick to appreciate the good experience that the larger Somali community had given him since he came to South Africa. Being a Muslim made him feel fulfilled as a member of the community. Although Mayfair, the desired location for many Somalis, is an area where they can be easily integrated into a new social and economic life, for some of them it is the site of last resort.

Somali's spatial expansion in Mayfair cannot be explained without the greater dynamics of South African politics, and their contribution to the actual growth of the Somalis and other migrant groups in 8th Avenue. South Africa, in 2008 was confronted with a number of xenophobic attacks, where thousands were injured, many were displaced and other killed.[136] The brutality of the attacks shocked the nation and the world, leading to questions about South Africa's identity as a rainbow nation. This was not the first time that xenophobia was acknowledged by scholars in South Africa; however, it was much wider in scope domestically and focused the international spotlight on South Africa. Thus, the influx of Somalis to Mayfair escalated in 2008, precipitated by the combination of increasing insecurity in townships and the xenophobic attacks[137]. Many of the current business owners came into Mayfair to safeguard their lives and stay away from the physical lootings associated with the conflicts. Yet xenophobia has by no means stopped; it continued throughout the FIFA World Cup and escalated further in 2015[138]. Many Somali shops owners who operated in poorer locations around South Africa have lost their businesses, due to shops being burn down or looted. Other Somali shop owners were attacked during the xenophobic

[135] Not the participant's real name. Interview by Sithalima Abdool. Mayfair, 2014.

[136] Polity. *Xenophobia in SA: Six Years on*. http://www.polity.org.za/article/xenophobia-in-sa-six-years-on-february-2014-2014-02-13 (accessed July 2016)

[137] Godfrey Mwakikagile, *South Africa and Its People,* (Johannesburg: New Africa Press, 2008), 379.

[138] Duncan Breed,Ingrid Lynch, Juan Nel, Juan, and Lole Matthews. "Hate Crime in Transitional Societies: The Case of South Africa", in *The globalization of hate: Internationalizing hate crime?*, ed. Jennifer Schweppe and Mark. A Walters (Oxford:Oxford University Press, 2016),132

violence and as a result some lost their lives. Many have since chosen to move into Mayfair, abandoning their businesses in townships.

Most of the Somalis in Mayfair whom I interviewed stressed that, although in townships, wealth can be created, it is however not easy as the communal environment is severe, and as such they emphasised the susceptibility of having to be a migrant in the country: Layla,[139] for example argues that ,"You can make business and it's a better life than in Somali. But it's not nice because you can lose everything in one night". Alwiya[140] tells me why she preferred Mayfair over South African townships: "I have a problem with South Africa...my husband was injured working in the location and the government has done nothing for him, we lost all the money we had in the location...Mayfair is better for us...it least we are *safe..."* Similar to Alwiya's experience, Fartun[141] tells of how she came to Mayfair, "I like the area...my businesses is okay....I use to live in P.E [Port Elizabeth] and our shop was always robbed....my husband was shot in his hand in xenophobia time...life was not easy but here, life is fine..."

Even though Islam has evidently assisted Somali's to integrate themselves with the local Indian Muslim community, it has not always been easy for the Somali's to deal with some of the differences that obstruct proper relationships between the two communities. To begin with, the growing Somali population had, for many years, attended the local Indian Muslim mosques and Islamic educational facilities in Mayfair. With the growing numbers of Somali's in Mayfair, Somali's saw the need to build their own mosque; primarily for two reasons: first, the majority of Indian Muslims in Mayfair come from the *hanafi mathhad* (school of jurisprudence) like most Indians in South Africa, while Somali's in Mayfair and in Somalia identified with the *shafi mathhad* (school of jurisprudence).[142] Adding to this were the communication difficulties, where sermons in the mosques are given in English, yet many Somali's could not comprehend the language. Also, many Somali's, both men and women who wanted to learn *dean (*religion*)* found it difficult due to the existing language barriers. Again, most Islamic educational facilities that were being provided in Mayfair, only taught in English. These obstacles drove Somali's in Mayfair, with the assistance of other Somali's living in South Africa, to raise funds towards the construction of a mosque that would cater

[139] Not the participant's real name. Interview by Sithalima Abdool. Mayfair, 2014.
[140] Not the participant's real name. Interview by Sithalima Abdool. Mayfair, 2014.
[141] Not the participant's real name. Interview by Sithalima Abdool. Mayfair, 2014.
[142] Shafi and Hanafi are schools of theological thoughts, and they differ in terms of legality and practice.

for the spiritual needs of the Somali community. With the collected funds, the Somali community was able to buy a few properties on 8th Avenue and build a mosque named Masjidul Shafi.

Masjidul Shafi became the first Somali communal construction project that created a place where Somali's, both from Mayfair and elsewhere, could come together for religious activities using a language that they understood. Masjidul Shafi became a visible material landmark for the Somali's. It was the first and most important step towards independence for Somali's from the local Indian Muslims, built on 8th Avenue. The mosque was designed with shops to its front, with a passage between these shops leading to the actual prayer facility. This layout was strategic, because without the shops, the Mosque would not be able to sustain itself. The rent received from the shops is used for water and electricity bills, as well as staff remuneration throughout the year. Masjidul Shafi was therefore a firm confirmation that the Somali identity was built on solidarity. Below is a picture of the passageway leading to Masjidul Shafi.



Figure 6: The passageway leading to Masjidul Shafi

The following figure shows the inner part of Masjidul Shafi.



Figure 7: Inside Masjidul Shafi

Transforming Land Use in Mayfair

Following the construction of Masjidul Shafi, restaurants began to emerge near the mosque, especially catering for people that came for early morning prayers until late at night. In response to the growing Somali population in Mayfair and their demand for certain types of goods and services, many Somali businessmen took the initiative to establish suitable businesses in the surrounding streets. Other developments, such as guest houses, internet cafes, coffee shops, pool shops, *khat* (*Catha edulis*) shops, and other amenities, gradually began to grow. The increasing number of Somali's gathering around 8th Avenue steadily created awareness about the Somali community, opening up the area to more Somali's in South Africa who could afford to live here. Somali interviewees reported buying properties from local Indians who saw better residential opportunities elsewhere. Many of them acknowledged that the property was bought with the intention of converting the premise to business use, which was to be determined by the demand in the area, rather than the residential function as per municipal regulation. With the growing number of people in this area, Somali's began identifying the demands that were high within their community and surrounding areas, and converted residential properties to deliver the required goods and services. By sub-dividing and rebuilding on a single residential stand, the people are able to use the space for three or more business purposes, based on their needs. Often property owners have written lease agreements detailing the length of the lease, and the monthly rentals, although some property owners operate without a written contract in place. There is also a practice of subletting, where property owners rent an empty space to a person, who then sublets the actual business section to someone else. The uses vary for each property, for

example Hussein Abdinoor[143], a property owner on 8th Avenue, describes how he is using his property,

> "I came to Mayfair in 2009 and bought my property...I rented out my property to some Somali people and they turned it into lodging and tuck shop...later I sold my shop in Mpumalanga and took back my house and made a shop wholesaler and restaurant which I'm renting..."

Similarly, Sanjo,[144] an elderly Somali man from Somaliland, conveys how he uses a property which he is renting from a local Indian Muslim, "I have a tuck-shop, I opened it in 2010, but before that I had a lodging in the house and pool table at the back of the house...I use to sell tea the lodge...now I have a tuck shop at the front of the property, and it's doing well but soon the landlord wants to break this house and make a building, but he has promised to give me a contract once he's finished, so I will open a bigger shop than this tuck shop [laughing]".

The use of the properties on 8th Avenue varies according to demands of certain goods or services. Rentals of each property also vary according to the owner or sub-letter. For example, the same size shops on the same premises could be rented at different prices. Also many of the properties on 8th Avenue are distinguishable from other streets in Mayfair; by their visibly bright houses that are now operating as businesses and houses that have been extended from the back and some from the front to accommodate new businesses. Many of the businesses operating still have the housing viability such as ceiling or roofs, however many steps are slowly been taken by either the property owner or tenants to change the property.

[143] Not the participant's real name. Interview by Sithalima Abdool. Mayfair, 2014.
[144] Not the participant's real name. Interview by Sithalima Abdool. Mayfair, 2014.



Figure 8: Houses converted into shops and lodges



Figure 9: Houses converted into shops (but still have the housing component)

In addition, one can find a single story residential unit that has been divided to house several commercial activities, which include retail stores or workshops, or services that are usually

distinguishable by their bright colours and diverse names. The physical changes make it very difficult at times to say where a property begins and where it ends, mainly because the business premises are used for a wide variety of commercial activities. Within certain sections of 8th Avenue, there are mixed-use developments for commercial activities on the ground level with the upper levels being used as accommodation spaces, specifically hotel accommodation or guest houses. The guest houses or hotels mainly cater for men, but on a few occasions for married couples and rarely, for travelling women. This is because travelling women are culturally accustomed to staying with friends or family members once they reach their destination. Small scale commercial activities are also prevalent, especially the *braai* (barbecuing) stands taking up positions outside the main buildings, generating rental to the owner of the property or main business. In terms of density, Somali businesses continue to multiply with variations along 8th Avenue.

The shops have interesting architectures as a way of creating individuality and exclusivity. Shops strive to contest using windows, board signs, and all kinds of internal décor as a means of communicating difference and attracting customers. The financial aspect involves shares for future wholesale shops, or buildings that have shops at the bottom and residential amenities on top. Long and short-term businesses are sold at between R50 000 and R300 000, or sometimes more. Once the construction of shops are completed, investors make a profit almost immediately, as the new owners usually pay a huge upfront sum for the newly developed stores, which also includes rentals between R5000 to R35 000 on a monthly basis. Although shops are rented out for certain usage at the initial stage, these are not static in usage throughout time. Their use changes when new owners or new shareholders come into play. For example, a certain store is rented out by the first owner for the purpose of an internet cafe. The first owner then decides to sell his shop; new owners who buy or rent the premises usually end up changing the physical features or the use of the businesses. Similarly, new shareholders want to see changes in business growth etc., so the physical features of the shop or actual business are changed to match their expectations. Moreover, Somali's in the area hardly work alone; they are usually in partnership with family members from other parts of the world, such as Canada, the U.S, Kenya, Norway or other parts of Europe, including members within South Africa and those living in Mayfair. Business investments in the area are widely talked about and most Somali's encourage each other to open business in Mayfair. Many do not take into consideration the regulatory mechanisms; rather developments are usually completed in consultation with kin and close friends.

The wide varieties of businesses reflect the Somali culture, political affiliations, and artistic designs. For example, the 8th Avenue *Amal* shopping mall is a multi-level building, with the ground floor consisting of shops and food quarters, and cheap textiles that are sold in bulk and retail. In *Amal*, Somali cultural clothing and foods are heavily present. The individual shops on the ground floor vary between 6 sqm to 10 sqm and are totally packed, top to bottom. There also exists no division between storage and shop. Shops on the ground floor usually have higher rent rates than shops located on top due to the advantage of their location. Second and third floors usually contain wholesale stores and offices. On the second floor, shops are wider and bigger as they are wholesale, and sell to smaller shops. Service oriented business such as banks are mainly located on the third floor. Managerial offices are also located within this level. On the individual level as a consumer, one can easily access the shopping mall through staircases, ramps, galleries and access corridors, creating movements and connecting consumers to shops.

Somali entrepreneurs, on 8th Avenue, have seized an opportunity and created stores and other amenities that provide goods and services to their own ethnic community. According to Grant and Thompson, as an enclave, 8th Avenue is internally practicing and providing a place of relaxation for Somali's, and a place where goods are bought for supply at reasonable prices into townships.[145] Moreover, Grant and Thompson argue that the Mayfair enclave, unlike other enclaves in Johannesburg, can manage to discount native South Africans from its daily interaction. [146] Although few South Africans participate in the enclave economy, there are nonetheless other migrants from Malawi and Zimbabwe and Mozambique, who are employed in the enclaves. [147] Therefore, despite Mayfair being in Johannesburg, the Somali communicate comfortably in their Somali language while conducting transactions amongst themselves. With a strong ethnic economy, buying either takes place through cash for those who can afford or credit services for those awaiting remittance money.

The growth and extension, including the design of 8th Avenue, has been created to sustain the requirements of the Somali community. The existing closeness near various developments also makes 8th Avenue an ideal location for business developments. For example, it is close to social amenities, such as schools, clinics, numerous transportation hubs and other public

[145] Daniel K. Thompson and Richard Grant, "Enclaves on edge: strategy and tactics in immigrant business spaces of Johannesburg," *Urban Forum* 20, no.3 (2015):190
[146] Ibid, ,192
[147] Ibid, 191

commercial facilities. The integrated residential component makes livelihood less expensive for Somali's and other people living in the area; because it enhances pedestrian access to mass transport. Also the distance between workplace and home is reduced for the area's residents, creating a situation where support networks are close to each other. With the availability of support networks and the provision of certain goods and services, the area creates a place for Somali's to meet, pray, and practise their culture and language. The way Somali's have and are using space, and the way they have decorated these spaces is not only an important transformation of the space. They are also claiming the space for certain cultural and social practices. Therefore, one can argue that these developments and transformation efforts are aimed at creating a resemblance of Somali culture in Mayfair; which creates the potential for social interaction, with attempts, I believe, to create a place of comfort in a new, and sometimes, hostile home. Moreover, Somali's often crowd streets in 8th Avenue making the movement for vehicles as well as humans slower, more akin to the life and sociability that they were used to in their native homes. Often what is noticeable to anyone passing the area is the way streets become a place of significant socialisation, which was previously not the case.

Although the population around 8th Avenue is predominantly Somali, there also exists a group or section of the ethnic Oromo community in the area that have slowly emerged; especially those who once sold on the streets in the Central Business District (CBD) and were affected by the drastic 'Operation Clean Sweep' in Johannesburg's CBD. 'Operation clean sweep' was an initiative by the CoJ to remove informal businesses that were not given informal trading rights, in the city's CBD, to unidentified locations.[148] Within this act, thousands of street traders had their stalls demolished, leaving many with nothing to turn back to, and many too scared to go back to the streets.[149]

In 8th Avenue, there are a number of Oromo traders that partake in both the 8th Avenue economy, as well as the CBD economy (also known as the Ethiopian enclave in the CBD). Many Oromo people have the ability to communicate in Oromifa (a language spoken by Oromo people) as well as in Somali and Amharic (official language of Ethiopia).[150] Therefore, many of the Oromo and Ethiopians, who have moved into the Somali ethnic

[148] Michal Johnson, and Tarry Paterson, *ConCourt upholds dignity of informal traders*. http://www.saflii.org/za/journals/DEREBUS/2014/140.pdf, (accessed July 2015)
[149] Ibid
[150] Ibid

territory, are similarly contributing to the socioeconomic dynamics of the area, for example, the opening of restaurants, stores and traditional cultural clothing (as shown by the pictures below). Their presence is also evident in the naming of businesses in Oromifa and Amharic, languages native to Ethiopia. The emerging Oromo community in Mayfair prefer to be addressed in Oromifa (the language), as a symbol of Oromia (nationalism) pride.

The Oromo people are the largest ethnic group in Ethiopia. Some Oromo's aspire for independence from the current ruling regime in Ethiopia and as such, Oromo independence continues to be a very sensitive topic for the ruling government.[151] According to Oromo people, their culture and politics have been suppressed throughout history and at present, by both the Abyssinian Empire and current Ethiopian regime.[152] Therefore Oromo's in the diaspora usually maintain Oromo nationalism beyond their home country. In Mayfair, the Oromo community have their own mosque, madrassa and other social groups. The Oromo community once belonged to the Ethiopian Islamic group and attended madrassa with other Ethiopian communities; however with time, Oromo nationalist ideologies made this arrangement nearly impossible. This was the reason that led to the defection from Nagashi centre to building an Oromo masjid, Al-Taqwa, and many other smaller amenities to preserve the Oromo identity and pride.[153]

[151] Jan Záhořík, "Oromo Secessionism In The Broader Context Of The Horn Of Africa," in *The Horn of Africa at the Brink of the 21st Century: Coping with Fragmentation, Isolation and Marginalization in a Globalizing Environment*, ed. Daniel R Mekonnen and Mussie Tesfagiorgis (Felsberg: Hartmut Quehl, 2013).
[152] The Advocates for Human Rights, *Human Rights in Ethiopia: Through the Eyes of the Oromo* Diasporahttp://www.theadvocatesforhumanrights.org/uploads/oromo_report_2009_color.pdf (accessed April 11 2016).
[153] Ibid



Figure 10: Al Taqwa Mosque (Build by the Oromo community in Mayfair)

Gender is another interesting issue in the 8th Avenue enclave. According to Thompson, although the township economy is controlled mainly by men, this is not the same for 8th Avenue Mayfair, as the enclave economy sees a much higher participation of women, through ownerships of lodges, restaurants and other amenities.[154] Despite lodges and restaurants, women also have other trades which they participate in, for example the Somali shopping centre, Amal, is dominated by women who sell various cultural products to their community.[155] Another market that Somali women also participate in is the *khat* market, although in most cases they do not use the stimulant, they however sell it in lodges, homes or on the streets.[156]

Even though, 8th Avenue is not yet an area zoned for business according to the CoJ, it is a business area through everyday usage. Based on a property listing by Aucor Property, 8th Avenue is zoned as a Residential 4 area, which allows land owners to build blocks of flats for

[154]. Daniel K. Thompson, "Risky Business and Geographies of Refugee Capitalism in the Somali Migrant Economy of Gauteng, South Africa," *Journal of Ethnic and Migration Studies* August 17, 2015, http://dx.doi.org/10.1080/1369183x.2015.1073580 (accessed February 11 2016).
[155] Ibid
[156] Ibid

residential purposes only[157]. However, this is currently not the case. The Somali and Oromo migrants have initiated a form of building and development that questions territorial ordering and the function of space of the CoJ municipality. They have produced and re-produced urban space - out of dialogue and without permission of the City of Johannesburg urban planners – the distinct separations of use from the initial functionalist plans of the city have given way to a mixture of religious, commercial, residential, and institutional spaces, sights and sounds. As Somalis and the emerging Oromo community redraw these presentations of spaces, they do so from an extra-architectural domain that is typically bracketed in their own design. In so doing, they redesign the city's urban form from below, transforming 8th Avenue into a critical site of social life. This concurs with Crawford's observation that "streets, sidewalks, vacant lots, parks, and other places of the city, reclaimed by immigrant groups, the poor, and the homeless, have become sites where public debates about the meaning of democracy, the nature of economic participation, and the public assertion of identity are acted out on a daily basis."[158] Crawford connects this to the spaces of street vendors and the homeless, advocating for a broader definition of public space.[159]In 8th Avenue, the Somali's spatial practices of urbanism, it appears, have taken an even more significant form, with lasting effects on the city through the construction, development and use of buildings almost 24 hours a day. In 8th Avenue, architectural alterations create a new symbolic presence in the form of individual buildings and designs. If de Certeau describes tactics as opportunistic,[160] then these projects -whether mosques, shopping centre, or lodges - all qualify, as they occupy ostensibly superfluous spaces. In contrast to de Certeau's definitions of spatial practice, however, the buildings that they accompany are not temporary. In 8th Avenue, the piecemeal changes of each construction and development of the space result, over time, in significant metamorphosis through new spaces.

Chapter Summary

The Somali community of Mayfair have transformed 8th Avenue socially into a major Somali religious economic and cultural hub. It has also become visible (spatially) that the Somali

[157] Aucor Property. *Mayfair- Johannesburg Residential House*, 2014, http://www.aucorproperty.co.za/images//BP_8th-Ave_Mayfair_Erf-1817_April-14_DH.pdf (accessed July 2015).

[158] Margaret Crawford, "Contesting the Public Realm: Struggles over Public Space in Los Angeles," *Journal of Architectural Education* 49, no. 1 (September 1995),6

[159] Ibid

[160] Michel de Certeau, The Practice of Everyday Life (1984), cited in Stan Goff, *Theory: The tactics of everyday life*, http://beautifultrouble.org/theory/the-tactics-of-everyday-life/ (accessed April 2015).

community is transforming and working against the CoJ's plans and bringing a form of hybridity to the neighbourhood. While the CoJ urban planners envisioned 8th Avenue in policy and through regulation as residential space, in reality through spatial usage on ground, it is not. A municipal urban planner for Region F, David Mathinye, explained his perspective on the changes as follows: "Immigrants affect our work greatly because they have a different culture to ours. They have their own culture when it comes to questions of design and negotiation".[161] David Mathinye's point of view is critical here as it illustrates the flexibility with which Somali's have viewed not only the urban landscape but also the regulatory apparatuses of planning itself, creating a challenge for CoJ urban professionals. Therefore the ways the Somali community has used and changed urban space has not only caused conflict with the city, but also with local Indian residents who are unhappy seeing their neighbourhood being modified from a residential to business area, and who blame the city for the lack of enforcing regulation. What then appears is a contestation over space, particularly the way that space should be used. More findings are discussed in the following chapter.

[161] David Mathinye, Urban Planner, Department of Land Use Management, City of Johannesburg, Region F. Interview by Sithalima Abdool. City of Johannesburg Metropolitan Centre , 2014.

Chapter Five

The Power of documents

Introduction

Land use development always involves conflict over who is in control, who determines its usage, and how it is allowed to be, or not to be, reproduced.[162] In Mayfair, conflict between CoJ and the Somali community emerged due as early as 2007 to the way Somali business and property owners were using and developing land, contrary to the regulations and policies of the CoJ. However, the CoJ was not silent on the matter and was determined to bring an end to illegal land usages in 8th Avenue. Yet the task was much more complex than imagined by planners, as evidenced by material practices of written texts. This is an interesting encounter, because unlike face-to-face meetings and discussion, contemporary society involves actors who are in communication with each other in separate places and times, through written texts. On matters of spatiality, the CoJ and migrants became connected through documents and texts, which hold and generate power in these interactive actions.[163]. The CoJ as a public institutional body represents the state and has various recognisable powers in society, granted through a range of written texts, such as the Constitution-which also contests its authority in certain circumstances.[164] Given authority, the CoJ develops control over spatiality using various state mechanisms, such as policies and schemes, to control, to some extent, how space is used and developed. If for whatever reasons, individuals decided to change or develop land without following the procedures recognised by the CoJ, then the CoJ can take certain action/s against the property owners. To do this, the CoJ has a law enforcement unit in charge of curbing illegal land use and development using process-operating procedures.

In the following chapter, I follow CoJ's bureaucracy and spatial control through the movement of documents, used as a strategic urban management tool and control. I also look at how migrants are using the same documentary practices against the city, and how documents allow conversation within the city. I build my argument from scholars, such as Hull,[165] to assess how written materials, such as documents, instilled with affecting power, facilitate interactions and alter relations between urban planners and migrants.

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[162] Ibid
[163] Ibid , 162
[164] Ibid
[165] Hull, "The file" and Hull, "Documents and Bureaucracy".

Moreover, Schwenkel argues that documents as tools of government control are not always successful as people usually reject them and as such, they do not always fulfil their purpose.[166]Similarly, in the case of Somali migrants conversing through documents seems to allow them to buy time and to keep the CoJ at bay while the migrant community continues to use space as they please; therefore, documents as tools of government control do not seem as effective as desired by the state. However, the issue between CoJ and migrants over spatial usage can only be solved through effective dialogue between the city and the migrant community. What we therefore see is documents becoming this connective node, connecting and acting as tools of conversations between urban planners and migrants.[167]

In the first instance, I assess the ways in which Somali migrants, through the movement of documents, confront the CoJ. In the second part of this chapter I examine how these migrants reacted and responded to the CoJ using the same bureaucratic material designed to control them. In so doing, these migrant groups appealed to, and employed the language of law as an effective tool that bureaucracy understands. The various documents used in these interactions therefore enabled and created a successful discussion between CoJ and migrant communities.

5.1 Bureaucracy and Written Material

"An important aspect of power representation within modern institutions is how writing comes to be central project for construction of authority".[168]

Let me begin by discussing bureaucracy and written material. Even before the mid-18th century, writing played an important part in Western society. The term bureaucracy was created by Jean Claude Marie de Gournay.[169] As stated by Max Weber, contemporary administration or offices are built around written documents.[170] He adds that offices have a staff and officials of various kinds, and he goes on to say that these officials, transcribers and

[166] Christina Schwenkel, "Reclaiming Rights to the Socialist City: Bureaucratic Artefacts and the Affective Appeal of Petitions," *South East Asia Research* 23, no. 2 (2015).
[167] Ibid
[168] Joseph Sung-Yul Park and Mary Bucholtz, "Introduction. Public Transcripts: Entextualization and Linguistic Representation in Institutional Contexts," *Text & Talk - An Interdisciplinary Journal of Language, Discourse & Communication Studies* 29, no. 5 (2009).
[169] Hull, "The file". 252
[170] Max Weber (1978) as Cited in Matthew S. Hull, *Government of Paper: The Materiality of Bureaucracy in Urban Pakistan* (California: University of California Press, 2012), 25

office workers who are actively involved in what he calls public administrations, together with the various material tools formulate a "bureau".[171] Weber contended, "Bureaucratic administration means fundamentally domination through knowledge."[172] Bureaucratic writing is commonly perceived as state tools of power, used on individuals, spaces, developments and even objects. Yet the political function of documents in actuality is very vague. For example, as will be shown below, in Mayfair, the planned and managed area of City of Johannesburg has been undermined by migrant businesses through the very semiotic technologies that essentially were meant to make illegal land uses known to the state. Bureaucratic writing, here, plays a vital mechanism in allowing the City of Johannesburg to govern through written material and for migrant businesses to escape responsibility from the state using similar materials. The problem however, is that documents have been overlooked as an important aspect in the facilitation of spatial change, rather documents are seen as simply standing between the things that really matter, providing instant admission to anything they record.[173] Thus, to critically reinstate the image of documents according to Hull, is to in reality see documents as mediators.[174]

In this chapter, written materials (texts) are seen to be mobilised through strategic and tactical methods in order to produce certain actions, which include allowing the Somali and Oromo communities to continue with their business ventures in residential space. In mobilising these texts, various interactions take place, creating a web of relationships. Written texts here refer to words that are set into durable material form of some kind by writers, and which other readers and writers can explore.[175] In the context of this thesis, it includes files such as powers of attorney, letters, and notices that take place between the CoJ and the various migrant businesses and property owners in Mayfair. Through these intercations, we are able to see how human and non-human agents produce urban space and transformation, and how written documents as non-human actors play an important part of the governance of the planned city.

[171] Ibid
[172] Ibid
[173] Ibid
[174] Latour cited in Hull, "Government of Paper",13.
[175] Matthew Hull , "Government of Paper", 161

5.2 Encountering the City through Written Documents

Many of the Somali business owners on 8th Avenue have, for a long time, waited for the day the area will be rezoned from residential to business usage, so that they can continue using their properties for business purposes. Despite the physical changes in the area evidenced by numerous business premises, land/property owners in 8th Avenue have yet to receive business land use rights from the CoJ.

When conceiving the CoJ's plans for Mayfair and particularly 8th Avenue, its urban planners dedicated the area for residential usage. Therefore, the major conflict between the CoJ and the Somali community revolves around the manner in which the latter are using and developing land contra to the regulations and policies put in place. Most of the business developments were initially brought to the attention of the city through complaints made by local Indian residents, many of whom have resided in the area for an extended time. Therefore, while the spatial changes I have described in chapter four have been gradual, they have not flown under the radar of other local residents. To get a clear picture of the situation in Mayfair, I chose to gather information from the persons affected or involved in the improper land use in Mayfair. These are: the local Indian residents, the Somali migrants, and the CoJ officials. Their views are provided under the three study discussions below.

5.2.1. Study 1- Land Use in Mayfair from the Local Indians' Perspective

Mayfair is one of the places that has experienced many conflicts in history, and where the majority of the Indian Muslim population have settled in Johannesburg.[176] This population was affected by the apartheid policies, against which they fought with all their might. Through this process, they gained some sense of ownership in the area.[177] Therefore with the changing face of the neighbourhood, many of the local Indian residents in the area are likely to view it as an intentional effort by Somali's to create Somali businesses, without seeking permission from the city, and since the Somali community is located in the heart of an Indian historically claimed area, the Indian local residents find it difficult to live with changes (growing businesses) in the residential component to which they had been accustomed. For this reason, they regularly complain to CoJ that Somalis on 8th Avenue do not comply with zoning regulations for the residential area. They prefer that the area continues to be a residential zone, something that may never be possible unless the Somali/Oromo communities cease to use the space for business purposes. During my field work, I sought to

[176] Sadouni, "Somalis in Johannesburg"
[177] Ibid

understand why the Indian population was against the rezoning of 8th Avenue into a business area. Their views are provided in the following section.

Description of conflict

Most of the local Indian residents I interviewed, argued that granting business rights to Somalis in 8th Avenue would generate additional traffic, and lead to the need for extra parking places. The growth of restaurants and eating establishments also raised local concerns about parking, noxious odours and garbage. Further, local Indian residents complained of loud noise, especially from businesses that were open until late. The endless complaints are captured in the interviews that I conducted, as shown below.

According to Zarina, a long term resident of the area, who is unhappy with the situation of 8th Avenue, the area is: "disgusting, the people there have destroyed the area, everywhere you go is filled with rubbish, people standing in every corner of the street, it's like we don't know that part of the street anymore".[178] It is not uncommon for residents, when referring to the area, to talk about the disgusting waste and too much traffic. The blame is placed on the huge cultural differences among the communities residing in the area, and the statelessness of Somali's.

Sameer who lives on 9th Avenue expressed his anger regarding the way 8th Avenue is being used: "8th Avenue is a mess you have to understand that these people do what they want, I cannot understand these people… they don't sleep until the early hours of the morning. My children have to sleep early because they have school the next day, yet we live behind one of the busiest restaurants around." [179] She went on to explain how she would hear the people in the restaurant talk all night. At some point, she seemed to imply that cultural differences were to blame for some of the problems in Mayfair. From the tone of her voice, it was evident that she was fed up with the Somali's activities in the area.

Nabeelah Choonara, an elderly lady who is in her 60s and resides in Mayfair, also shared her views about the area: "I lived in Vrededorp with my husband and we moved to Mayfair...it's disruptive really, every time my husband and I drive there [on 8th Avenue] it's so

[178] Not the participant's real name. Interview by Sithalima Abdool. Mayfair, 2014.
[179] Not the participant's real name. Interview by Sithalima Abdool. Mayfair, 2014.

overcrowded I can't explain to you how they hoot at you, and they double park their cars, it's not okay to use the place like that..."[180]

Moreover, the issue of 'slum lord' is a highly debated topic among local Indian residents. 'Slum lords' (who are usually local Indian residents) are seen as exacerbating the problem of growing businesses by renting properties to Somali businessmen. Local residents refer to this as a 'slum lord problem' which, for them, has to be confronted by the CoJ. A member of the Policing Community forum of Mayfair, whom I interviewed,[181] continuously blamed local 'slum lords' for the problems in the area. Local Indian business owners in the area who have Islamic clothing, butcheries, supermarkets as well as wholesale stores, regularly complain about losses in their businesses. This is because Somali's, who previously purchased from local Indian stores, now acquire most of their goods and services from their Somali counterparts who have opened their own shopping malls, dealing in Islamic clothing, butcheries, wholesale stores, and other businesses. Also, the Oromo community have their own wholesale stores adding to the expansion of migrant businesses in the area. The business developments by Somali's and Oromo's are surely affecting local businesses. However, for most local Indian residents, loss of the residential component of the neighbourhood can be considered a dispossession of identity, as they are losing something they have owned for many years. There is the continuous concern about space, both in the terms of its visual presence and how it is experienced in the neighbourhood context, leading to the growing anxiety among many local Indian residents.

5.2.2 Study 2- The Use of Written Documents: The Somali's' Perspective, using documents to escape responsibility

Following complaints from local Indian residents and several inspection visits by CoJ's law enforcement unit, it was revealed that properties in 8th Avenue were being used in a manner which contravened the Johannesburg 1979 Town Planning Scheme. Consequently, various official letters of notice have been sent by the CoJ to business and property owners on 8th Avenue to discontinue their businesses or otherwise face legal procedures/ penalties. Since all the businesses on 8th Avenue contravene the city's policies, none of them has been spared. However, it has emerged that letters and other written warning documents have minimal

[180] Not the participant's real name, Interview by Sithalima Abdool. Mayfair, 2014.
[181] Not the participant's real name. Interview by Sithalima Abdool. Mayfair, 2014.

effect when dealing with such grave violations of the set rules. When I spoke the migrant business/property owners, many confessed that they had learned about the illegality of their business activities through documents sent to them by the city. These documents include written notices, motions, and letters. As such, nearly every business on 8th Avenue has received some sort of written document from the CoJ to discontinue its operations as soon as possible. Thus, CoJ documents have become a common aspect of the everyday life of the Somali and Oromo business community in Mayfair; especially a material object created by the city as means of regulating and managing individuals. Through these documents, business and property owners are summoned to deal with matters of daily societal behaviour. The written documents/ letters become the most important bureaucratic medium through which property owners regularly encounter the City. The document becomes an agent of instilling good behaviour into urban citizens.

The document arrives as a simply designed letter in black and white, as an important technology of urban and spatial governance. Embedded in them are written texts consistently informing and revealing to the business or property owner of the various regulations that he/she is contravening. The document comes simply yet powerfully in the affirmation of state authority, carried and hand delivered by a city representative, who is a mediator of the city's messages. As an official document, it yields affective power and emotional responses from both the Somali and Oromo business and property owners, who are urged to take action or debate after they receive the letter. Written using large black type, clear legal jargon, with identical letterheads, documents received by business and property owners from the CoJ, project a commanding impression of value and authority, depicting to the reader validity that it had come from a government institution. Yet at the same time, such letters would generate worry and concern to those to whom they are directed.

On a daily basis, I would make my trip around the community collecting documents that the Somali and Oromo business/ property owners had received from the city. These were made of various original and photocopied letters of notices, motions and other communication documents between the city and migrant community. I got the opportunity to meet various migrant business owners and inquire about various decrees and regulations. The following are their views.

Interacting with documents

When I visited Mr Hakim,[182] he allowed me to sit in his shop while his wife served the customers. I asked him about the documents he received from law enforcement officials of the CoJ. He gave me a document to read, a notice of motion. After reading it, I asked with much dismay, "are you not worried?" Mr Hakim requested his wife to give him what looked like an old briefcase filled with papers. He answered:

"…Every year I receive letters like this from the city…this one was before the one you have….every time my shop is threaten to be closed, but the people we don't agree…we are not stealing or killing anyone! We are working! …and they tell us what we are doing is illegal…we demand this to stop! They need to talk to the people and see what we want… this needs to stop!"[183]

I remembered the incident of Mr Nur, whose restaurant had been in operation for nearly two years, and who had just received a letter from one of the law enforcement officials from the city. He quickly dismissed the letter but I was keen to ask him about what he had received.

"…I am better…you see Mr Abdullahi [not his real name] he has been in that shop since 2008 and now it's 2015…the letters won't stop they keep coming every year…" he refuses to close and I also won't close…Why should I close my businesses, my business is not illegal I registered it, I won't be the only one that must close…so I don't want to stress too much..".

After showing me his newly received letter, he dismisses it in a huff of tiredness. Are you worried I asked? , "Yes but No" he shook his head, showing signs of disagreement. "I am only worried about all the money I put into this business…and I am more concerned about where I will open by new business if they close this one…every time I wonder when they will come do something…if they ever do anything…they just want to make us scared, so we can move out…but I will only close If everyone also closes…". I was caught by surprise by Mr Nur's impassioned reaction; however he was able to show me the discrepancy in emotions and sentiments felt by people involved in the active and dynamic urban assemblages. At first glance, the document produced effects of unimportance in Mr Nur, who refused to meet the requirements of the document, and instead dismissed it.

[182] Not the participant's real name. Interview by Sithalima Abdool. Mayfair, 2014.
[183] Not the participant's real name. Interview by Sithalima Abdool. Mayfair, 2014.

For some of the Somali migrants, the orders made in the written documents affected their individual wellbeing. An elderly Somali business man who had invested most of his savings in his business, explained that his diabetes got worse and he went from using tables to insulin after about five years of dealing with the documents: "I am 54 years old…but look at me I look 60…I am tired and sick, before I received all these documents I was on tablets, now I use insulin, the stress is killing me…I worry all the time about my fate, I am tired". These examples demonstrate the comprehensive emotional and sentimental relation as well as communications which inhabitants receive in conversation with bureaucratic document.[184]

Moreover, Navaro-Yashin contends written documents able to provoke or stimulate certain energies, [185] and as such, we can argue that documents are not merely passive things. Mr Hakim's outraged rejection of the city's instruction for businesses to close down, adds much to the narratives and details that need to be explored in the migrants-city encounter. The activity and action of Mr Hakim in this instance, is not just a demonstration of reactiveness alone. As contended by scholars, material items do not act alone; rather their ability to act is dependent on a wide endlessly-rotating collection, reconstructed by means of instituting new components. What this means is that assemblages never remain constant. As such, spatial assemblage which link the rotation of official interaction within 8th Avenue remained similarly changed in the institution of additional influential mode of documents of which migrants made use; which were the rezoning application, that legally affirmed that a property has put in an application to change their property zoning. As an important official document, the rezoning application was given an almost magical attribute: they were seen by migrants as an influential official material that had in it some sort of power-changing ability that could in fact, tremendously alter the control of business owners on 8th Avenue once received. How so?

To begin with, according to the CoJ, if an individual property owner has anticipated development and needs zoning alterations or changes to their title deeds requirement, the individual has to go through a formal application procedure with the City's land use department and await a decision from the city thereof. The applications procedure itself is complex and thus usually requires a professional urban planner to process the application. In terms of 8th Avenue, when the migrant business and property owners received the different official letters to discontinue their businesses, many of them instead of discontinuing their

[184]Annelise Riles, "Introduction: In response", in *Documents: Artifacts of Modern Knowledge,* ed, Annelise Riles (Ann Arbor: University of Michigan Press, 2006). 21.
[185] Yael Navaro-Yashin, , "Make-believe papers, legal forms and the counterfeit: affective interactions between documents and people in Britain and Cyprus", *Anthropological Theory* 7, no. 1(2007): 79–98.

businesses, began applying for rezoning of their property from residential to business. They then kept copies of their rezoning application and payments as proof that they were abiding by the city's regulations and were rectifying their mistakes. The CoJ also require that a person discontinue any illegal land use even while waiting for their rezoning application to be reviewed. Yet, while they waited for their (rezoning) approval from the CoJ, Somali and Oromo businesses continued to operate as usual on 8th Avenue. Rezoning application is itself a very contentious process, something that Somali business and property owners fully understand. For this reason, they choose to continue operating their business as usual as they await approval or the possible rejection.

Yaseen Warsame,[186] a business owner in 8th Avenue, who has applied but has not yet received rezoning rights told me "... if I close my business and wait for my [rezoning] application to be approved by the city, I will be a loser, no profit will I gain from such an act...all Somali's here know that you apply [rezoning application] and continue with your job...."[187] From such responses, various factors emerge as the causes of the Somali's rejection of the city's directives. These are the fact that the community relies on their businesses for livelihood, they have invested a lot of money in their ventures, and they have no alternative sources of income.

5.3 Study 3- The City's Reaction to Spatial Transformation in Mayfair

Having examined the views of local Indian residents on land use in Mayfair and the Somali's perception of written documents from the city, it is important to explore the current situation from the viewpoint of the CoJ officials. As previously stated in this paper, anyone that seeks to make changes to the land use scheme must make a formal application to the city council. The rezoning application usually goes up to an urban planner at the land use department, who reviews the application, and thereafter accepts or rejects it. However, the impression that an obsolete independent "decision" by the delegate reviewing the application, is partly conceited: the urban planners (delegates in charge of approving rezoning application) continuously realise that they usually are at the centre of documents which transform or surpass their personal agency. This is because bureaucracy employs dispersed power-making by means of collecting documents. Accordingly, in examining bureaucracy, the influential sociologist Max Webber contended that: "The management of the modern office is based upon written documents ('the files'), which are preserved in their original or draught form,

[186] Not the participant's real name. Interview by Sithalima Abdool. Mayfair, 2014.
[187] Ibid

and upon a staff of subaltern officials and scribes of all sorts."[188] Yet, regardless his explanation, he believed that paperwork usually is under the power of humans. As such, I tend to support Hull, who argues that: "Documents are not simply instruments of bureaucratic organizations, but rather are constitutive of bureaucratic rules, ideologies, knowledge, practices, subjectivities, objects, outcomes, and even the organizations themselves."[189] This means that paperwork behaves as an instrument of power used by the state, which bureaucrats have to submit and conform to; this being true when it comes to rezoning applications.

During an interview with Marietjie Reinecke, one of the delegates dealing with rezoning applications in Mayfair, [190] I sought to know how she approves or rejects rezoning applications in 8th Avenue Mayfair. She argued: "...people don't understand how tenacious rezoning applications can get…the process goes through so many departments [at the City of Johannesburg]… I also have to make sure that the RSDF agrees and supports the [rezoning] application...some of these applications then have to go to committee hearings if necessary…it's really a long process..."[191] I also wanted to know what happens when the 'RSDF policy documents' do not support the application, so she responded: "well what can I do, I have to follow what the policy says...if the policy supports your application you are lucky, if not you have to just accept what policy wants…"[192] Therefore, we can also argue that delegates in charge of approving rezoning applications do not solely act on their own, but rather function alongside documents which they have to obey.

However, for the Somali and Oromo business and property owners, applying for rezoning creates a certain status, such as the right to negotiate with the city and refusal to close down their businesses. Sheikh Saleh, one of the older Somali business owners, explained how the rezoning application gave people the power to negotiate with the CoJ officials.[193] Thus for many Somali and Oromo's, the rezoning application was the doorway to proving that they were correcting their illegal actions, but more importantly, the rezoning application assisted in opening a dialogue with the city. It also served as a strategy to continue conversations with

[188] Max Webber (1978) cited in Matthew S. Hull, 2003, "The File: Agency, Authority, and Autography in an Islamabad Bureaucracy," *Language & Communication* 23, no. 3-4(2003): 255
[189] Ibid
[190] Delegate who deals with the rezoning applications in Mayfair
[191] Marietjie Reinecke, City official from Johannesburg Land Use Management. Interview by Sithalima Abdool. Mayfair, 2014.
[192] Ibid
[193] Not the participant's real name. Interview by Sithalima Abdool. Mayfair, 2014.

the city and keep the city at bay while illegal businesses stayed open, and more Somali's and other migrants developed more businesses further into 8th Avenue and other streets in Mayfair.

5.3 Conversing with the State

On the eve of 22 of July 2015, I attended a business and property owners meeting held at a local Islamic institution. Before the meeting began, most of the Somali businessmen were sitting around the table complaining. Hamza[194], who owned a barber shop and an internet cafe, and who invited me to attend the meeting, was outraged with the CoJ; "We are killed in townships, when we come to the city we are told to close down our businesses, we [Somalis] are targeted in this country [South Africa]...they should give us resettlement if they don't want us...I have spent so much money with this application [rezoning] and now I'm tired of running every time to the lawyer's office...this is our halal [legitimate] money... "[195]

Hamza then stood unexpectedly to go and asked me to remain where I was. He emerged shortly with many documents - that began with several letters of notices from the City in 2008, requesting Hamza to close down all businesses on his premises. These were followed by proof of rezoning application and payments from Hamza's side to the city in 2009; a letter from CoJ to Hamza's urban planner requesting Hamza's to attend a committee hearing in late 2009, and a letter of request from Hamza's urban planner, in early 2010, for a new appointment given that Hamza had to attend a funeral. This was then followed by several on-going legal conversations on documents written between 2010 to 2015 by the CoJ's attorney, requesting Hamza to close his shops, and Hamza's attorney giving various reasons as to why his client could not discontinue his business. After reading the various letters of dialogue between the city and Hamza, I could easily track the conversation and intention between the CoJ and Hamza. Hamza, after receiving a letter of notice from the city to discontinue his businesses, found an urban planner to apply on his behalf for a rezoning application. Yet after applying for a rezoning application and still receiving letters of demand from the city, he found a lawyer to represent his case. In this case, documents became agents of conversation and dialogue between Hamza's urban planner and the CoJ, and between CoJ and Hamza's attorney. However, Hamza, receiving documents and understanding their message, did not mean to follow the demands of the letter, rather it meant explaining himself and challenging the letter through the same mechanisms that the written document has been produced.

[194] Not the participant's real name. Interview by Sithalima Abdool. Mayfair, 2014.
[195] Not the participant's real name. Interview by Sithalima Abdool. Mayfair, 2014.

Subsequently, I witnessed similar dialogues develop in community meetings, and as I went along with several participants to their urban planners, and private attorneys, to either follow up old documents or compose new ones, I came to see documents to the city by migrants – whether legal official documents or letters from the migrants' private urban planners – as important bureaucratic devices with which Somali and Oromo business and property owners engaged the state. The documents were formulated and worked within the very system of communication used by the CoJ.

From a visual perspective, there is little to differentiate from the documents compiled by the various Somali and Oromo business and property owners' attorneys, from that of the city's attorneys, or urban planners. Both replicate a recognised illustrative patterned writings usually obtained inside authorised systems of papers. Appealingly, the pattern and manner of arrangements is similar, they also immediately convey and communicate an appearance of officialdom in addition to a judicious legal power, for instance, the heading written in big black capital letters, with a heading placed at the top of the letter, which reveals the letter's firm intentions. The presentation and arrangements of the words are similarly consistent throughout both the documents/ letters. Linguistically, documents drafted to CoJ attorneys by the migrants' attorneys and private urban planners, imitate the bureaucratic rationality; however, they contain individual pleas rooted within the documents as a strategy to their arguments.

These stories and sentiments embedded within the documents are strategically compiled and aimed at buying time, away from responsibility. For example, when Mr Hashim,[196] after receiving his first notice from the CoJ attorney, went to his private lawyer, the lawyer interviewed him with a keen eye, and obtained various stories and accounts of what had occurred between him and the CoJ. For the lawyer, memory becomes important in the re-writing of the story in the document. The interview becomes re-contextualised to fit a new meaning and a new context. For example, throughout the writing process, the lawyer tried to put into official jargon, the life of Hashim who was trying to make a basic living, by making his business viable. He also mentioned that his client had already applied for a rezoning application, and further requested through a written document that all matters be pended until the outcome of the rezoning application is determined. Hashim's lawyer made sure that his client was depicted as a victim of many social struggles in order to earn sympathy. Hashim's

[196] Not the participant's real name. Interview by Sithalima Abdool. Mayfair, 2014.

document read, "In 2008, I decided to open a restaurant using my garage after the influx of the Somalian nationals into the Fordsburg/Mayfair areas following the outbreak of the unfortunate and widely reported xenophobic attacks against foreign nationals in the townships located within... …prior to opening the restaurant, my husband, the second respondent approached a well-respected town planner to assist with the preparation of a rezoning application to convert the house into business premises.."[197].

Hashim's case is similar to the way most of the migrant attorneys intentionally depict their client as someone who is struggling financially yet trying to follow the law by applying for a rezoning application, for example: "due to the fact that at the time we did not readily have all the funds required to apply for rezoning of the house, we agreed with [name of private urban planner] that he will only submit the application once we have paid the deposit in full...we paid him an amount of R7000 towards the deposit during the period between... and made further payments to him in... the restaurant was profitable and continued to grow from strength to strength..."[198] The official letter then goes on, in a story telling mode, to give justification for the expansion of new business on the property, for example "...I decided to move out of the house completely and use it to expand my business to include a supermarket, coffee shop, cellular shop, internet cafe and a barber shop...the opening of these new businesses enabled us to pay the outstanding portion of the deposit due...a copy of proof of payment in this regard and other subsequent payments made is attached hereto..."[199]

Urban planners used the same sentiments to obtain new committee hearing dates. Once rezoning applications have been submitted, CoJ urban planners usually review individual rezoning applications and give notification of a planning committee hearing to private urban planners where needed. The individual urban planners then inform the business and property owners to take note of the date set for the committee hearing. Business and property owners are usually aware and informed that chances of the committee hearing approving the rezoning application are slight due to the lack of support from the existing policy. Knowing the possible outcome of the committee hearing even before attending it, assists the business and property owners to fabricate various stories, such as being sick, having travelled back home for a funeral, going on pilgrimage or having travelled for a wedding. These fabricated excuses are captured on documents which are submitted by the urban planner in the form of

[197] Taken from Answering affidavit of one of the migrant business owners
[198] Taken from Answering affidavit of one of the migrant business owners
[199] Ibid

documentation to the CoJ. I remembered one of Mr Mahdi's[200] documents drafted by his urban planner for postponement of his committee hearing. It read, "…that Mr Mahdi is not in good health and is unavailable to attend the committee hearing…we request that the item be postponed *sine die*…"[201]

The document, having the sentiments of health and sickness, allows the city to postpone the hearing date. In Mr Mahdi's case, the CoJ replied to his request as follows; "…recognizes that the Mr Mahdi [not his real name] is not well...and accepts his request that the item be postponed sine die..." It takes another eight months, sometimes even a year, before the city comes back with a document offering another date for the committee hearing. Therefore, including such sentiments within official documents, allows property and business owners to miss the committee hearing, while continuing to operate business as usual, so the strategy is to buy as much time away from the committee hearing as possible, allowing business and property owners to escape responsibility through documents.

Moreover, the documents provided to the city by Somali and Oromo business and property owners not only provoke feelings of remorse in CoJ officials but also keep the city at bay while migrants continue with their everyday businesses. Mr Mahdi, for example, argued that; "I wasn't sick, [laughing] I needed an excuse not to go to the hearing, so I said I was sick...my planner told me that if I attended the hearing my case would be over because this policy [RSDF policy] doesn't support what I do...the last time I was sick, before that I visited home..."[202]

I ask him; "don't they ask for proof that you were travelling and sick?" He replies; "ask... [Laughing]...they never ask for anything..."[203]

On the other hand, the official documents composed by the CoJ attorney have no mention of individuals or their accounts nor sentiments or feelings, rather they contain factual dates and the laws being contravened by the different individuals. Weber argued that "bureaucracy develops more perfectly, the more it is 'dehumanized', the more completely it succeeds in

[200] Not the participant's real name. Interview by Sithalima Abdool. Mayfair, 2014.
[201] Ibid
[202] Ibid
[203] Ibid

eliminating from official business love, hatred, and all purely personal, irrational and emotional elements".[204]

Furthermore, the Somali and Oromo business and property owners, take copies of the documents submitted to CoJ, which allows them to escape from the committee hearing to their private lawyers. Each of the lawyers writes a letter to the CoJ attorney, as evidence that committee hearing has been postponed, and requests for the issue to be held until a new date is set. For example, in less than two lines, the Hamdu's[205] lawyer writes; "A hearing was scheduled for the 24 September 2012 regarding the rezoning and was postponed due to respondent not being able to attend".[206] In a new sentence below this, the document reads: "As explained, he has departed for pilgrimage. We ask your indulgence to hold this matter over until we receive a new date for the hearing. We shall revert as soon as we are in receipt of the same". As evidence or verification, the lawyer attaches correspondence from both the council and the private town planner to the document. The document with its official jargon and proof of evidence is calmly accepted by the CoJ attorney who replies to the document with another document that reads, "....kindly advise whether your client has in fact obtained a new date for the hearing and furthermore whether a decision has been made in the above matter as per your correspondence of..." [207]

Over time, the migrants' attorneys become more skilled at holding the CoJ and its attorneys responsible, mentioning conflicting or inconsistent policy in place. For instance, a document to Mrs Sadia from the CoJ attorney requested her to close her businesses, with argument that the city had rejected her rezoning application; "As you should be aware, your clients rezoning application in the aforementioned matter has been refused by the local authority. Accordingly we attach hereto an unsigned copy of the planning committee's decision herein. You are therefore instructed to proceed with legal action to interdict the continued unauthorized use on the aforementioned property for purposes of supermarket....you are accordingly afforded until the 27 October 2014 to provide a written undertaking to the local authority indicating your willingness to terminate the unauthorised use..."[208]

[204] Max Weber (1978) cited in Matthew S. Hull, 2003, "The File",255
[205] Not the participant's real name. Interview by Sithalima Abdool. Mayfair, 2014.
[206] Original Dates changed
[207] Taken from CoJ attorney addressed to Mrs. Sadia's (not the real name)
[208] Ibid

Although this document caused much anxiety to Mrs Sadia, she took it to her lawyer, who responded by a document which read as follows; "I wish to draw attention to the fact that the applicant [CoJ attorney] has approached this honourable Court with dirty hands and in this regard, I refer to the allegation made by the applicant at paragraph 18.1 of its supplementary affidavit that "his clients' [the respondents] rezoning application had been refused by the applicant."...This statement is patently false. The fact that the applicant which is an organ of the state can unashamedly make a false statement under oath is gravely concerning. It is even more concerning that an officer of court who at the time represented the applicant in these proceedings, one Mr [X] repeated this falsehood in a letter dated 27 October 2014...Mr [X] said the following; "As you should be aware, your client's rezoning application in the aforementioned matter has been refused by the local authority. Accordingly we attach hereto an unsigned copy of the planning committee's decision herein." The migrant lawyer then goes on to write, "I wish to contrast what the applicant [CoJ attorney] stated in paragraph 25.4 what I have referred to earlier in paragraph 18.1 and the letter: "although an application to have the property rezoned has been submitted by the respondents to the applicant this application: 26.4.1 has not been approved by the applicant's development planning and urban management department; 26.4.2 has not yet been considered by the applicant's planning committee"[209]

The migrant lawyer in the document continues that, "The applicant [CoJ attorney] knew at the time of making false statements alluded herein that the rezoning application was set down for hearing on 24 August 2015, a copy of the notice is annexed hereto....the applicant knew that no decision had been taken in relation to the rezoning application...this much was clear to the applicant because it had earlier informed the respondents through [name or private urban planner]..." [210]

Similarly, when Mr Dahir's[211] was requested through a written document from the city to close down his shop, he had his own document, drafted by his lawyer sent to the city which read; "in the document dated 6 March 2013 titled 'Fordsburg/Mayfair Urban Framework Review – Mayfair Findings and Recommendations', a copy of which is annexed hereto...In the circumstances, it does not make sense at ALL for the applicant [CoJ] to still try and close down the businesses currently being operated...when its own town planning committee is in

[209] Ibid
[210] Taken from Mrs Sadia's (not her real name) supplementary document to the CoJ attorney
[211] Not the participant's real name. Interview by Sithalima Abdool. Mayfair, 2014.

all likelihood going to approve the rezoning application or study referred above is going encourage a change of the properties on 8th Avenue wherein the business is currently being conducted..."[212]

This document, when received by CoJ representatives, brings to light the reality of current outdated CoJ policy and rezoning approval procedures and as such, a responding document is sent to Mr Dahir which reads as follows; "...the city will suspend your rezoning application until the outcome of the Fordsburg/Mayfair Urban Framework review is finalised..."[213]

In Mrs Sadia's own words; "...the city wanted to cheat me, but when I went around asking questions and attending meetings, they [city officials] told me that the area [8th Avenue] is changing and the city is reviewing a new policy for the area and that all rezoning application are going to be on hold until the outcome of the new policy, so my letter to the city told them that I knew what was going on and that they couldn't cheat me...you see a month later I received a letter that said my rezoning application will only be reviewed after the city finalises its policy..."[214]

Will you close your business for the time being? I asked, Sadia looked at me contently and replied; "I won't close my shop I will continue work..."[215] This is an indication that Somalia and Oromo business owners have mastered a way of holding the CoJ and its representatives accountable for their actions by unearthing any inconsistencies in the policies and regulations that have been put in place. In the above examples, it becomes visible how written information previously provided by the CoJ attorney is re-contextualised as evidence that the CoJ attorney is acting in an unlawful manner.

Another very interesting document I found while reviewing the various documents used by migrants was a petition, which was signed and handed to the city in mid-2013. In the case of Somali and Oromo business and property owners, petitions were expressions, mostly of dissatisfaction, but also a platform to use situational justice, which here is the rezoning application, to legitimise the activities of Somali and Oromo migrants. In reality, the migrants knew well that their actions were contrary to the city's requirements and expectations. Mostly, petitions were another mechanism through which migrants used to claim specific

[212] Taken from a supplementary document to the CoJ attorney by a Somali business migrant in Mayfair
[213] City of Johannesburg letter to participant allowing participant's rezoning application to be placed on hold until further notice
[214] Not the participant's real name. Interview by Sithalima Abdool. Mayfair, 2014.
[215] Ibid

rights from the city. Similarly, Harvey, borrowing from Lefebvre, has argued: "to claim such rights is to assert power over the processes of urbanisation, over the ways in which our cities are made and remade..."[216] As Imraan[217] explained to me, "...we all got together and decided that we wanted the City to hear our side of the story, so we all came together and decided to write to them explaining our situation and telling them our story and what we wanted from the city, and that we had already applied for rezoning and that we were already being targeted in South Africa and Mayfair was our home and we wanted to work here..."[218] "Did it change your situation in anyway?" I asked Imraan. He replied; "No, nothing really changed but it least we are now united in our fight and the city knows that we can work together and we know what we want...when you are united you never fall".[219] The petition was linguistically similar to the other documents sent to the CoJ; it mimicked bureaucratic rationality and appealed to personal sentiments as the basis of its argument. The language was patriotic. The Somali, Oromo petition arrangers removed all assertions to personal authorship; rather they stressed the communal appeal to the city, using the discourse of the apologetic-migrant. The petition was made up of a number of signatories, both property and business owners, including residents. The petition by all means tried to remind officials that most Somali's and Oromo's were victims of war and migration, including the victims of xenophobic attacks, and thus pleaded with the city to allow them to continue operating their businesses and grant them rezoning rights. The petition was followed by a reply by the city through a document that let the Somali and Oromo business and property owners know that the city understands their concern and that it is currently reviewing the Fordsburg/Mayfair Urban Framework. We can gather from this that a petition as a document (one of the many documents used by migrants) gave them a feeling of enablement; and one that succeed in illustrating a collective picture of migrant ability to proclaim and defend their shared interests.

In all of this, the document exchange process begins with a rezoning application to migrants finding a private lawyer to represent their cases against the CoJ. From this point on, the document exchange process continues and instead of businesses becoming less they expand further into Mayfair.

[216] David D. Harvey, *Rebel Cities: From the Right to the City to the Urban Revolution* (New York: Verso Books, 2012), 13
[217] Not the participant's real name. Interview by Sithalima Abdool. Mayfair, 2014.
[218] Ibid
[219] Ibid

Document Exchange Process

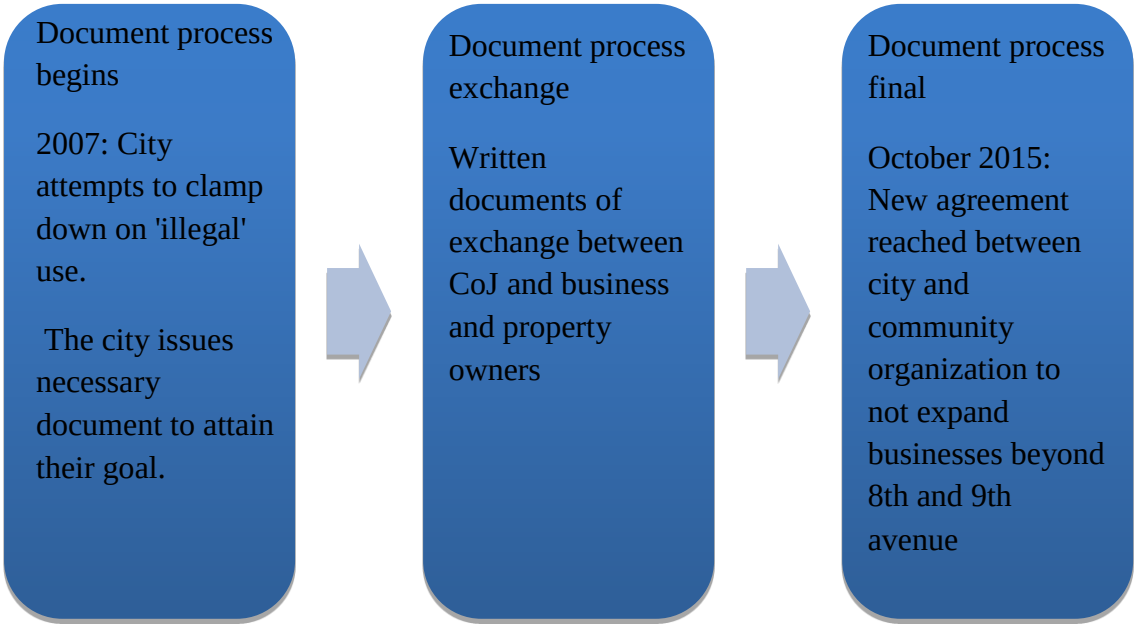

Figure 11: Timeline of document exchange process

The document exchange process continues to facilitate and mediate conversation connecting land use development authorities in charge of land use and development with the Somali and Oromo community, engaging in land use change. The continuation does something for the migrant businesses; it keeps the CoJ at bay in conversation with the various migrants in a document system, while at the same time, allowing for more businesses to develop in the area. In addition, lawyers become the central means through which migrants access written documents as strategies of formal justice. Lawyers can be considered as gatekeepers of justice, who exercise power and control of meaning, interpret and reinterpret certain writings, and importantly use written language to make sure that migrant businesses are well represented. Through the written documents, they forge some form of resistance against the existing rules. Furthermore, through written documents, migrant businesses can escape having any physical conversations with the CoJ or the city's officials and attorneys. Therefore, these documents, which of course, are non-human actors, have some sort of agency; in this case, it is used as mechanism by both the COJ and Somali migrants to achieve an end. The documents become agents, because they carry in them the meanings and actions of agents and agency, "the capacity, condition, or state of acting or of exerting power; a

person or thing through which power is exerted or an end is achieved,"[220] Russo believes: "things have agency because they produce effects, because they make us feel happy, angry, fearful, or lustful. They have an impact, and we as artists produce them as ways of distributing elements of our own efficacy in the form of things". [221] Consequently, in order for materials to have power, they must influence the physiological and mental condition of individuals.[222]

The formal legal letters and documents written by lawyers and town planners in support of Somali businesses have some sort of agency and produce effects. In the first instance, the COJ creates various documents with a purpose; which in this case is to order Somali business migrants to close their shops. In the case of Somali migrants, however, documents as objects are created and used to manipulate the COJ from closing businesses and buy time for Somali migrants to operate their businesses for longer periods. Therefore, people use the material objects they create, as means of manipulating their worlds.[223] Russo argues that minority groups use material strategies to undermine the more powerful discourse.[224] What we can take from this is that Somali's, being subordinate groups, are using material documents to counteract the dominant discourse of COJ. Also, it is important to note that for an object such as paper and documents to be socially identified as powerful in a distinguished manner, the document or paper, needs to lay certain systems of use between the writer and reader; which influences some degree of emotions, or some impact on the reader. We can therefore positively say that in the case of Mayfair, documents as non-human actors are an important part within the discussion of actor network, and within city and migrant exchange processes.

5.4 Spatiality of Resistance

Occurring in a residential zoned area, the Somali and Oromo use of space as business, and the ability to open and close their businesses on a daily basis for nearly ten years is a performance of everyday life. The everyday can be described as day-to-day actions which humans repeat in their space and time.[225] At this point, Michel de Certeau's conceptual framework is symbolic. According to de Certeau, the everyday is made of multifaceted

[220] Claire Russo, "The Concept of Agency in Objects," Joukowsky Institute for Archaeology & the Ancient World, February 7, 2007, https://www.brown.edu/Departments/Joukowsky_Institute/courses/materialworlds/1825.html (accessed August 11 2016).
[221] Ibid
[222] Ibid
[223] Ibid
[224] Ibid
[225] Ben Highmore, *Everyday Life and Cultural Theory: An Introduction* (New York: Routledge, 2002).

actions in space and time, which are transmitted in the everyday minute; if appropriated, increasingly the everyday actions have the ability to undermine those in dominating authority. For de Certeau: "It is true that the grid of 'discipline' is everywhere becoming clearer and more extensive, it is all the more urgent to discover how an entire society resists being reduced to it; what popular procedures (also 'miniscule' and quotidian) manipulate the mechanisms of discipline and conform to them only in order to evade them, and finally, what 'ways of operating' form the counterpart, on the consumer's (or 'dominee's'?) side, of the mute processes that organize the establishment of socioeconomic order".[226]

Yet, how does one oppose or survive inside systems of such power? Somali's and Oromo's continuous use of space as business is in-itself a technique of opposing the prevailing power. As argued by de Certeau, everyday-life remains to constitute a space filled with resistance.[227] On another note, Ashcroft writing on post-colonialism believes that resistance is a normal reaction to colonial domination, and as such, it's most powerful form exhibits through literal texts. As such, he writes: "the fascinating capacity of ordinary people, living below the level of formal policy or active rebellion, to foment change in their cultural existence…"[228] Likewise, in the case of 8th Avenue, the residential space now being used for business on a daily basis becomes a medium for the migrants lively affirmation of existing, yet is a place regulated by the CoJ; through functional decrees. Yet regardless of the city's regulation and surveillance migrants' businesses on 8th Avenue, through everyday use, continue to exist, resist and work by making use of tactics and strategies by means of written documentation.

According to de Certeau, tactic is not less powerful than strategy but rather conflicts with it. The location of strategy is continuously that of influence. Strategy assumes power, and usually isolates itself, as in the case of the city administration, separating and securing them from the outside world. The subject here is CoJ, which is trying to manage and control their object, urban-space; CoJ then uses strategies that are management policies and tools to attempt to control their object. Unlike strategy, de Certeau explains tactics as the influence of the weak; he contends that tactic is not a division of strategy, but rather a form of adjustment to a situation for the less dominant group, produced by the strategies of the strong. Therefore, the urban planners may regulate how Mayfair is used through various documentary strategies,

[226] de Certeau, *The Practice of Everyday Life,* xiv
[227] Highmore, *Everyday Life and Cultural Theory*, 151.
[228] de Certeau, *The Practice of Everyday Life,* xiv

but the reality of everyday life shows that people do not use the streets of Mayfair as designed in documentary-land use management strategies.

According to de Certeau, strategies have embedded in them uncertainty, as full control is certainly not achievable, due to conditions from which strategies were created, and are regularly changing. Tactics are however, deeds which are continuously reexamined as well as reflected and constructed through examination of the existing circumstance. This is what migrants using documents as material artefacts therefore seize upon, the "inventive employment of possibilities",[229] within the circumstances available to them. They then use documents as a way to talk to CoJ, but also use the documents as tactical material conversations to keep the city at bay as they continue to expand their illegal usage. They therefore make decisions looking at their environment and create a plain to counter the dominant forces of strategy. Certainly, migrants do not become comfortable with the plan they have created, rather they stay alert to their surroundings waiting for the CoJ's next move. Therefore, de Certeau's entire proposal defends the covert tactics of the subordinate over the strategies used by the dominant, and the ability of the subordinate to use these tactics to escape the power of authority.[230] Here, Somali's and Oromo's opportunities represent such a tactical spirit. Although the CoJ might police the actions of Somali and Oromo business and property owners in the particular space through documentary practices of strategies, these communities find ways around the constraints through the same mechanism of the city - material documents.

Likewise, Matthew Hull contends that materials of bureaucratic acts, which he terms as "graphic artefacts", are not just mechanisms of management and power by authority, but are also conjointly shaped alongside individuals and supposed environments they intend to regulate.[231] Hull's field work in Islamabad, Pakistan, shows how the Capital Development Authority (CDA), whose responsibility it is to control and regulate Islamabad's growing development, is using papers and various documentary material objects as a means of controlling these developments.[232] However, by following these material documentary artefacts, Hull is able to illustrate that despite CDA's continuous employment of papers as a mechanism of control, the CDA in fact looks incapable and ineffective, as common citizens

[229] Highmore, "Everyday Life and Cultural Theory", 159
[230] de Certeau, "*The Practice of Everyday Life,* xiv
[231] Jonathan Anjaria, "Review of Government of Paper", *American Ethnologist* 40, no.3 (2013), 587
[232] Ibid

decline to follow their orders.[233] It is therefore, through this case study, that Hull is able to demonstrate that bureaucratic artefacts are not merely mechanisms of rule but also get intertwined with everyday urban practices. Similarly, for 8th Avenue, the CoJ has various mechanisms in place to halt illegal land uses, yet it looks powerless in the eyes of local Indian residents who cannot understand how the city is unable to bring migrants to responsibility. They do not realise that the same bureaucratic practices and techniques of rule are being used against the City. In this case, making the City look weak and lacking the ability to enforce regulations in 8th Avenue.

Through written documents, what Hull calls "material artefacts", the Somali and Oromo community can escape surveillance efforts and manage to continue their businesses as usual, even though it is termed illegal. Where regulation requires shops to close if properties do not have rezoning rights, Somali's and Oromo's use various documents as conversation tools which play the part of important strategies of keeping the city engaged in discussions with migrants while the business and property owners escape the responsibility of having to close their businesses. Furthermore, by figuring out how the planning system works and how writing materials interact with them, gives migrants great play in their use. Such strategies fulfil the migrants needs to continue their businesses, while evading closure and keeping the city at bay in conversation. We can therefore argue that, the state - in this case CoJ as an organ of the state - is not an overpowering body, but rather an entity that can be shaped and negotiated by individuals' everyday experiences with the state.[234] It is also noticeable, that in an age where technology has grown, as human beings, we are yet surrounded by a continuous movement of paper of.[235] Instead of being an ordinary activity, writing materials facilitates, and gives voice to the powerless.

It is worth noting that for the migrants, their current land use is important for their social life and identity, while for the CoJ, Mayfair is like any other planning zone, an abstract space ready to be transformed in order to accomplish the City's goals. Both actor groups refer to the same material object, a piece of land; both reflect on the present and future use of this spatial unit. However, there are fundamental differences that explain why we are confronted with completely contrasting representations. The migrant's representation of space is based on

[233] Hull, Matthew S. *Hull, "Government of Paper,"*207

[235] Ibid

everyday experiences and practices. Land for migrants is considered as an urban everyday space, one that is appropriated with shared communal practices. The CoJ policy and documentation is framed against a totally different reality: a reality of function, economics vision, and legality. Although CoJ policy allows local participation and social consideration in its land use policies, in reality it reveals a completely economic, legal, functional construction of space. It is also clear that the CoJ's means of communication with the migrants are by law limited in the materiality of written texts and documents. However, migrants use the same material practices to engage and undermine the CoJ.

Chapter Summary

In this chapter, I provided the data collected from the main participants in this study: the local Indian population, the Somali migrants, and CoJ officials. I explored how each of these parties perceive the current situation in Mayfair as regards land use management. I also showed how migrants used the same bureaucratic techniques applied by the CoJ officials to keep the city at bay while they continued to operate and grow their businesses in the residential area. In the next chapter, I trace how Somali and Oromo business and property owners use collective responses to address important issues they have against the city. Somali and Oromo business and property owners are organised to become strategic actors who engage and negotiate with the CoJ to obtain their rights to the city as urban inhabitants.

Chapter Six: The Right to the City: the Case of Mayfair

6.1 Introduction

The Westphalian concept of citizenship continues to dominate present political participation in states; this model of political participation does not go beyond the nation state.[236] However, it is the belief of Henry Lefebvre that political participation goes beyond the nation-state to participation that incorporates urban inhabitance, which implies giving urban residents the right to the city, not as a state-citizen but rather as an urban-citizen.[237] For Lefebvre, critical to the politics of the urban residents, is that of politics of dissimilarity and of difference.[238] His notion of inhabitant combines with that of the working classes that are confronted with the capitalist city.[239] For Purcell, however, urban inhabitants are faced with many other challenges than just the capitalist city.[240] Moreover, the notion of inhabitant, according to Purcell, is not merely limited to a particular social group, but rather includes varied identities and appeals, as it is expressed in the lived everyday practices.[241] He argues that the plan and practices which urban inhabitants' wish to partake cannot be assumed; instead it needs to be, through diverse identity, politics and amongst other efforts, negotiated.[242] So unlike the Marxist concept of exchange used by Lefebvre, [243] inhabitants according to Purcell, could, for example, consider appropriation as the moral equality of women to be able move in urban space while being protected, [244] and as such, argues that inhabitants could therefore use a multilayered approach combined with various political strategies in order to attain their needs, the notion embedded in the right to the city is an interesting one, sometimes implying anticipated results for limited groups, while creating undesirable results for others.

In this chapter, I illustrate the ways in which the notion and idea of the right to the city, is being employed in 8th Avenue, can influence migrants appealing for change, and can be an

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[236] Mark Purcell, "Excavating Lefebvre: The right to the City and its Urban politics of the inhabitant", *Geojournal* 58, no. 2(2002), 105.
[237] Ibid, 106
[238] Ibid,
[239] Ibid
[240] Ibid,
[241] Ibid
[242] Ibid,
[243] Ibid,
[244] Mark Purcell, "Possible Worlds: Henri Lefebvre And The Right To The City," *Journal of Urban Affairs* 36, no. 1 (2013).

urban opportunity shaped by collective action.[245] Moreover, through ANT's process of assembling, enrolment and translation, we are able to follow and comprehend relationships and connections as well as follow negotiations that enabled migrants to initiate a review of the standing policy for Mayfair.

6.2 Transformation of 8th Avenue and its Implications for Policy

There are several events which have led to Somali and Oromo business and property owners to come together collectively and realise their entitlements to the city as urban inhabitants. In the beginning of the document exchange development, many property/business owners fought their own battles of survival by taking on private urban planners and lawyers to represent their cases against the CoJ. They developed new ways of communication which were opportunistic in the initial stage (converting houses into businesses); transformative (physically changing 8th Avenue from residential to business use), and dialectical at a later stage (using document to keep the CoJ at bay while expanding businesses in the area).

As previously argued, these were strategies used by Somali and Oromo business/property owners to keep the city at bay as businesses continued to operate, and many more were developed in 8th Avenue. These developments led the city to witness as 8th Avenue transformed and developed from a residential area into a business area. This had great implications for policy, because land uses on the ground no longer matched the 2008 Mayfair/Fordsburg UDF. By 2013, CoJ realised that it needed to amend the 2008 Fordsburg/Mayfair UDF to accommodate what was happening on the ground. City Transformation - CoJ department dealing with policy change - began working on a policy review, the called the 'Fordsburg/Mayfair Urban Framework Review', so as to replace the outdated policy. The 'Fordsburg/Mayfair Urban Framework Review' in process recognises 8th Avenue as a business area. The, 'Fordsburg/Mayfair Urban Framework Review', was strategically designed by the CoJ to contain businesses in 8th Avenue from growing further into the residential component. For this reason, it gained the support of local Indian residents.

Unfortunately, the 'Fordsburg/Mayfair Urban Framework Review' was not yet approved by council, and the old policy, 'the 2008 Fordsburg/Mayfair UDF' was already outdated. This

[245] Clair M. Evans, "Upgrading from below: A Collective Approach to the Right to the City in the Federal District, Mexico". Masters dissertation, The Department Of Urban Studies, Massachusetts Institute Of Technology, (2015). https://dspace.mit.edu/bitstream/handle/1721.1/98933/921888495-MIT.pdf?sequence=1

created a 'betwixt' space that was not termed as a business area and neither could it be termed residential. 8th Avenue became this 'liminal' space creating a kind of space that is in waiting, in transition and not knowing its fate for nearly four years, while the debate on the new 'Fordsburg/Mayfair Urban Framework Review' policy continued. This caused much frustration among Somali and Oromo property/business owners who wanted to see the new policy 'Fordsburg/Mayfair Urban Framework Review' passed so they could continue running their businesses without anxiety. The CoJ delegates dealing with rezoning applications for Mayfair were just as frustrated, for example, Marietjie Reinecke,[246] who deals with rezoning application for Mayfair argued; "How long do we seem to turn a blind eye to illegal land uses, and that side [8th Avenue] is so complicated that I don't know if there is a really straight forward answer that's the give and take that you go through, and at the end of the day you [are] legal or illegal there is no in-between."[247] She went on to say that they were sometimes forced to hold the final decision on the rezoning applications because they understood that the application process could be costly. Only a few of the migrants could afford to re-apply for amendment, if further changes were made to a given policy. Therefore, one could argue that the city officials were well aware that the Somali business activities in 8th Avenue are illegal, but they were torn between the people's feelings/interests, and the existing policies, one which was outdated and the other ,'Fordsburg/Mayfair Urban Framework Review', which was not approved by the city as yet .

However, the frustrations felt by the Somali and Oromo property/businesses owners and CoJ officials in land use management, by the proposed 'Fordsburg/Mayfair Urban Framework Review' did not seem to affect the law enforcement unit in the city – as the law enforcement continued to take legal action against businesses in 8th Avenue-based on an outdated policy that was undergoing review. When I spoke to Lesago from the law enforcement unit dealing with illegal land uses in 8th Avenue, Mayfair, she noted that; "we [law enforcement unit] understand that the new policy is being reviewed by council but we have to enforce the law until the new policy can grant business rights to the people in this area..."[248] Despite its efforts, the law enforcement unit did not manage to halt a single illegal development.

[246] Marietjie Reinecke, Land Use Management in City of Johannesburg delegate in charge of rezoning application in Mayfair Interview by Sithalima Abdool. Mayfair, 2014.
[247] Ibid
[248] Lesego, Law Enforcement Officer, City of Johannesburg Metropolitan Centre, Interview by Sithalima Abdool. Mayfair, 2014.

On the other hand, migrant business/property owners in Mayfair had their concerns regarding the ongoing policy review. They argued that if the policy was passed, many businesses on 9th and 10th Avenue would be excluded. They anxiously waited for the final decision about the Fordsburg/Mayfair Urban Framework Review hoping that it would favour them. Failure to approve rezoning applications would mean that the city continues its legal action against Somali and Oromo business people.

Ameero, who owned a motel in the 9th Avenue, in a business and property owners meeting told me; "…if we sit and wait for these people [the CoJ officials] to push this policy, it will never happen…you know how long some people waited [businesses on 8th Avenue], they have been waiting for this policy to be finished, but no! the city sits with it, now look [carefully pointing to the 9th Avenue] they don't recognise us, what about us, what's going to happen to us…we need to fight so we can be recognised, look some people here don't want us here [the local Indian residents] because we don't beg them we work we are competition, but the city it must do what is right we need to push them [CoJ officials]…"[249] Like Ameero, many Somali and Oromo business and property owners had much anxiety about their fate. This forced them to join forces, and form a collective engagement against CoJ, with the hope that 8th Avenue would be rezoned for business purposes.

6.3 Practicing the Right to the City

As Ahad Al said in one of property and business owners meeting; "...we should decide for ourselves what we want the place [8th Avenue] to be used for, we are the ones who work and own property in the area, the city can't tell us how our properties and businesses should be run. Look around, the area has changed, so why is the city fighting against us..."[250] Such sentiments indicate that Somali business and property owners in Mayfair, together with the emerging Oromo business owners have not been passive agents of change. They see themselves as having the right to the City as urban inhabitants.

This explains why various property and business owners fought their own battles of survival by taking on private urban planners and lawyers to represent their case against CoJ. Documents were used by Somali business and property owners as a tool of negotiating space, in a way that would rarely happen in person. This helped the area keep the CoJ at bay as businesses expanded further into other streets in Mayfair. However, keeping the city officials

[249] Not the participant's real name. Interview by Sithalima Abdool. Mayfair, 2014.
[250] Not paricpants real name. Interview by Sithalima Abdool. Mayfair, 2014

at bay and expanding their businesses did not mean that the migrant communities in Mayfair had obtained the rights to operate businesses in a residential area. Together, they had to push further for the rezoning of 8th, 9th, and parts of 10th Avenue. Through collective action, they would work towards the achievement of their common interest, which in this case, was receiving the rights to run businesses in Mayfair.

In a conversation with Mr Tahyo, a Somali business owner, he explained how he came up with a plan that finally brought the City to consider changing the area from a residential area to a business zone. In his words, "I was standing outside my shop looking at the street, and I saw how happy Somalis from townships were, working hard to earn a living. It pained me that the city neither seemed to understand nor care. I then realised that the only way out of this problem was for all of us to fight together"[251] Tahyo was tired of fighting alone so he spoke to Sheikh Iesaa,[252] who gladly called the community members together to deliberate on the issue. The Somalis agreed to request the Oromo community to join them, so they could gather enough resources for their action against the CoJ.

The idea was initiated by the Somali businesses/property owners and later the Oromo community was asked to join. This was followed by the creation of a business and property owners association. R10 000 was to be collected from both Somali and Oromo business and property owners, and the money put into a religious trust account (Al-Bayaan), which was managed by religious scholars from the Somali mosque. The collection of money was important because it meant that businesses and property owners had the material means to obtain solid representation against the city.

It was apparent amongst the Somali group of migrants, that tribal identity was an effective mechanism of collecting funds and gathering people for meetings. In the initial monetary collection stage, each business/property owner had to side with a particular tribal background from which they would collect the required money. This kind of relationship made it easier to organise collective action and money. There was much room for trust with such organisation, as it was easier to persuade members of the same tribe to make the payment. The fact that other members of a given tribe were contributing forced those who were initially reluctant to make their contribution. There was also a list of businesses in the area, with the names of the owners, including property owners.

[251] Not the participant's real name. Interview by Sithalima Abdool. Mayfair, 2014.
[252] Not the participant's real name. Interview by Sithalima Abdool. Mayfair, 2014.

During the collection period, the list had details of individual names, any appointment given to return and collect money, including the amount the persons paid. Using the list, follow-ups could then be made. Usually, the collectors would appear and condemn individuals who gave them long appointments, by informing them of the other people who had already made their contribution. No one would risk being the odd one by not contributing. The Oromo community collected funds separately. However, unlike the Somali community, they found it easier to collect money by grouping themselves according to the regions from which they came. Ameen, when asked at a meeting to request the other Oromo business and property owners to pay the money on time said; "I asked all the Jimma [Oromo region] to pay, this guy is Arsi [an Oromo region in Ethiopia] let Omar [who is also from the Arsi region] request him to pay..."[253]

One would imagine the politics of difference within the same politically aligned group of people as somewhat negative, and that parting of people would constitute a challenge to how politics of sameness is imagined. On the contrary, in this case, such tribal or regional manipulation produced a kind of preservation of integration, while at the same time minimising segregation. At the same time, the inclusion of certain identities (Somali/Oromo) meant the exclusion of other identities in the same space, in this case the local Indian population. The Somali and Oromo community did not include any of the local Indian businesses owners in their business and property owners association. In their argument, the local Indian population was an antagonistic force that was involved in inciting the COJ to close migrant businesses. They made it difficult for the Somali/Oromo migrants to get business rights in Mayfair. Thus, the local Indian population represented a different identity of struggle in the eyes of Somali and Oromo community.

The business and property owners association met every evening for the next few months to collectively bring new ideas as to how they would go about getting rezoning for the area. For the first few months after the association was formed, there was a search for a good attorney, and the final choice decided by vote. However, there was much contestation amongst the Somali business people who felt that taking a local Indian attorney was a bad idea. This caused some of the association members to stop attending meetings with the selected attorney. Hujo, a Somali businessman stood up during the regular evening meetings and contested; "how can we use the same people who are trying to close our businesses, all of

[253] Not the participant's real name. Interview by Sithalima Abdool. Mayfair, 2014.

them [local Indian residents] are the same, they are protectors of each other, you get an Indian lawyer, and he will tell all your plans to them [local Indian residents]..."[254] Other similar arguments were raised leading to the formation of a professional body made of urban planners and architects that would work together with the business and property owners association in negotiating the creation of a more inclusive policy.

Given the absence of informal relations within council and the lack of individual business and property owners to challenge policy (translations), professional representatives, together with the business and property owners association, were enrolled to challenge the 2013 Fordsburg/Mayfair Urban Framework in review on behalf of all business/property owners in 8th, 9th and 10th Avenue. Here local representatives, as diverse relations of various local and concerned actors remained located as influential actors, through the power to translate on behalf of range of businesses and property owners in one complete translation. It is, according to Somali and Oromo business and property owners, a better option to involve official actors from the CoJ and confront the rezoning policy with them. Individual property and business owners, professional urban planners and architects, have a good rapport and experience with working with the CoJ. Importantly, the professional body representing the business and property owners were located in the categorised understanding of the CoJ as an official arrangement with also, the ability to be enrolled for the aim of discussing a suitable policy.

In the first place, the professional body, including the business and property owners association, started with introducing communication through engaging the local ward councillor; and later engaging with CoJ officials and land use staff where they were able to enrol and translate upon some policy fragments. This strategy was a top down approach, first accessing political actors then developing required knowledge and an informal relationship in each department, engaging with council staff responsible for planning and development. The ability to access the ward councillor as initial support and contact strategy, potentially increasing the possibility of accomplishment as various ranking characters of the CoJ were enrolled in the initial phases of the plan. The professional body, as the actor representing the business and property owners, together with the property and business association, and using the ward councillor, were able to rally the official structural organisation of the CoJ as well as calculated interactions with actors in locations of power - in order to create a formal policy

[254] Not the participant's real name. Interview by Sithalima Abdool. Mayfair, 2014.

translation. Importantly, the professional body and business and property owners association become acknowledged by the CoJ as the actor with the ability to translate the interest of the migrants.

Therefore, the first stage of intensive negotiation and interactions with the city was a product of covert influence and convincing of the ward councillor by the professional body and business and property owners, in order to set a closed door meeting to negotiate a new policy outcome to the situation of 8th, 9th and 10th Avenues, Mayfair. Although translating the needs of the local migrant business and property owners, the professional body was not very aware of the politics involved in the area; this is why it was important to work with the business and property owners association. The professional body therefore only became engaged in particular policy actor networks solely on the invitation and appeal (enrolment) by the migrant business and property owners who had a greater understanding of the specific pressures in their own network yet lacked the professional skills to access negotiation. The professional body was an important actor because it translated on behalf of Somali and Oromo business and property owners, and helped them challenge the planning conditions identified in the outdated policy.

Through the mobilisation of the professional body, the Somali and Oromo business and property owners could now go into the actor network policy in order to change its translation, and achieve their own goals. This is achieving the ability to continue to use their businesses without interruption from the CoJ. At the first closed door negotiation, the executive director of CoJ, the ward councillor, the professional body and business and property owners met, discussed and negotiated a solution to the outdated (2013) precinct policy. At this stage, the professional body was introduced by the ward councillor to the executive director as the actor that would translate and (negotiate) on behalf of business and property actors. It was agreed that a second negotiation would take place with relevant stakeholders. The executive director requested the law enforcement unit, various urban planners working in Mayfair, the Member of Mayoral Committee (MMC) for development planning, including various human rights lawyers to attend the closed door negotiation. Having prepared, the professional body was successful in presenting itself as the agency with the ability to translate in the interests of Somali and Oromo business and property owners.

In 2015, as part of a second communication with the CoJ,[255] a number of official negotiations transpired.

Having prepared for the meeting every evening at the Al-bayaan Madressah for nearly a month, the professional body presented to the city a workable PowerPoint plan to convince the city visually of their vision. This included: [256]

1. High demands for sustainable growth and development in a safe environment without the fear of being ethnically discriminated
2. No legal mechanism in place to cope or cater for growth
3. People risk capital and invest in non-compliant structures in order to trade and live within the constraints in which they find themselves

Also eight motivating factors as to why the CoJ needed to rezone the area were included, namely:

1. Growing community needs
2. Initiative from property and business owners
3. Opportunity to create policy which will encourage the formation of Small, Medium and Micro-sized Enterprises (SMME's)
4. Creation of a positive environment within a legal framework
5. Collection of higher rates and taxes
6. Growing and on-going capital investments in the area in both the housing and residential sectors alike
7. Other familiar cultural precedents such as "Cyrildene" and "Chinatown"
8. The City's recognition for a need to address the situation

The negotiations was located rather than confrontational, actors from each side followed their own aims. Both the city officials and professional body, including business and property

[255] This had taken place in 2015
[256] Summary of plan presented by professional body on behalf of Somali and Oromo community, to the City of Johannesburg

owners and the ward councillor saw the process as one where aims and ideas could be joined together and as such, a combined translation for a new policy, possibly created. Finally, the city and the migrant community reached an agreement, where the CoJ agreed to review the existing 2008 Fordsburg/Mayfair UDF policy and give business rights to properties on 8th and parts of 9th Avenue in the new policy which they planned to review. The figure below shows the boundary agreed upon by the CoJ and the Somali/Oromo community.

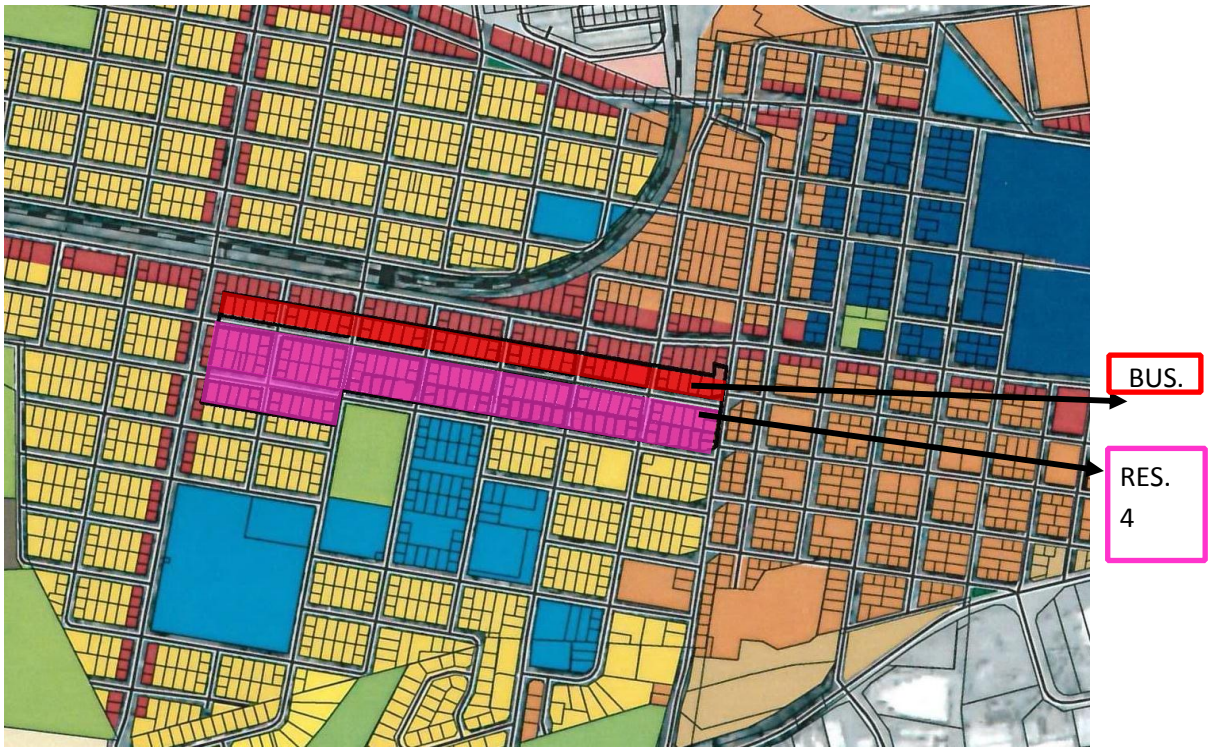

Figure 12: Boundary agreement reached by the CoJ and Somali and Oromo community encompassing 8th and 9th Avenue, between (east of) Parkdrive Avenue, and ending at West on Church Street, which is to be used for a new policy review for Mayfair by the CoJ.

In the new policy review for Mayfair that will be undertaken by the CoJ, business activities would be required to end at the agreed boundary which is mid-block north of 8th Avenue (shown in the colour Red), and the south boundary which was mid-block south of 9th Avenue (shown in the colour Pink), beginning from East Parkdrive Avenue, and ending west on Church Street. This agreement will mean that business cannot go further than the agreed boundary. CoJ in the meeting announced that they no longer considered the 2012/2013 Fordsburg/Mayfair (UDF) Urban Policy accurate, arguing that more research is needed to be drafted for a new, more suitable policy to be reviewed. Consequently, a new policy will be under review that incorporates the efforts, contributions and agreement reached at the

negotiation between the CoJ and the Somali/Oromo business people. The new policy under review, once the CoJ passes it as policy (as it is under research by consultants), would be a more integrated policy framework than the outdated 2012/2013 Fordsburg/Mayfair Framework in Review, given that it now represents a translation by the CoJ, professional bodies, and migrant business/property owners. However, it is difficult to say whether the new policy under review when passed will be adhered to by migrant businesses, especially knowing that Mayfair continues to be an attractive area for many Somali and Oromo migrants.

Chapter summary

This chapter argued that, political participation as Lefebvre argues, is determined by urban inhabitants rather than within the Westphalian notion of rights, embedded in the nation state. It also showed how collective route taken by Somali and Oromo business/property owners created tactical measures that allowed the business/property owners association to engage with the CoJ's policy makers, in order to negotiate for their rights. As a result of their (Somali and Oromo community's) actions, the city realised that it needed to change its policy on 8th and 9th Avenues, and allow businesses to exist in the area. These measures, therefore, suggest that the approach the Somali and Oromo communities have taken is indeed an urban rights approach; which is parts of the claims to urban space and urban participation as well as spatial appropriation and negotiation.

Chapter Seven- Conclusion

As shown in the research above, the COJ has various regulatory mechanisms in place for land use management, as well as for land development. One of the ways the city has reacted to informal land uses currently taking place in Mayfair is through the plan of bringing these businesses under the control of the system. This is done through various regulatory mechanisms designed to halt any form of contention arising from the establishment of businesses on residential property. The standard procedures that CoJ's law enforcement unit, employed to deal with illegal land use and developments were meant to be strategic mechanisms through which illegal spatiality would be mediated and controlled by an elaborate document system. However, the task was more complicated than planners envisioned. Documents became the unexpected tools with which Somali and Oromo migrants in 8th Avenue remade relations with the CoJ and the built environment. This does not mean that the City was all-powerful or that the migrant business owners in Mayfair were totally powerless, but rather that both parties were engaged in a conflict where they used all resources at their disposal. Here, 'resources' is not only referring to material resources (economic or institutional) but also discursive (better knowledge of the law, ability to mobilise institutional power, i.e. produce formal documents, notices, etc.). The official documents were not just language on paper, but actions that brought about a change in reality.

Further, we saw how the capacity of the CoJ to exercise its power through documents depends on the writing style and in particular way of positioning and addressing the reader; to influence or control the actor's actions and outcome. It is also important to note that, what appears in the documents produced both by CoJ and migrant attorneys is a fraction of reality. Numerous forms of action are contained in these documents, yet as readers, we only get a fraction of the story, losing many interesting details. I managed to get more details of the account through triangulation of other accounts, such as interviews. If I had only analysed the documents, I would not know much about the documents used. I note in the study, that documents have a life of their own, because they do not do the same thing for everybody; documents do not cause the same reactions in everybody. For example, I have been wondering what would have happened to this case had it been another community. Would they have followed what the city required of them? Or would they find ways to continue what they were doing? Personally, based on the chains of events that I have been studying,

including the transformation of Mayfair which began years ago, I believe that the situation would be different if other people were involved in the reading of the documents received from the CoJ law enforcement, or if a different community were involved. This puts emphasis on the claim that documents do not always cause the same reaction in people. From the study, we also see the ways in which collective actions are produced and re-produced in the right to the city, and how migrants see themselves as having the rights to the city, not as citizens, but rather as urban residents. The victory of the Somali-Oromo initiative to face the CoJ goes to show how small-scale collective action in a community can be part of an important and sizeable spatial transformation. We can see how communities mobilise their collective identity (migrant businesses/property owners, who have been denied and are struggling for rezoning rights) to make exterior claims and at the same time, arrange themselves on the inside to meet a common goal. To my understanding, the right to the city therefore becomes about collective social action, the right to live, but more importantly the right to appropriate and negotiate urban space and usage.

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