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School of Architecture and Planning

Exploring the Role of the Local state in the Production and Maintenance of space through the Delivery of Basic services and community Responses: The Case of N12 Highway Park, Ekurhuleni Metropolitan Municipality

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A Dissertation submitted to the Faculty of Engineering and Built Environment,

University of the Witwatersrand, Johannesburg, in fulfilment of the requirements for the degree of Master of Urban Studies.

Johannesburg, 2018.

Declaration

I declare that this dissertation is my own, unaided work. It is being submitted for the Degree of Masters of Urban Studies at the University of the Witwatersrand, Johannesburg. It has not been submitted before for any degree or examination at any other University. Where I have quoted the work of other authors, I have properly acknowledged them and I have not copied any author or scholar's work with the intention of passing it off as my own. All the interviews and informal conversations conducted for the purposes of this research report have also been cited correctly and I have not passed off any of my participants' views, suggestions and quotes as my own.

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Abstract

This dissertation rests on the argument that spatial production in informal settlements is shaped by state planning processes and the practice of service delivery. The South African urban landscape has been characterized by increasing amounts of informal settlements and the continuities of harsh state responses to these settlements in the form of evictions and relocations. There is a large body of literature on the spatial consequences of informal settlements which is usually centred on poor people-state relations and elaborated through two dynamics. Firstly, the retaliation of residents of informal communities towards the state in the form of Holston's (1998) insurgent citizenship and protests. Secondly, looking at state responses to informality through policy and clientalist relations, this limiting the attention to the personal experiences of residents living in informality.

This ethnographic study explores the theoretical concepts of spatial production and meaning of place for people living in informality. It builds on the work of Henri Lefebvre and Yi Fu Tuan who attribute value to everyday practices and experiences in producing space. These concepts are employed to investigate how the community of N12 Highway Park in the Ekurhuleni Metropolitan Municipality has produced space and made sense of place at the backdrop of their relocation and the kind of basic services the community has received. The study has made use of participant observation, in-depth interviews and focus groups to collect data from community members and state representatives. It describes state responses to informality in communities, with focus placed on the N12 Highway Park informal settlement. It further explores the identities forged by community members in relation to their own perceptions of space and the use of shared state provided facilities; methods behind individual shack renovations; and the establishment of social spaces.

The research concludes that service delivery shapes the community's perceptions of the state and of their lived environment. Furthermore, perceptions of space have shaped spatial production and finding a sense of place through forms of attachment and detachment by community members. This spatial understanding suggests that space is at the centre of people-state relations. Space is therefore shaped by various actors and in the case study of the N12 Highway Park informal settlement: space production as a concept and practice serves as a tool to understand how informal communities give value to their lived environment.

‘Ngo Nkulunkulu nange mfundo, you have everything’

To Tisa and L.P, for your unconditional love and support and for your unwavering belief in me.

To my grandfather and my late grandmother, thank you for your continuous support throughout my studies. Gogo, I know that you are looking over us in heaven, may we become everything that you envision us to be.

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This research project is dedicated to the people of N12 Highway Park and all those that bear the brutal hand of the state. One day you will live the lives that you have imagined and re-imagined for yourself and your children.

Acronyms and Abbreviations

ANC	African National Congress
BNG	Breaking New Ground
DoH	Department of Housing
DHS	Department of Human Settlements
DMA	Disaster Management Plan
EMM	Ekurhuleni Metropolitan Municipality
GEAR	Growth, Employment and Redistribution
IDP	Integrated Development Plan
PIE	Prevention of Illegal Evictions
RDP	Reconstruction and Development Programme
MDG	Millennium Development Goals
NHF	National Housing Forum
UN	United Nations

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CHAPTER 1

Emergence of the N12 Highway Park - Poor State Practices?

1.1. Introduction

Addressing urban informality has proven a difficult challenge in post-apartheid South Africa as in other developing countries around the world. The manner in which local government deals with informal settlements and the impact of these actions have often been violent. This form of structural violence is cultivated in everyday bureaucratic practices including active displacement of poor people, the exacerbation of social inequalities by removing people from places of employment as well as the inadequate provision of basic services. This study argues that local state actions in the form of relocations and the provision of services impact the manner in which informal communities produce space and come to make sense of place. In other words, this work examines the lived environment of urban poor people and their practices in reconfiguring their livelihoods. The study has confirmed that space (in the form of geography and representation) at the N12 Highway Park informal settlement is produced by numerous factors including power relations, the attachments and (dis) attachments to the lived environment by community members. Power relations are understood through the force of the state, the conditions and level of basic services provided.

Twenty-three years into the democratic dispensation, the post-apartheid government has maintained the apartheid stance of dealing with informal settlements through violence and has been unable to fully address the inequalities of the past The N12 Highway Park community, previously located at the *Bapsfontein* informal settlement is now situated on the periphery of the N12 Highway, 5km away from Daveyton in Ekurhuleni. The informal settlement emerged as a result of a sanctioned relocation by the Ekurhuleni Metropolitan Municipality (EMM) in 2011 and the current condition of the informal settlement can be attributed to poor state planning processes and inadequate maintenance. The informal settlement is characterized as a 'temporary' settlement and serves as an example of the persistence of inequalities in the country as well as poor interpretation and implementation of policy in poor communities. The research project builds on the aforementioned argument resting on the premise

that the relocation, maintenance and characterization of the community of N12 Highway Park has shaped unique space production and practices of place-making in the community.

Secondly, the relocation of the people of N12 Highway Park created new understanding and use of space in the community. The notion of temporary living and a temporary informal settlement are interrogated to understand how they fit into the broader scheme of space production and place-making. In efforts of understanding the role of the EMM in producing space at the N12 Highway Park, service delivery serves as the tool that centres the role of the state and perceptions of space by community members. The research also draws from the development and shift of National Housing Policy. An interrogation of the development in policy shapes the research's effort of analysing the role and impact of local state actions in addressing space and housing issues. Local state officials were consulted to give an overview of what the municipality has done in the informal settlement and whether they understood the impact of the municipal actions on livelihood and how people have begun to rebuild. Consultation with local state officials also sought to interrogate whether the state places people particularly poor people according to how it characterizes them.

In pursuing this, the study brings in the role of the local state at the centre of the analysis of space production in informal communities. This is done by understanding state practices and planning policies, exploring the impact of these actions through the narratives of community members. To achieve these aims and objects the study adopted a qualitative methodology involving a short ethnography in N12 Highway Park informal settlement.

1.2. Research problem

The research aims to interrogate the role of the local state in the production of space at the N12 Highway Park informal settlement by analysing the relocation of the community to its new location and how the state has since maintained this community through the provision of basic services. Secondary focus will be placed on how residents have responded to their relocation and basic services provided by the state. This will be done through the lens of place-making practices; looking at how community members have come to relate and view their shacks. As well as the kinds of social networks built in the process. . The relationship between informal communities and the local state remains a complex one, shaped by the fact that the poor remain vulnerable, which is reflected in the persistence of the

inadequate housing and other basic services. In addition, the state's routine failure to deliver the needs of relocated residents entrench the latter's state of insecurity.

The questions considered in the research include how can the levels of basic services delivered in informal settlements particularly those characterized as 'temporary', help us understand the role of the state in creating and maintaining a particular gespace for people?; How do informal dwellers understand the role and responsibility of the state in delivering services to them? ; How have informal settlement dwellers responded to these state interventions? And lastly, how do informal community residents view their places of living in relation to the kinds of services they receive?

Furthermore, interrogating the paradox of service delivery as a form of state recognition in 'temporary' communities, how do these factors affect how residents of the informal settlement of make sense of place?

1.3. Research Question

What has been the role of the local state in the shaping of physical and social space against the backdrop of relocation and the level of basic services provision in the N12 Highway Park informal settlement?

1.4. Sub Questions

The research will be considering the following sub-questions;

What kind of influence does the provision of basic services have in shaping how informal settlers view their 'homes' and the spaces they now occupy?

How do local state provisions of basic services shape residents understanding of the role and responsibilities' of the State?

What kinds of social and political dynamics have been produced in the community?

What have been women's responses to the kinds of services they receive?

How have the ideas of living in temporality shaped how the community have begun to make sense of place?

In the remaining parts of this chapter, I will present the background to the study regarding issues of informality and the responses of the Ekurhuleni Metropolitan Municipality and N12 Highway Park informal settlement. I begin by locating EMM and N12 Highway within the broader South African context of urban planning. I then discuss the history and responses towards informality in the EMM and South Africa at large. The last part of the chapter presents an overview of the chapters of the dissertation. The following section presents the background and responses towards informality in EMM and South Africa.

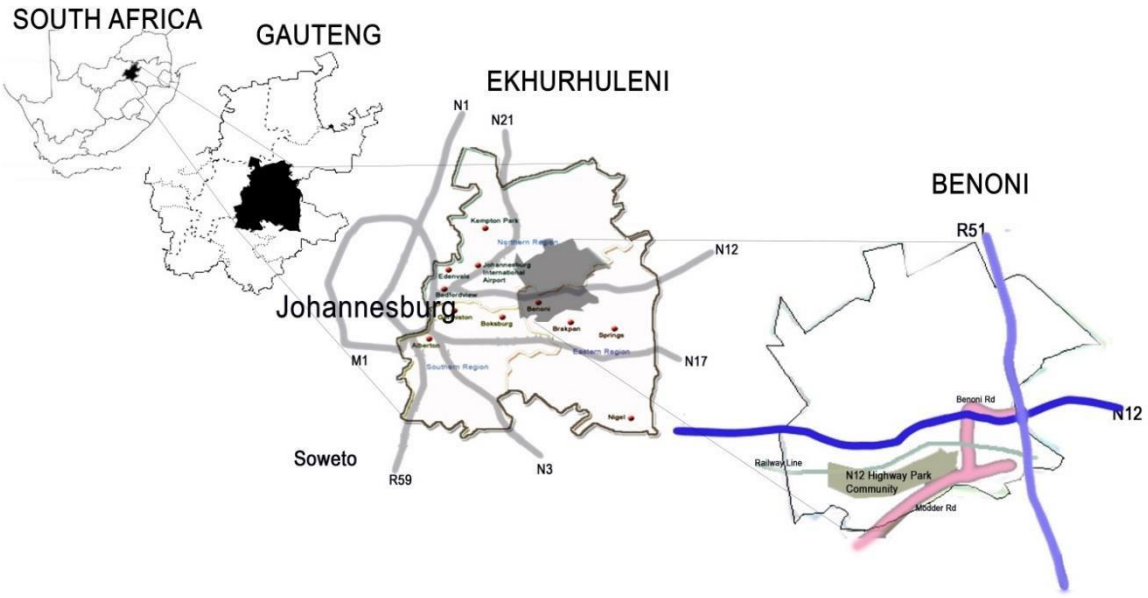
1.5. Locating the Ekurhuleni Metropolitan Municipality

The Ekurhuleni Metropolitan Municipality is the local government of the East Rand region of Gauteng, South Africa. The name *Ekurhuleni* means *place of peace* in isiTsonga. The municipality covers an extensive area from Germiston in the west to Springs and Nigel in the east. The municipality consists of nine towns of the former East Rand which were amalgamated into a singular administration. The EMM is one of the most densely populated areas in the province and the country. According to EMM IDP (2015) the region comprises of a population of 3 178 470 million, 78.7% are Black, 15.8% white and other race groups comprise the remaining 5.5%. Ekurhuleni is highly urbanized with just over 1 million households and 99.8% of the population living in urban settlements ranging from elite urban residential suburbs to informal settlements. 77, 4% of residents reside in formal households and 57.2% of households have access to water and 82, 2% households have access to electricity. EMM is home to South Africa's largest airport OR Tambo International Airport and the economy of the region accounts for nearly a quarter of Gauteng's economy, Ekurhuleni is also regarded as the transportation hub of the country (The Local Government Handbook, 2011).

1.6. Locating the N12 Highway Park

In 2011, the Ekurhuleni Metropolitan Municipality (EMM) commissioned an investigation into the land on which an informal settlement was situated in Bapsfontein area. The Investigation found that the land was dolomitic and that residents of the settlement should be relocated. When residents refused relocation, they were forcibly removed, their shacks demolished and residents were subsequently relocated to two different areas (N12 Highway Park near Daveyton and Mayfield near Putfontein). The

research will place focus on the N12 Highway Park, the community is inhabited by 1500 residents, diverse in background with a large demographic being women and children. The area is located in the Benoni region, 5km away from the historical township of Daveyton, near the N12 Highway with Johannesburg west bound and Emalahleni east bound.



Map of N12 Highway Park Source: CSIR/SANSA Fundisa disk (2010)

The community successfully challenged their forced relocation in the Constitutional Court of South Africa and the Ekurhuleni municipality was ordered to adhere to the courts findings by providing land, housing and adequate services to the evictees (Pheko and Others v Ekurhuleni Metropolitan Municipality, 2015). The municipality has however failed to adhere to the court rulings and since 2011, the conditions of the N12 Highway Park informal settlement have been categorized as temporary.

The informal settlement is characterized by congregated iron structures. Residents' shacks comprise of extra lining on the roof and flooring to protect occupants from extreme weather conditions, mostly rainfall. Most residents' have dug up trenches as drainage pathways to avoid water from coming into their shacks and the community members use latrine toilets provided by the municipality and standalone pipes located in different parts of the area. Approximately ten families share one communal

toilet that is drained by the municipality twice a week. There is a strong reliance on the bucket system for daily activities in the informal settlements, residents use buckets for the collection of water, bathing and other household activities.

When the research of the project was conducted in 2016, and the community received feedback from a meeting held with EMM Benoni Region officials over the residents demand for the installation of electricity. The municipality officials relayed that the community is not eligible to get electricity because of the location of the settlement with this, community members began the process of installing illegal electricity connections. The settlement is located near the old Benoni mine and residents share incidents of crimes that occur amongst illegal miners often breaking out into the community. There is a general sense of insecurity in the informal settlement due to high levels of crime, flooding and poverty. The background and state of the N12 Highway Park is crucial to understand the struggles of the community in relation to the historical and present realities of South African informal settlements. The next section presents the responses to informality by the EMM and South African state at large.

1.7. History of informality and responses of the Ekurhuleni Metropolitan Municipality and South Africa

The South African state is historically characterised by robust spatial control stemming from the racial discriminatory policies of apartheid rule that continue to influence current development policies of the post-apartheid state. Marie Huchzermeyer (2003) in her text *'Slum' Upgrading and 'Slum' Eradication under MDG Seven Target Eleven* posits that urban policy and planning instruments used by the apartheid state created a highly fragmented and segregated urban space that is further exacerbated by the exclusionary neoliberal policies adopted by the democratic South African State. Residents of informal settlements continue to be the most affected by these processes. They are drawn further away from accessing the city, which becomes too expensive and exclusive, this is exacerbated by the lack of adequate housing in urban areas. Subsequently the results are the intensification of suburban sprawl, worsening of income distribution, and increased daily costs of living of the poor (Harvey, 2006; Watson, 2002)

According to Stats SA (2013) 'informal settlements are unplanned settlements on land which have been surveyed or proclaimed as residential, consisting mainly of informal dwellings and are characterized by illegality, poverty, vulnerability and social stress' .They are considered areas that do not comply with current planning and building regulations of a state, and are often situated in geographically and

environmentally hazardous areas that usually lack or are cut from basic services and city infrastructure (DHS, 2009).

A number of factors have contributed to the growth of informal settlements in South Africa, these serve mainly as a response to the shortage of housing. Huchzermeyer, et al., (2006) proposes that informal housing although based on illegal occupation of land, can be recognized as affordable and immediate accessible solutions to the shortage of housing and developmental land. Moreover, other factors include rural poverty and unemployment, which seemingly push people into urban areas all with the hopes of better living. As a result it would fair to posit that the current state of housing and human settlements in post-apartheid South Africa is one that deserves serious attention. Interventions in informal settlements have been structured through the National Housing policy document '*Breaking New Ground*' (BNG) proposed in alignment with Section 26 of the Constitution of the Republic of South Africa. The BNG policy aims at addressing issues of the ever-increasing housing demand, supply and delivery and proposes strategies for new human settlement plans in informal settlements (Adebayo, 2010).

The BNG policy refers to progressive informal settlement eradication. It has proposed the *in situ* upgrading approach as a means of finding a soluble alternative to address informal settlements. It further recommends that informal settlement eradication should occur through upgrading and that relocation should only to occur when development is not possible or desirable. The policy recognized the existing housing programme inadequacies to address informal settlements, particularly as they are based on 'conflict or neglect', thus the policy articulates the shift of official response to one of integration and cooperation leading to stabilization and integration of these areas into the broader urban fabric (BNG, 2004).

The local government in its adoption of BNG policy has gained some strides in its responses to informal settlements, but it continues to grapple in addressing 'transit' or 'temporary settlements'. Temporary settlement areas were used by the apartheid state as a form of controlling urban influx and invaders. This form of repressive control continues in the democratic dispensation whereby people are given temporary shelter as the local state 'seeks alternatives accommodation' (Cousins & Lagardien, 2011). In other aspects, temporary settlement areas substitute the process of delivering permanent housing and for informal settlement dwellers, temporary settlements are unacceptable and are considered to be worse conditions than their previous settlements (Chance, et al., 2013).

The case of Blikkiesdorp, a Temporary Relocation Area in Delft, Cape Town is similar to the case of N12 Highway Park. It serves as an example of contemporary struggles of landlessness, housing issues and state interventions in South Africa. Blikkiesdorp established in 2007 under the emergency housing code comprises of relocated residents evicted from around the City of Cape Town and it is seen as dumping ground for unwanted and homeless people in the region (Etheridge, 2016). Residents of Blikkiesdorp are recipient of basic services such as ablution services, sanitation and water facilities. The area is regarded as unsafe, its substandard living conditions have increased the insecurity levels of residents and dilapidated the health status of residents particularly the children of the area. Blikkiesdorp like the N12 Highway Park is compared to a concentration camp affecting the people's sense of hope, and with the unknown development plans of the city, residents live in uncertainty and their fear of further relocation has been exacerbated (Merwe, 2015).

Since its establishment in 2000 the Ekurhuleni Metropolitan Municipality continues to grapple with the challenges of housing, limited local government solutions to the delivery of basic services and migrant influx particularly in informal settlements. The interventionist modes used by the EMM to address increased informal settlements in the region include relocations and evictions as well as the BNG proposed policy intervention of *in-situ* upgrading. The EMM strategy's towards human settlements is relayed in its Integrated Development Plan (IDP) from 2012/13 to 2015/16 all focus all similar housing solutions of affordable and sustainable programmes for human settlements outline municipal plans to:

> (a) Provide housing, (b) Facilitate sustainable housing environments in appropriate locations, (c) Upgrade informal settlements towards security of tenure, (d) Coordinate access to basic services across all informal settlements and (e) Manage the built environment (EMM, 2012/13)(2014/15)

The national goal of South Africa in addressing human settlements is to create sustainable human settlements and improved quality of life, as well as integrated human settlements into to urban regions as to increase inclusivity (DHS,2011). According to the EMM IDP (2013/14) and Department of Human settlements (2015) the vision for human settlements is to increase integration and regularization of informal settlements across region and ensure sustainable infrastructure. A large number of informal settlements have mushroomed in the EMM, and the region continues to suffer from an increased influx of internal and external migrants. The lack of adequate land development and housing in the metropolitan region has exacerbated the amount and conditions of informal settlements in the area

(Dugard & Tissington, 2011). The metropolitan municipality as a result of this challenge has been involved in numerous cases of unlawful evictions and relocations of people in informal settlements. The EMM also continues to experience challenges of ensuring adequate delivery of basic services, which has resulted in an increased number of service delivery protests in the region.

In the presented case study, the metropolitan municipality and the South African state respond to informality is made evident through policy. The BNG policy centres informal settlement solutions to upgrading rather than eradicating; this policy has been adopted by the EMM but it does not provide the EMM with solutions to address temporary informal settlements. Despite basic services provision to the N12 residents, its population remain insecure and uncertain of their occupation at the informal settlement and other safety related issues. Thus the impact of accessing adequate services as well as the conditions of services received can also be said to shape how a people relate to their spaces and how they begin to make sense of place. In informal settlements particularly in temporary informal settlements access to services can be said to influence the kinds of livelihoods people begin to build post-relocation. The following section will present an overview of chapters in the study.

1.8. Overview of the Chapters

Chapter 1 has presented the background to the study on the relocation of the N12 Highway Park and the broader context of state planning processes in informal settlements. The chapter also outlines the research question and sub questions to consider as well as the research approach and an overview of the research methodology that was used in gathering data for purpose of this project. The study is a qualitative study. Data for this research was gathered through participant observation, semi-structured in-depth interviews, focus groups and photography. Interviews were conducted with both community members of the N12 Highway Park as well as EMM Officials in an effort to try and understand people-state relations and broader understanding of space production.

Chapters Two, Three and *Four* present the research findings of the research project. *Chapter 2* presents the theoretical concepts that ground research. *Chapter 3* analyses the case study of the N12 Highway. The chapter frames the impact of the relocation on community members through residents' perception of the area, it interrogates ideas of living in temporariness and how this has shaped residents lived experiences.

Chapter Five presents the state-people relations between local officials of the EMM and the residents of the N12. Drawing from the legal case launched by the community against their relocation, the chapter is an analysis of the relationship between the EMM and residents of the N12 Highway Park is arguing that it is shaped by democratic expectations of the state. The residents have used different methods and concepts to ground their claims for the state to accede to their demands such as the notion of proximity to municipal offices and the notion of citizenship.

Chapter Six presents the understandings of space production and place-making by the community of N12 Highway Park. The chapter outlines the thread of space and place evident throughout the paper centring it upon the physical evidence of how the community at the backdrop of state practices and service provision have produced space and made sense of place. The chapter presents the interrelationship between space and place through visual evidence of everyday practices of the members of N12 Highway Park.

Chapter Seven concludes that the manner in which the production of space has occurred in the community, how residents have used space and have made sense of place as a reflection of the influences and impact of state practices of relocations and maintenance of the area. The local states poor interpretation and implementation of housing policy and the legal obligations has shaped the manner in which the community has interpreted their new living environment. The case study findings cannot be generalized as the complex and specific experiences that emerge from it suggest that broad definitions cannot efficiently describe informal realities. A bottom-up approach and a willingness to learn are fundamental to identifying practical lessons from communities living in informality perceptions and use of space; these should simultaneously challenge and complement top-down planning approaches and impact of state action on slum dwellers. Therefore this chapter pronounces that experiences of informal residents and space production should serve as a means of challenging planning approaches.

CHAPTER 2

Theoretical Concepts and Resources

2.1. Introduction

Sociologist, urban planners and human geographers have turned their attention to develop studies on the social production of space and power relations around it. They have looked at space from different but centrally, common perspectives. These perspectives include the social and material constitution of space. Both of which are concerned with understanding the social practices, institutional forces and complexities of human and space interactions. In this study the work of David Harvey (1989; 1993), Henri Lefebvre (1991), Yi Fu Tuan (1979), Michel Foucault (1991), Antonio Gramsci (1971), Partha Chatterjee (2004) are used to elaborate on the arguments and provide links between state-people relations and spatial production. While these authors differ in ideology and area of focus, they cover common issues such as the conceptual argument of the power and state to planning processes and the impact of space on poor people.

This section seeks to explore the different theoretical views set to understand the production of space and place-making in informal settlements. By firstly presenting state-people relations in the form of local state responses to informality, followed by centring the theory of the production of space and place-making as models of interpreting the state and the emergence of informal settlements. And lastly, exploring poor people activism in efforts of holding the local state accountable.

2.2. The State in relation to Poor people

In order to understand the relationship between the state and citizens in the N12 Highway Park, the study draws from Max Weber (1946), Antonio Gramsci's (1971) model of state-civil society and Partha Chatterjee (2004) notion of political society. The application of Gramsci and Chatterjee allows for an understanding of post-apartheid conceptions of citizenship and local state interventions in poor communities. An understanding of the local state is central to understanding state practices and the

maintenance of the N12 Highway Park. This is also important to understand the ways in which space has been produced by different stakeholders.

Different authors give different understandings of the state. Drawing from Weber (1946) definition of the state as a human community that successfully claims the monopoly of the legitimate use of force within a given territory. The state is grounded in legal, policy and administrative principles under the elements of force, legitimacy and monopoly. In the South African context where growing discourse on decentralization and participation is prominent in understanding local democracy and how poor people access the state the conception of the Weberian state is challenged. It is understood as a far away ideal or has never taken off, the Weberian state is also challenged by the context and principles of neoliberalism.

The significance of the Weberian understanding of the state is it's the emphasis on state power positing that such power and use of is defended through monopoly, legitimacy, force, territory and community. Monopoly represents the Weberian concentration of political power within a particular community living on particular territory. Forms of legitimacy represents the kinds of cultural acceptance of political power within the human community and force is characterized as the main technique of governance within this particular community. The material elements such as force, territory and monopoly present the reality of governance in human communities while the symbolic elements, such as community and legitimacy represent power relations executed by particular political actors (Mitropolitski, 2011).

The Weberian state contrasts the Marxist perspective of the state which presents the state as an outcome of class struggle while for Weber the state is a political organization and a consequence of human necessity. The Marxists perspective sees civil society as coercive apparatus active in responding to state authority, seemingly Weber's theory of the state takes full cognizance of administrative apparatus managed by bureaucrats. The research has thus taken each element in terms of historical contribution and transformation through various practices of governance and/or governmentality.

In the same fashion, Foucault (1981) was concerned with the contingent role of the state in specific networks of power, focusing on the stratification of government and the governmentalization of the state. This approach fits with Marxist theorist Gramsci's (1971) approach to the state defined as 'the entire complex of practical and theoretical activities with which the ruling call not only justifies and maintains its dominance, but manages to win the active consent of those over whom it rules' (1971, p. 244). In Gramsci's definition of the state as political and civil society, he refers to the civil society

comprising of 'private organizations like the church, trade unions and the school all of which as bounded by the state. Gramsci argues that the state prompts civil society's consent and legitimizes the status quo; adding that state power involves 'hegemony protected by the amour of coercion' (1971, p. 263).

Gramsci's notion of the state and civil society serves as starting point in understanding the South African state. However, it is limited in that domination and hegemonic ideologies continue to be challenged by marginalized people in South Africa who mobilize within the political society to be recognized by the local state and lobby to access state resources from which they are excluded. These perspectives of the state is useful but it poses certain challenges when applied to the South African context as the South African state is identified through institutions as well as existing ideologies that constitute it. The state's relative autonomy is however limited and this line of argument draws from Benjamin (2004) emphasis on the contradictions between rigid legal planning and urban realities, which are said to be dealt with through 'porous bureaucracy' with the reality being that state engagements are according to particular bodies negotiating with it. As it will be shown in *Chapter 4,* the local state serves and maintains particular group interests according to its perception and treatment of formal and informal.

Drawing from this, Chatterjee's (2004) analysis of political society is central in understanding the relationship between the local state and its citizens. The political society is defined as form of society which possesses distinctive features in terms of its relationship with the state apparatus (status, rights and economic conditions). This model explains how government provide uneven services and welfare to the marginalized informal communities. Drawing from the experiences of post-colonial democracy in India, Chatterjee (2004) argues that poor people access the state through particular relationships with the state, mediated by networks with brokers and politicians. The presented model of political society intersects with ideas of citizenship which are useful in understanding the struggles of informal settlement dwellers, the impact of state practices and ways of accessing state resources. This too informs an understanding of citizenship and situation of the residents of N12 Highway Park as centred on struggle and use of basic human rights.

As previously noted, informal settlements are established through forms of insurgency by landless population who were excluded from urban development. Attempts to control emerging settlements were executed through relocations and removals of informal residents usually from private land to a state owned land with the promises of upgrading and development as part of the EMM IDP (2014/15). For the purpose of this study, I draw from Stats SA (2013) definition of informal settlements 'as unplanned settlements of land which have not been surveyed or proclaimed as residential, consisting

mainly of informal dwellings and characterized by illegality, poverty, vulnerability and social stress. They are considered areas that do not comply with current planning and building regulations of a state, and are often situated in geographically and environmentally hazardous areas that usually lack or are cut from basic services and city infrastructure'. Much of the definition of informal settlements fit into the conditions of N12 Highway Park as the community is characterized by the lack of basic services, unhealthy and hazardous conditions. I also draw on a proposed definition by the researcher of an 'unorthodox' temporary settlement to emphasize the conditions and situation of the N12 Highway Park.

Elaborated in *Chapter 4*, this definition is linked to understandings of informality and state interventions in marginalized communities. The chapter introduces the concept of 'unorthodox' temporary settlement areas which have been seemingly been maintained in the democratic dispensation. Temporary settlements form part of apartheid spatial control were used to maintain particular level of urban influx and control invaders and in the democratic dispensation, temporary settlements are used by the local state to remove people from hazardous areas while it seeks alternatives (Cousins & Lagardien, 2011). These settlements hold the same oppressive nature of control. The struggles of informal settlements therefore become struggles for adequate implementation of policy and recognition of citizenship (including basic human rights).

Drawing from Roy's (2005) text on *Urban Informality: Toward an Epistemology of Planning,* state policies contribute to informality and the mandate of policies of informality resemble the efforts of the state in managing spaces of poverty. The responses of informality through policy are limited as they do not encompass the ideology of space, therefore urban planners focus on redevelopment in the form of infrastructure and physical amenities without considering people's capacities or livelihoods. In search of livelihood and security, poor communities engage with the local state through the spectrum of illegality and insurgent citizenship.

A term coined by James Holston (2008), insurgency describes counter politics that destabilizes the present and renders it fragile. Community insurgency begins with struggle for rights and dignified life characterized by reclaiming land and services. Thereby struggle for rights by poor communities in post-apartheid is understood through the ideas of citizenship supported by Chapter 2 of the Constitution of South Africa.

Citizenship is perceived in numerous forms. Holston (2008) relates the spatial practice of the urban poor to urban citizenship. He notes the concept of *citizenship* 'is a measure of distances and a means of

distancing people from one another. It reminds people of what are not.' (2008;p. 5). In the working paper Cornwall et all (2011) *'States of Citizenship: Contexts and Cultures of Public Engagement and Citizen Action'* describes citizenship as centred on state relations, with the concept of different subject positions and identifications shaping the notion of citizenship particularly in poor communities. Drawing from Holston (2008) and Cornwall et al citizenship in this research paper is understood in relation to questions of identity in N12 Highway Park. The word citizenship refers to the identities of poor communities in their quest for basic state services and recognition as those who receive state resources are considered full citizens. By using the idea of citizenship, residents of the N12 Highway Park allude to forms of group legitimacy that seeks recognition from the state to provide adequate services and for the EMM to adhere to the court rulings. These theoretical and conceptual tools are important for understanding state relations within the N12 community and the responses of the community to state practices.

The following section provides the framework of spatial production and place-making in the community.

2.3. Production of space and place-making in informal settlements

Space is influenced by the physical shape provided by the strategies of a higher authority. Drawing from Harvey (1990), Lefebvre (1974) and Tuan (1979) the conception of the production and use of space allows us to understand how space is produced by the dominating and the dominated. In the capitalist production of social space; dominated space would be the experienced space, daily life space and the representational spaces. On the other hand imagined spaces would be; representations of space and designers of space [1] would dominate space. Focusing on the latter, Harvey (2008) model of the right to the city outlines the struggles of poor people accessing the city and contributing to developmental plans. Harvey's emphasizes on the domination of space by individuals or powerful groups and speaks to a systematized and institutionalized production of a territory. This form of institutionalized and systematized domination is evident in the manner in which the community of the N12 Highway Park was relocated.

Lefebvre's production of space as a concept examines how 'new systems of land use, territorial organization and communication are produced, and how new modes of representation arise' (1974; p49). A form of dominated space sees the social production of space as constituted by everyday practices and social relationships which are produced and reproduced. Space as a social product is

[1] Includes architects, urban planners and decision-makers.

simultaneously a political product and political stake, it is subjected to public policies with the 'vision of an evolution of society' (Harvey, 2008). The link between space and social development projects is tied to questions of power over a space similarly power over social groups. The necessity of understanding the ideological notions of spatial production is to centre the role of dominated and dominating powers in the construction of space as witnessed in the N12 Highway Park, this is elaborated in *Chapter 3 and 4.*

Lefebvre's description of space as a social product centralizes the social representation of space is seconded by Harvey (2008), who outlines claims to urban space by poor communities as a form of exercising their "right to the city" through which leads to the creation of community networks of resistance and solidarity. Roy (2009) expands on this form of community activism in the case study of Beirut and Mumbai slum dwellers, centring the idea of civic governmentality as derived from Foucault's analysis of the rationalities and mentalities of government. Roy's (2009) focus on spatial governmentality is constituted by grassroots organizations which address the struggles of slum dwellers through the project of citizenship. Roy's work is important in drawing how subjects and spaces come to be shaped through acts and counter-acts of power and authority.

It is significant in understanding Harvey (2008) 'spaces as places of domination' and Lefebvre (1991) 'social space as shaped by social actions of subjects both collective and individual'. The collective actions of the grassroots organizations in Beirut and Mumbai are cognizant to the reconfiguring of space by people and cultivating social relations of production meaning relationships built in space. Such efforts are evident in the N12 Highway Park informal settlement firstly, in their legal case against the EMM and secondly how the members of the community have used space and built different forms of networks through representation.

Tuan's (1979) concept of place-making is central to understanding spatial production in the form of individual use of space at the N12 Highway Park. Tuan (1977) describes space as relational and abstract field, arguing that the movement in space are governed by physical, social and theoretical laws. This refers to space as not only created by its physical dimensions but through a complex web of social, economic, political and symbolic aspects. Thus place-making as a concept is described as the incarnation of experiences and aspirations of a people that are expressed through the physical use of space (1979; p387).

Spatial analysis or explanation of spatial organization is at the forefront of humanistic geography literature which is confident in the meaning of space and the method suited to its analysis. In the

geographical discipline place like space is at the centre, however geographers link place to location understanding it in the same realm as space (Lukermann, 1964). Hidalgo & Hernandez (2001) reject this linkage as place is more substantial that the word location suggests, it unique, it has history and meaning. Authors posit that places are 'repositories and context within which interpersonal, community, and cultural relationships occur and it is those social relationships, not just place to which people are attached' (2001; 67). Thus place-making as a concept and model of understanding perceptions of space by people who give it meaning is useful at the N12 Highway Park.

Tuan (1977) describes place-making as imbued in experience, attachment, everyday practices and socio spatial interactions. Both Tuan's notion of place-making, Lefebvre (1979) *spatial practices* are evident in the N12 Highway Park. *Spatial practices* relates to people's perceptions on the basis of their experiences of daily life. Perception here alludes to the process by which materiality is produced and in the N12 community, the practices and principles of place-making are underpinned in home-making by community members. Home-making by the N12 community is a form of spatial production and is informed by the state of temporariness of the settlement as well as perceptions of space as indicated in *Chapter 5*. Mian and Sufi (2009) define home as a place of belonging, a place that you feel at peace in and reflects your personality and style. While for Marvin Feldman (1990) home as a place in which personal meaning becomes tied to the individual's conception of self. He further explains that the experience derived from living in a house, home, city and region are significant elements where people and family units assemble their sense of identity through social and place specific interrelationships.. The final section focuses on poor people activism in efforts of holding the state accountable.

2.4. Poor people activism: Holding the State Accountable

The final section of the chapter, draws from literature on poor people movements and the increasing use of socio-economic rights litigation. Using case examples from *Abahali Base Mjondolo Joe Slovo and N12 Highway Park Nokotyana*[2] which highlighted challenges to evictions or relocations and an

[222] Joe Slovo case involved the attempted large-scale relocation of residents of Joe Slovo informal settlement in Cape town to the peripheral town of Delft to make way for the N2 Gateway Housing project commissioned in terms of the BNG Plan.
Abahlali case based on the legal challenge of the KwaZulu-Natal Elimination and Prevention of Re-emergence of Slums Act No. 6 of 2007. Abahali baseMjondolo a shack dweller social movement was concerned severe consequences of the provincial legislation of the Slums act.

understanding of the rights-based approaches to housing, group recognition and basic service provision in informal settlements to the forefront. Molyneux and Lazar (2003) in support of rights-based approach argue that it offers 'a more successful approach to people-centred development including participation and empowerment through the emphasis on people's agency' (2003, p. 1). Beyond an emphasis on people's agency, Moser, *et al* (2001) emphasizes on ensuring that the political process with development becomes central to discussions and strategies. Therefore advocates for rights-based approaches seek to change the relationship between citizen and state, to secure outcomes that are more developmental and beneficial for poor people (Molyneux and Lazar, 2003).

The characteristics of the rights-based approach as noted by Moser *et al* (2001:p. 3) is defining the concept of rights as "understood as claims (of one person or group on another person, group or institution) that have been legitimised by social structures and norms". The rights-based approach draws on a number of traditions; international human rights framework, autonomous movement of the poor and dispossessed to the relevant. The shift from clientalist relationship between the state and people to ones of citizenship. There is therefore a strong and persistent association between rights-based approach and legal processes both in terms of the use of law (courts), entitlements and their realization (Molyneux and Lazar, 2003)

The *Grootboom* judgement in 2000 served as a landmark to poor people using litigation in protection of their rights. The judgement precipitated the adoption of a new housing policy direction in 2004 and according to the Constitutional Court of South Africa the housing policy must be ' comprehensive, coherent, flexible and effective; have due regard for the socio-economic context of poverty and deprivation; take into account the availability of resources; take a phased approach, including making provision for short-, medium- and long-term needs; allocate responsibilities clearly to all three spheres of government; respond with care and concern to the needs of the most desperate; and be free of bureaucratic inefficiency or onerous regulations' (*Grootboom* 2011: paras 39, 42, 43, 44, 45, and 99).

Grootboom at the backdrop of the rights-based approach gave poor communities the confidence of approaching the courts in protection of their rights, thus relevant to understanding the legal case between the N12 community and EMM elaborated in *Chapter 3 and 4*.

In the Nokotyana case, the Ekurhuleni Metropolitan Municipality sought to relocate a community living in the Harry Gwala informal settlement. The community in an attempt to resist the relocation mobilized themselves demanding instead that the settlement be upgraded *in situ.*

The cases laid by communities of *Joe Slovo informal settlement, Abahali base Mjondolo and Nokotyana & others* against the state were all heard in t the Constitutional Court. The Informal settlement communities have engaged in important partnerships with lawyers and legal NGO's and have come to a particular understanding of the Constitution through the language of rights: the notion of citizenship and human rights. In the research the language of rights is elaborated in *Chapter 3 and 4* with residents often referring to Chapter 2, Section 26 of the Constitution as form of legitimizing demands to the state. The case study of *Joe Slovo, Nokotyana & Others and Abahlali* base Mjondolo demonstrates how the absence of government in consulting the community on decisions that affects the lives and livelihoods of informal people has meant that litigation is the only option left and available to residents to contest top-down decisions. Litigation thus exposes community members to the 'power of rights' and creates a space for communities to negotiate practical solutions that are better suited for their needs, offering the opportunity to influence decision-makers more broadly (Tissington, 2015). There are critiques and limitations to use of litigation as well as the realization of rights which is elaborated further in *Chapter 4,* however the concept of rights-based approach and use of relevant case studies is important in understanding the legal case of the N12 Highway Park and poor communities overall relations with the local state in their demands for better living conditions and adequate service provision.

2.5. Conclusion

The theoretical concepts aligned to state-people relations and the conceptualization of the state as shaped by political acts and responses of civil society. State interventions and planning process in informal settlements are facilitated by the domination of space and counter-acted by community members through place-making. In the N12 Highway Park space is produced in two-folds; firstly, by the state interventions in the community through planning processes of relocation and basic service provision in the community. Secondly, by community members in exerting their Right to the city and use of rights through litigation. Lefebvre (1974) and Tuan (1979) theory of the production of space and place-making draws attention to a number of relevant aspects; centralizing space as a social product whose production process is determined by social relations rooted in politics and economics. Spatial dimensions although originally created from a top-down perspective are reconfigured in practices of Tuan's concept of place-making whereby residents take over the use of space to fit individual perceptions of the environment. Both Lefebvre and Tuan theory contribute to a vocabulary for the

analysis of the impact of institutional decisions and everyday practices of informal settlement communities. Thus beneficial to the study towards exploring spatial production and place-making in the N12 Highway Park.

CHAPTER 3

Research Methodology

> '...we measure and map space and place...these are important approaches, but they need to be complemented by experiential data that we can collect and interpret in measured confidence because we are human ourselves' (Tuan, 2001:5).

3.1. Introduction

Studying space production at the N12 Highway Park has taken shape into an interesting case study contributing to an informed understanding of people-state relations. The case study of space production in the N12 Highway Park was chosen because of its promising contribution to a better understanding of space dynamics in the large Ekurhuleni Metropolis.

Ekurhuleni Metropolitan Municipality is characterized by numerous land issues and has become increasingly inhabited by a large number of informal settlements as noted in *Chapter 1.* To be able to unpack the research problem and questions posed, it is important to understand the relocation of the people of the N12 Highway Park. Firstly, through their legal case against the municipality and secondly revealing the kind of lives community members were building post-relocation. I engaged in participatory observation, mainly by attending major community events, meetings and volunteering at the community centre. This was done in order to gain in-depth understandings of the everyday experiences and practices of the informal settlement from an insider's perspective.

In order to understand the perception of space and impact of service provision, there was the need to get first-hand information from various stakeholders, including both local state officials and residents of the N12 Highway Park. This was achieved through different methodological interventions including semi-structured interviews with identified stakeholders who provided their views and interpretations of the study. The case study was of importance to solidify the research question and the relationships formed were on the basis of the mutuality of injustice and in being able to fully grasp people-state relations and what the research question means by community responses to the production of space and place-making.

This methodology was important to adequately analyse the case study and respond to the research question. Focus group interviews were also conducted as community struggles and experiences are not individualized as well as it gave some participants a sense of comfort and ease in participating in the study. The project also made use of photography in documenting attachment and use of space by selected community members at the N12 Highway Park, it serves to give the reader a visualization of the area. The data gathered was then interpreted and analysed for the purpose of answering main questions informing the research project.

The remaining sections of the chapter present the research methodology used in the process of data gathering, methods of analysis and limitations of the study. The first section of the chapter presents the methods and challenges of accessing the N12 Highway Park community and officials at EMM Benoni region. I then present the qualitative design and methods used. In the next section I present my own experiences of being part of the research project, as a researcher in the informal settlement and greater member of the community, I then outline the process of interpreting the findings and analysing the data. The chapter concludes with the discussion on ethical considerations and limitations of the study.

3.2. Accessing the N12 Highway Park

It is important for me to highlight that I am originally from the East Rand, and I spent most of my childhood in Daveyton which is 5km away from the N12 Highway Park informal settlement. I have family members who reside in Chief Albert Luthuli situated in the same proximity as the informal settlement. Accessing the N12 Highway Park community was not difficult, my first visit to the informal settlement was in late 2015 when I approached and met four members of the six member community leadership committee. The chairperson of the leadership committee then allocated the women and children officer to introduce me to the rest of the community and refer me to relevant participants for the proposed case study. The women and children officer became my source to accessing the community, through him I gained some form of legitimacy and respectability amongst community members.

It should be noted that building these relationships was important, as it allowed community members to trust me and be open during the interview process. This gave me access to information that would have been difficult to achieve without the rapport built. Upon gaining access to the community, I approached participants referred to by the particular leadership committee officer and many others were identified through adoption of a snowballing strategy. The snowball sampling was in some instances voluntary

from the side of the participants, as participants would refer me to other possible participants usually neighbours or friends. When referred to participants who were reluctant to the interview process, previously interviewed persons would often motivate them, this is identified though statements such as "*Maki (*Neighbour) , don't worry she's not a journalist , she has interviewed me too' ; "X is going to talk to her after you, tell her your story, maybe you have something different to share". Through understanding of the case study and disgruntlement shared by the people of N12 Highway Park propelled them to talk to me, they wanted people to know about their struggles and treatment by the state.

My identity as a black young woman who is from the area, a Wits student and my affiliation with the leadership committee remained important throughout the research process. Some community members viewed me as individual who was doing a school project that presented them an opportunity to vent their frustration while others saw me as a journalist, representative of the state or a job recruiter. This was evident in interview processes where participants would query if the information they gave me was going to be published in newspapers as well as if their stories made them eligible for employment. This became an ethical challenge for me since I had explained to my participants the purpose of the project is not aimed at bringing any opportunities and any immediate changes. However, in the experience participants shared confidential information and showed me some of their documents alluding to their relocation and agreements with the EMM housing department. Although the information could not be used nor cited as it falls out of the ethical and agreed requirements of the research, it was useful in understanding and interpreting some of the issues during data collection and the analysis stage.

3.3. Accessing the Ekurhuleni Metropolitan Municipality Benoni Region Officials

My first encounter with local state officials of the EMM was through a relative who knew the secretary of the executive officer at the EMM Springs region, who then personally referred me to identify participants at the EMM Benoni Region offices. Getting a referral however following up on it did not grant immediate access to the identified participants and other members of the EMM. I faced challenges in setting up meetings with some EMM officials, in one case the appointment scheduled with one participant who served as an executive official referred me to their subordinate since 'they simply didn't

have time'. It is expected that since municipalities are public institutions it would be easy for the public to access them for information but it seemed not to be so.

The officials with whom I was able to schedule appointments, were unexpectedly very open and willing to share their knowledge and perception of the case study. I was able to schedule an interview with the regional executive manager at department of Human settlement the Eastern region who had in-depth knowledge about the case study and was sympathetic towards to people of the N12 Highway Park but was unfortunately held by bureaucracy. Accessing the EMM Benoni Region as a researcher was not as difficult as I expected, but in further investigation I realized that the community too has access to the customer relations offices and officials of the EMM with their grievances but only through its elected leadership committee thus limiting direct access of individuals to the state. The leadership committee who serve as the representatives of the community shared how when the community has issues, they would collect donations from the community to travel to the EMM Benoni offices. This is how I came face to face with the limitations of the access of individuals, particularly poor people, to the local state. The EMM only recognizes grievances from structured constituencies in the form of community representatives thus limiting and controlling the possibilities of negotiations. However despite the difficulties and revelations, the interviews that were conducted with municipal officials were rich and well diverse in perception and personal narratives.

3.4. Design of Study: the Qualitative approach

The research project adopted a qualitative method approach which according to Dandekar (1986; p.5) can be used to document people's intuitions, perceptions, opinions and values. Using the case study of the relocation of the community to N12 Highway Park, this approach allowed the researcher to study how, over time, social experience gives meaning to people. This allowed for an opportunity to understanding the everyday practices and perceptions towards space by community members. The adaptation of qualitative methodology in urban planning is elaborated in three main disciplines; study of built form, human interaction and study of planning process and organization structures (Dandekar, 1986). The chosen approach sought to find an intersection between state actions in the form of spatial planning and provision of services to use and perception of spaces.

The qualitative methodology approach is characterized by surveys, field interviews and participant observation. Kellett (2000) suggests that these are useful tools to understand intimate people/places relationships and local knowledges. He continues to stipulate that such approaches can be used to explore the less visible and tangible aspects of service delivery through direct engagement with residents and individuals. The qualitative research conducted in conjunction with empirical evidence is analysed from various dimensions drawing from narratives from both state officials and the community to ensure internal validity and reliability.

Evidence drawn from community members was moulded though a case study method adopted by the research all in efforts of understanding the production of space and place-making in the N12 Highway Park community. A case study is understood as a building block for broader understanding of a phenomenon, providing an opportunity for extensive investigation of a particular case. This approach allows for exploration and understanding of complex issues and becomes prominent in understanding community based problems (Zainal, 2007).

As such the case study of the N12 Highway Park enables the researcher to closely examine the data with specific contexts. Thus relocation and the case laid against the municipality was used as building block in understanding broader issues that have emerged since in the area and role of the EMM Benoni region in shaping space production in the area.

3.5. Participant Observations

The process of participant observation occurred between the 12/07/2016 until 10/09/2016 during which I attended four major events and meetings within the N12 Highway Park community. Firstly the large community meeting held by the Mayoral committee (MMC) of Ekurhuleni, This platform allowed members of the community to engage with the MMC, voicing their grievances and disappointments with the municipality, ultimately calling for greater and faster responses to community needs. Here the community was told about progress of their land relocation and further services to be provided in the meanwhile. It was interesting seeing the ‘previously geographically dislocated informal settlement’ with no access to the state being vocal in their wants and desires, holding bearers of power accountable. Secondly, I have looked into the national August 3rd municipality elections, the community was a bliss during this period. With the colours of African National Congress (ANC) and Economic Freedom Fighters

(EFF) spread across the whole settlement, on people's doors, fences and through personal regalia. During this period the state was felt in the area, with constant visits and door-to-door campaigning. Here I took the time to note the shift in the intensity of the presence of the state in the informal settlement and the kind of change that was made during that period which included the delivery of new latrine toilets, promises of the installation of more water pipes and increased refuse collection.

Thirdly, I attended two sessions of the weekly leadership committee intervention sessions held every Saturday. This is a platform where community members are given the opportunity to approach the leadership committee over personal or neighbourly disputes and the leadership committee then attempts to solve the issue or if needs be intervene through the use of external forces such as the South African Police Services (SAPS) lastly, I was involved in the serving of food at the community crèche to the elderly in the informal settlement. I was then informed by one of the servers at the community crèche about how the communitarian spirit from Bapsfontein is maintained here at the N12 Highway Park because most of the people have a history together.

Further observations included the creation and support of small businesses in the settlement, who all sell essentials including coal, wood and vegetables. The use of space was observed through engaging with selected participants. I observed the renovation of approximately five shacks as well as the group initiative to build a fence around one of the dump sites and connect illegal electricity in the area, which exposed the impact of service delivery and the self-help element of community members.

3.6. Semi-structured interviews and focus group discussions

The interview process in the research project was conducted in two phases. The first phase of in-depth interviews was conducted between the 12/07/2016 and 12/08/2016 followed by the second phase that was held between the 13/09/2016 and 10/09/2016. Overall, twenty-five formal interviews were conducted and approximately ten informal (unconsented) conversations were held. Unconsent in the research is labelled as participants who were either illiterate or did not want to sign the consent forms but wanted to share their experiences. It is important for me to acknowledge this group of people as formal ethical procedures do not often account for such participants. Individuals in this category were subsequently informed of the procedure of data collection and use, they were made to understand that because they did not consent the information provided by them would not be used in the final document.

A total of five interviews were conducted with officials at the EMM Benoni region, of which three were conducted with executives and two with administrators. All were chosen according to referrals and identification of relevant roles in the community and offices i.e. the Department of Human settlement. Twenty in-depth interviews were conducted with identified participants, the first group being the leadership committee who were part of and had special knowledge of the legal case against the Municipality.

The second group of interviews was conducted with community members of the N12 Highway Park. The purpose of these interviews was to capture the real experiences of the people of N12 Highway Park and their everyday practices and experiences with each other and the state in order to understand implications of services delivery and broader understanding of state-community relations. The interviews provided insight into the understanding of space and use of in the backdrop of the relocation and service provision. In the second group of interviews, sixty percent of the people interviewed were deliberately women as women are understood as home-makers and are a group that makes use of services the most thus their experiences and perception of space were the most valuable.

In the twenty-five interviews conducted, all interviews with officials of the EMM Benoni Region were held in English as the preferred medium of communication. While the rest of the twenty interviews, were conducted in Zulu and Sesotho depending on the preference of the participants. A number of four interviews were conducted per day, depending on the availability of participants, unanticipated weather conditions and exhaustion of the researcher. The length of each interviews was between thirty to forty minutes each, some were even as long as hour as a result of the content discussed. Due to time constraints, interviews with local state officials were between twenty-five and thirty-five minutes, and were conducted in their offices so as to ensure privacy and confidentiality. Interviews conducted with community members were usually held outside their homes because of weather conditions and in some instances in order to elaborate on a point, participants would invite me inside their homes to show me physical evidence. Interviews with both community members and EMM officials were interactive, often diverting to issues not relating the subject, as a result the researcher had to maintain control of the conversation but allowing the space for additional examples to be given.

In addition to the interviews, five focus group discussions were held, between the 18/07/2016 and 22/07/2016 and 30/07/2016 and 8/08/2016. When the study was proposed, the possibility of conducting focus groups was considered, however after spending time at the N12 Highway Park I realized that focus groups were more favourable as during one on one interviews, participants asked

fellow neighbours to join in the conversation and help answer some of the questions. This helped in facilitating access to more participants in one session and the sessions provided participants some form of empowerment. There are however limitations associated with focus groups, group dynamics included. Evident in one focus group session whereby the initial identified participant no longer participated in the discussion and even left the session which would have not happened during a face-to-face interview. To redress this issue, I returned to the participant for a follow up interview.

3.7. Photography as tool of ethnographic observation

When the study was proposed the use of photography as a form of documentation was not considered. However, throughout the interview process participants would point to their shacks and the kind of improvements they have done and I realized the use of photography would be interesting and served as a means to visually document the case study and supplement the research question. This process becomes a way of empowering the participant in the research process. Photography has been described as a method of data collection and has its roots in ethnographic observation whereby the photograph is seen as an 'undeniable, static record of truth'(Harper, 1994). A growing number of qualitative spatial practitioners have begun to use photography as a tool of documentation.

Hence I found the medium of photography useful in the N12 Highway Park as a means of documenting the private use of space by participants. It is important to note that all the shacks in the informal settlement are fenced, characterized as private spaces whereby members have the freedom to use their allocated space as they please, this idea is further elaborated in *Chapter 6*. A total number of forty photographs were taken and five used in the study. The photographed shacks were identified according to firstly, the presences of trees, flowers, grass and vegetables planted, secondly, the colour and maintenance of the shack. Upon participants granting the researcher consent to take photographs of their homes, it was followed by a brief interview that gave the participants an opportunity to tell the researcher why they had chosen to decorate their shacks in this particular manner and what kind of meaning it is imbued with.

The documentation became two folded, firstly, the experiences of living in the informal settlement, secondly, the impact this has had on shaping how residents have decorated their shacks. There were several issues during the process with participants whose shacks were not photographed: the argument

was that I discriminated against them because they could not afford to decorate and upgrade their shacks. Ethical issues arose as well as photographed participants assumed that the photographs of their shacks would be posted in the newspaper or were being entered into a competition. The researcher had to reiterate that the photographs were another form of documentation and solely for the research project.

3.8. Document Analysis

The process of data collection in the research project also included the analysis of institutional documents and the mass media concerning the N12 Highway Park, informal settlements in South Africa and the world at large. Bowen (2009) argues that document analysis used for systematic evaluation takes on a variety of forms and provides information about phenomena that exist outside the researcher including adopted policies and other forms of documentation relating to the case study. Documents used were important in providing information that cannot be accessed through interviews and participant observations; in some instances they provide evidence of claims made of participants particularly towards local state action. This offered a different perspective on the study of the N12 Highway Park and Ekurhuleni Metropolitan Municipality. The institutional documents analysed included the Integrated Development Plan (2009/10) (2013/14) (2014/15) of the EMM; the Constitution of South Africa, Municipal Act, White Paper of Housing. Mass media documents included *Benoni Times* ; Abahlali Base Mjondolo online documents and other media reports, these documents were useful for understanding the history of informal settlements in the area and service delivery issues that were relevant to the study. Bowen (2009;159) says that through the use of documents the researcher attempts to provide evidence that 'breeds credibility'. Corbetta (2003) notes that institutional documents present the views of institutions and what should be public knowledge. This includes mass media documents which also represent the views of journalists narrating their own perceptions and biases. Therefore great care during analysis and reading of the documents was taken into consideration as not to present analysis as truth.

Analysis developed during the research was shaped by the processes of engagement and relationship built with both community members and local municipal officials. These relationships shaped the kind of language the research used as well as the kinds of documents that were sourced.

3.9. Thematic Analysis

All research notes including interview transcripts and field notes were self-transcribed. Notes were read repeatedly to identify reoccurring themes and patterns, with this data was grouped according to concepts and themes. During the grouping similarities and differences were noted and some interview excerpts have been used as evidence to support certain arguments and ensure the narrative of the people was maintained. My reflectivity was constantly noted in relation to my positionality as a researcher and familiarity to the area to make sure my own social and political values and views did not influence the kind of material that was extracted and used in interpretation of the data presented.

3.10. Reflexivity

Reflexivity is an important concept because it is directed at the greatest threat to the accuracy of qualitative research outcomes particularly in the social interaction component of the interviewer interviewee relationship as noted by Steinar Kvale (2002). Reflexivity in the study of the production of space at the N12 Highway Park was of importance given the subjective nature of the qualitative study; view of the social and political impact on the experiences of the people of the N12 Highway Park; the nature of state action and provision of services. Therefore a constant reflection of my actions was necessary, as a member of the greater community and as a Wits Masters student conducting research in the N12 Highway Park and EMM.

Access to the community was easy and so was the establishment of relationships with community members. I however faced challenges in dealing with reflexivity due to my own personal views and perceptions of the local state and service delivery which led to biasness in the framing of interview questions for both the state officials and community members. I took a day off from the interview process to reconfigure and remind myself of the research question and purpose. Another aspect of reflexivity relates to the write-up process of the report whereby the material presented was carefully selected for the purposes of answering the research and sub-question informing the case-study chosen.

Thereby the arguments presented are informed by interpretations of stories and the experiences of participants. I attempted to balance the narrative and translation maintaining that I represented the

views and voices of the participants well. In the translation of experiences there were challenges of accurately capturing the interpretation of the stories of participants.

3.11.Language as a point of entry

As previously mentioned all interviews except the ones conducted with local state officials were in isiZulu and Sesotho. While English was used with local state officials. As both an isiZulu and Sesotho speaker, the translation process was not difficult and being versatile in both languages helped build rapport with community members. This also allowed participants to communicate easily and freely in their own languages.

There were however challenges faced with conducting interviews in participants native languages, firstly due to the translation process as all interviews had to be translated into English to enable the reader to understand the content of the interview secondly, a lot of important meanings cannot be fully translated into English and thus lose their value and in-depth meanings. Thirdly, the translation process took a very long time, as I had to listen to the tapes several times to understand what participants were saying and within a particular context. In grappling with the challenges of translating from isiZulu and Sesotho into English, whereby an English word could not be found as a direct replacement for words in either IsiZulu or Sesotho the original term was kept and loosely translated. *(See translated quotes throughout the paper)*

3.12. Ethics

Throughout the study, I had to abide by the ethical standards of the University of the Witwatersrand and the N12 Highway Park community. I ensured that the study maintained the honesty of reporting real data, findings, methodology and interpretation. I also made sure that the study maintained the narratives of the people of N12 Highway Park as authentic as possible. To this end the purpose of the study was fully explained to participants and that participating was absolutely voluntary and they could withdraw from the study if they wished. Issues of confidentiality and in some cases anonymity were dealt with accordingly to the needs and requests of the participants.

3.13. Limitations

Time constraints were the main limitations of the study. The duration of the Master's program being one year combined with coursework this leaves six months for the researcher to conduct adequate fieldwork and research write up. This limited the size of the research project and questions to investigate. As previously indicated I had no issues with accessing both EMM state officials and N12 Highway Park, however interviews were often long, and this posed the challenge of fatigue, limiting resting period and reflection. All interviews were recorded and I went back to them in due time.

The short duration of the research data collected of seven (7) weeks was not enough to capture them the community of N12 Highway Park lived experience. Through narratives and my own personal experience in the community I gained basic understanding of what living in an informal settlements feels like however my experience is limited and could not fully capture the everyday practices of the people. The chosen methodology was appropriate for the study particularly in capturing and interpreting data, I am also aware of the limitation of qualitative methodology in subjectivity, data collection and interpretation and analysis of data. Thereby my findings cannot be generalized to communities beyond the N12 Highway Park but speaks to broader research questions.

CHAPTER 4
Living in a temporary space: People of N12 Highway Park

4.1. Introduction

Chapter 1, presented the background to the study of the production of space and place-making in N12 Highway Park. This chapter aims to develop ideas regarding how state practices in the form of relocations and provision of basic services shape the manner in which members of informal settlements come to understand the role of the state and make use of space. In this chapter, I develop the argument that the manner in which the people of the N12 Highway Park come to use the space and seemingly make sense of place can be understood as influenced by the conditions of the basic services provided to them. As well as the communities overall understanding of being placed temporarily in the area. The N12 Highway Park as a 'temporary' informal settlement that falls into the category of the struggle for housing and place for marginalized groups across South Africa.

In order to understand the emergence of informal settlements and the perception and use of space. I draw on Lefebvre (1991) and Tuan's (1979) interchangeable concepts of the *production of space* and p*lace as experiential spaces*. Lefebvre (1991) and Tuan (1979) outline that space is relational and geographical, characterizing its landscape and properties as cultural and fluid. Lefebvre develops the production of space as a way in which humans create the space in which they make their lives and this project is shaped by interest of classes, experts, grass root organizations and other forces. Tuan's concept of places as experiential spaces is complementary to Lefebvre's production of space, it explores the interrelationships among human beings, their surroundings and experiences. Thus for both Lefebvre and Tuan, space and place are not merely mediums nor are they structured without influence but should be considered as an interlinkage of geographical form, built environment, symbolic meanings, and routines of life that are produced and reproduced through human intentions and power structures.

In this chapter I argue that living in indefinite temporariness has shaped the lived experience of the residents of the N12 Highway Park. Taking into consideration that informal settlement dwellers have been facing evictions and relocations from both the apartheid and post-apartheid state, as well as

communities particularly in the EMM continue to be relocated because of land related issues. In their relocation, communities find themselves having to start afresh. The idea of temporariness has allowed me to interrogate the continuum between the conditions which allow for the temporality and permanence of informal settlements and how that too shapes the lived reality of people living in informality. It should be noted that reference to the state in this chapter is towards to the EMM Benoni region.

Informal settlements are the result of a lack of adequate housing to accommodate the increasing urban sprawl as well as individuals moving closer to urban areas for employment opportunities and better living standards. The residents of N12 are mostly comprised of rural people, who moved closer to farms on the periphery of Bapsfontein to seek better opportunities with the view of self-betterment and hope of improving their lives for the better. The relocation of the community by state apparatus has had negative impacts on residents' livelihood, networks and the overall understanding of the space they now occupy. The community of N12 Highway Park has since taken on a new dimension as an unorthodox 'Temporary Relocation Area (TRA)'. Administered by the EMM Benoni region, the relocated residents are considered to be in temporary placement with the TRA being characterized as a stop-gap accommodation.

The remaining part of this chapter is divided into three sections. In the first section I present the people of N12 Highway Park as new occupants at the Cloverdene Benoni section, deploying the concept of *production of space* to demonstrate how they have come to be placed. Secondly, I present the understanding of living in a state of temporality and temporary settlements by both the state and residents. In this section I attempt to analyse the state solution to housing and land issues through the process of creating temporary settlements and the kind of services provided to the informal settlement. I conclude this chapter by arguing that space shapes identity and lived reality of the residents of the N12 Highway Park which reveals a certain understanding of the state and service delivery.

4.2. Relocating the people: from Bapsfontein to N12 Highway park

> 'My coming to Bapsfontein was as a result of work, I didn't come here to stay but now that we have been relocated, all I want is to have a permanent place because we cannot move from shack-to-shack' – Sarah*[3] (interview #12)

The above quotation is taken from an interview conducted with Sarah*, a mother of two (2) living at the N12 Highway Park, and reflects a broader sentiment among members of the community about living in the informal settlement and the demands that they have towards access to housing. In their previous location of the Bapsfontein informal settlement residents considered the area as a place of employment and a place where people's lives were going to be improved. During this period the ideas of permanence or lack thereof were not interrogated as residents of the informal settlement felt that they were well placed and undisturbed.

It is important to note that most of the residents of the informal settlement were farm workers placed on private land and in the wake of their relocation, the presence of the state and their sense of permanence or lack thereof on the land they were placed became apparent. . The relocation led to the loss of work and income, the loss of homes, as well as other adverse effects such as the breakdown of family and social structures , the disruptions to children's education thus mirroring apartheid economic sentiment that cheap labour could be easily disposed (Mntungwa, 2014).

Living in the N12 Highway Park settlement has shaped various understandings and interpretation to placement and the role of the state by the community. In a focus group interview, four (4) women of the informal settlement expressed that;

> 'In our relocation we were never informed that we are moving, we were never given enough time to pack and be prepared. The people from the municipality with 'Red Ants' just came and took our stuff forcefully, we lost a lot of things that the government, we know will not replace. We were fine living in Bapsfontein, here it is hell' – (Focus group, Interview #1)

The interpretation of the community's relocation drawn from the focus group #1 speaks to two distinctive issues; the process of forced removals and the perception of placement. The issues mentioned above can also be understood through Lefebvre's (1991) notion of representational space,

[3] The asterisk is used to symbolize that the name used is a pseudonym.

known as the "lived space", which is defined as the emotional attachment that develops through imaginary and lived experiences (Lefebvre, 1991:39). There is therefore a relationship between the physical space and the experienced space, this relationship is interchangeable as one shapes the other which often symbolizes everyday activities. However, the physical space often influences the experience by either limiting the user or oversupplying the user with unlimited activities as expanded by Santos (1992).

For the women of the focus group #1, N12 Highway Park is identified mainly as a human dumping site left dissolute by the state. '*When we first arrived here, it was raining and the trucks just left us on the main road everyone had to find their own way, it was like they just dumped us here'* (Focus group #1). The settlement is seen and understood as a failure of the new dispensations of democracy by the group. The dawn of democracy shaped the expectations of millions of South Africa who anticipated that the ANC-led government would fulfil its promises through the Redistribution and Development Program (RDP) and other policies of 1994. However, twenty- two odd years into democracy, the government has remained unable to adequately address issues of income inequality, housing and lack of adequate services.

Sarah* during a conversation near her shack outlined her expectations of the state as *'personally, I appreciate all that the ANC has done for me, apartheid was painful but what we as the people living here at N12 experience is a betrayal to our votes'*. Her views regarding expectations and fulfilment are largely shared by the residents of the N12 Highway Park. Throughout the interview processes participants stipulated that they expected the government to address their situation since they are 'green book' carriers[4] and majority are members of the ANC. Thus their outcries would be taken into account more swiftly. Ideas of citizenship and the expectations of community towards the local state will be further elaborated in *Chapter 5*, in an overall attempt to decipher the role of the state in the production of space at the N12 Highway Park. The following section will interrogate temporality as a concept and temporary informal settlements as structural solution by the state to deal with increasing informality through relocations and evictions.

[4] A phrase alluding to one having a South African identity book translated to being a South African citizen.

4.3. Living in a state of Temporality

The understanding of temporality and use of spaces considered temporary is drawn from Kadji Amin's (2014) paper on *Temporality.* Amin refers to 'temporality' as to the social patterning of experiences and understanding of time. Focusing on the *sense of time*, temporalities within the city implies a renewed recognition of marginalized places and populations (McLeod and Thomson, 2009; Lombard, 2009). This alludes to how residents understand the past, present and the future through the constructions of narratives and collective identity. And secondly, to the individual and collective construction of their neighbourhoods and use of space (Lombard, 2009). The process of resettlement involves the reconfiguration of space, with this scholars of forced migration have begun to consider how temporality is important to understanding the impact of relocation. Not knowing how long one is going to occupy a particular space is detrimental to individual's psychology (with a stronger effect on poor people). It often constrains the individual or community inclination to fully settle in, attach and contribute to the environment in which they are placed.

Torsten Hagerstrand's (1970) framework of *time-geography* is used to examine the relationship between various constraints and human activities in a space-time context. The framework is used to describe an individual's trajectory in physical space over time as well as to provide an approach to studying human activities and constructed identities. Hagerstrand suggests that time-geography can identify conditions for all forms of interactions involving human beings, this analysis is extended to time and space as integral to urban narratives, places can be understood as always *becoming* with complex and numerous temporalities underlying their development (Hagerstrand, 1970; Yu & Shaw, 2007). This insight feeds into how time spent in an area and development in spaces become the overall factor that shapes the perception of space in the backdrop of temporariness.

The understanding of being placed temporally for residents at the N12 Highway Park is dynamic with members of the community constructing individual and collective identity through connecting 'the past, present and future narratives of home' seconded by the basic services provided. One participant, Grace* stipulated that

> 'I come from a very good home, and I never thought I would be living in a place like this, raising my children in a place like this. They keep on telling us that we are temporary and will be moved soon, I want to move now so that I can have a place I call home and my own' – (Grace, interview #6)

Grace* further shared her views of the informal settlement, stipulating that she considers the area home, describing home as a space that belongs to her, a place where she can do as she pleases without having to consider what other people will think of her. Grace's* description re-iterates Ann Varley (2008:7) suggestion that 'home is not fixed time or space but anchored through its constant re-appropriation in social practice'. For Grace* the idea of home is seconded with the idea of permanence and ultimately the sense of ownership. On the other hand for Vivian* another participant, described her understanding of home and ownership through a shift in consciousness and definition of space in the N12 Highway Park;

> 'What can I say, we have been living here for the past 6 years. I can see that we are not moving so I decided to improve my house. Now this is our place.'- (Vivian*, interview #10)

Interpreting sentiments shared by Vivian*, the notion of time plays a central role in how residents of the N12 relate to the space and how they begin to self-construct their environments, in particular their private spaces. There are ever changing social processes that play themselves out in the community with the spatial arrangements of the area; with this the people of the N12 Highway Park continue to negotiate living circumstances and adjust to newly formed community networks. Living in temporary informal conditions has also influenced how residents of the informal settlement to use their spaces creatively inside and outside. The manner in which residents of N12 have begun to creatively use their spaces this is elaborated in *Chapter 6.*

In understanding how community members of the N12 Highway Park have come to relate and use their spaces, it is important to return to the central argument of the chapter and purpose of this subsection; looking at how living in temporary spaces and the kind of services received shapes space production and place-making by the residents of the N12 Highway Park. The following section will provide an analysis of TRA's locating the N12 Highway Park as an unorthodox TRA. The manner in which the state interacts with the community and how communities have come to construct their identities as a result will also be investigated moving forward.

4.4. 'Unorthodox TRA': N12 Highway Park

The matter between *Nthabiseng Pheko and Occupiers of Bapsfontein informal settlement* vs *Ekurhuleni Metropolitan Municipality* (2011) was settled on order number *[49]* and [6] that the municipality should identify suitable land and residents should be relocated closer to Bapfontein. The EMM Benoni region identified the N12 Highway Park as a temporary space of relief for residents while it looked for land around the Bapsfontein area to relocate them. This is a common strategy employed by the state. Temporary relocation area (TRAs) as commonly known in Cape town, transit camps in Durban and decant camps in Johannesburg pepper the post-apartheid South African landscape, they are built and managed largely by municipal governments and echo the forced relocation areas of Black urban dwellers facilitated by the apartheid regime to townships in the 1950's and 'ordered urbanization' of the 1970's (Chance, 2011; Ranslem, 2015)

In post-apartheid South Africa in order to deal with increasing amount of informal settlements, the state conducts evictions and relocations, as well as avoids court actions from relocated/evicted informal dwellers by providing them with temporary housing stipulating that communities will be moved and/or upgraded in due time. The Department of Housing has thus developed a new chapter in the National Housing Code: Chapter 12, Housing Assistance in Emergency Housing Circumstances to support the notion of temporary accommodation (Department of Housing, 2004). Chapter 12 (Section 12.3.5.1) provides for 'emergency relief to whomsoever the provincial or municipal housing authority deems to be in imminent need of assistance', in response to disasters, acute homelessness or displacement. Thus enabling TRAs to be established as 'stop-gap' accommodation. These were the same grounds that the EMM supported the use of the Disaster Management Act (DMA) in the relocation of the N12 Highway Park community.

TRAs are places that are located away from key urban services, basic services and employment areas, they can be understood as temporal traps, precipitated into permanence presumably characterized as fluid and temporal while urban dwellers wait for the promises of government housing and services. The case of Blikkiesdorp (tin town) formally known as Delft Symphony Way, serves as a contemporary example of state sanctioned relocation which failed to find adequate permanent housing for urban dwellers. Blikkiesdorp like many other TRA's in the city of Cape Town now unofficially holds the status of permanence as residents have come to subtly accept the fate of receiving housing any time soon as bleak. Establishing social spaces such as *spaza*s, makeshift mosques and churches, residents have even

gotten to the point of shaping the aesthetics of the TRA by planting flower gardens and using the park as a communal area for meetings held.

The geographical transfer of urban citizens to these 'camps' can be understood as a tool by which the state seeks to control urban sprawl, and remove informal settlements as eyes-sores in developing cities (Moser and Satterthwaite, 2008; Tshikotshi, 2009). As such, TRAs are settlements that undermine the constitutional redress of poor people and they are considered failures of the state's constitutional responsibility which stipulates that,

> "Everyone has the right to have access to adequate housing. The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realization of this right" (Constitution of the Republic of South Africa (1996, s, 26).

The 'camps' as 'temporary' are seen as *de facto* permanent residencies coupled by their material characteristics which are inadequate to the political, economic, social and bodily needs of their inhabitants (Development Action Group, 2007; Cohen, 2009; Hunter, 2010).

In the case of the N12 Highway Park, the area does not fit into the traditional notion of a TRA. The researcher has thus dubbed the informal settlement as an 'unorthodox' TRA as the EMM did not provide the set requirements of a TRA which include alternative temporary housing and other interim services to relocated residents. Instead EMM ordered that they be moved with their shacks to the temporary site. This has shaped community members' understanding of their placement in the area as permanent which is contrary to the EMM Benoni Region notion of the community's placement as temporary. For residents of the N12 Highway Park living in indefinite temporariness has modelled their perceptions of space and as a locus for the lived experience of a people, space serves as a reflection of societal social relations. Communities are therefore actively participating in the social construction of their environments, and their lived experiences, defined by Lefebvre as the physical, mental and social milieu. The lived experiences of the residents are also exacerbated by insecurities of being relocated again to an even much worse area. Julia*, a wife and teacher at the local crèche notes;

> 'I am afraid of being relocated again, after what I experienced in Bapsfontein, I do not trust that the municipality will give us what we want instead they will continue to terrorize us' – (Julia*, Interview #9)

The EMM, draws upon central government initiatives such as the *Breaking New Ground* (BNG) to deal with informality. Discourses by local state officials often have a temporal dimension with settlements being portrayed as temporary thus worthless or invisible (Lombard, 2009). The municipality to date has not fulfilled the orders from the Constitutional Court to find alternative land for residents and ensure they have adequate bulk services. State responses to the informal settlement have been largely expressed by the respondent's, with members of the N12 Highway Park expressing that the state responds better to the concerns and issues of the residents living in the formal RDP houses a street across the settlement. In an interview Khunu* shares how the municipality does not see the informal settlement and people living in RDP's as equals in the area

> 'We once asked one of the ward committee members why we did not receive dustbins as promised by the municipality and he replied saying that 'we are 'not like them' our stuff will come much later' – (Khunu*, interview #11)

The marginalization of people is a due increasing migration has become a shifting phenomenon of the manner in which people are isolated or included in urban areas and this is linked to social status. It shapes the way people feel about themselves. The practice of consistently allocating resources to areas that are understood to be legal/ formal and of neglecting those who are informal has created a particular understanding of citizenship among the residents of these spaces (this will be further elaborated in *Chapter 5).* Although the people of N12 Highway Park were placed by the state itself, their existence remains treated as a violation of law, they are viewed as an illegal population, thus in their cry out for adequate services they often receive backlashes. This response has shaped their forms of resistance and identity in the space.

The following section interrogates the conditions and manner in which those services are received and used by community members.

4.5. Service provision in Temporary Spaces

Residents of the N12 Highway Park like many other informal settlements in South Africa have come to employ Javier Auyero's (2012) *Politics of Waiting.* Taken from his book *Patients of the State: The Politics of Waiting in Argentina,* Auyero's study of the lines and waiting rooms in Argentina speaks to the experience of the state submitting people to bureaucratic time and waiting for it to respond. He shows

that making people wait acts as a material and ideological tool for dominating poor people. Auyero stipulates that making people wait is a process through which the state establishes a lesser value of people and tells its subjects, either implicitly or explicitly, with words or with actions: 'Wait, be patient, and you might benefit from my (reluctant) benevolence' (Auyero, 2014; 14)

Auyero's analysis of bureaucratic processes speaks directly to the treatment received by residents of the N12 Highway Park, expressed by one interviewee, Mandla*, that

> 'The municipality does nothing for us, every time we hear feedback from the leadership committee who serve as our representatives, it is always the same thing, 'wait, we will solve your problems and get what you want', frankly I am tired of this' – (Mandla*, interview, #7)

Mandla* is not the only resident member who is tired of waiting for services. In efforts of speeding up the process of receiving services members have employed their own strategies such as moving state installed water taps closer to people's homes, so as to avoid travelling long distances to get water and to ensure the safety of women at night. Some members dug latrine pits at the back of their shacks mostly, elders as a form of respect and avoiding contracting airborne diseases. Most recently illegal electricity connections were installed. This speaks directly and paradoxically to Appadurai's (2001) notion of the *politics of patience* as residents are tired of *waiting,* and thus the poor and marginalized people empower themselves and often take matters into their own hands as they see and feel the state as disempowering them rather than empowering them.

This is largely as a result that such settlements are given a temporary status by governments and are not recognized as permanent features of the urban landscape. Consequentially the needs of temporary informal residents tend to be ignored by urban policy-makers. This is most notable in the case of adequate basic service provision and structural development of the area such as the grading of roads, electrification and the presence of permanence structures such as schools, clinics and police stations.

The above sentiment is shared by Johan* who during our conversation walked me around the section of street, pointing out areas that are dilapidating due to under maintenance and excessive damage by the rain. Johan notes that 'the municipality as you can see by how things are turning out here, does not see us as human beings. We unlike the people living in the RDP houses are not important, that is why we can live like dogs, because we are shack people' – (Johan* Interview #13)

The idea of dignity and recognition shared by Johan is presented by both Auyero (2014) and Appadurai (2001) which alludes to the kind of attitudes the local state has towards temporary settlements and informal settlements at large, speaking to how space is shaped by power structures. Power dynamics evident in the informal settlement of N12 Highway Park are that the EMM have not provided adequate services, including water pipes, sanitation services and electricity.

Place is explored by Yi-Fu Tuan (1977) argues that the development of space is governed by physical, social and theoretical laws imposed by the state. For Lefebvre (1991) space is a social construct that is shaped by representation, power structures (the state) and identity politics. Thus the state whether figuratively or physically contributes to how a space is used and understood, this is through state action. However the physical and social networks built on the ground oppose this through the kind of social life produced, the subjects gain individual and collective identities ideas that will be elaborated further in the *Chapter 5.* The following section will unpack the identity politics of the people of N12 Highway Park and how they have been formed and shaped through perceptions of temporariness, space and basic service provision.

4.6. Identities formed through Space

Increased mobility of people has come to shape individual and collective identities. As more people due to rapid urbanization live in what Said (1979; 18) call a 'generalized condition of homelessness' identities formed become differently territorialized. Migrants, refugees and people living within the context of informality live out these realities in their most complex form. The relation to place and space too comes to be shaped differently thus the idea of 'everydayness' offers a potential alternative for understanding urban informal settlements in terms of identities formed in those spaces and the process which constructs them (Gupta & Ferguson, 1992)

These ideas are best understood through the analytical lens of place-making, particularly the social and physical construction of places by people. As defined by Yi-Fu Tuan (1977:79) 'place is understood as spaces that people attach meaning and value to and as a socio-spatial construct, places are constituted by location, the locale and sense of place. Location referring to the geography 'where'; locale being the material setting for social relations and actual shape of place in which people conduct their lives constituted by roads, buildings and other forms of aesthetics. Sense of place is described as the subjective and emotional attachment individuals and people have to place (Lombard, 2014).

Different people imbue space and place with different meanings and there is never one single value nor identities to place; instead there is a richness of understandings of identity. Lombard (2009) posits that the idea of place 'mirrors the self' and implies that identity is generated through place-making. Phenomenological approaches understand place to be constitutive of human identity seen as a 'glue of social and cultural familiarity that binds people to place' (Hull, Lam, & Vigo, 1994: 110) that leads to the intersubjective construction of place identity and image on an individual and collective level.

In the case of the N12 Highway Park, residents' identities have come to be shaped by the conditions of living in temporality and state relations with the community through services provision. The identities formed by community members in relation to living in a state of temporality are most evident in the kinds of networks built in community members. These networks are centralized around emergency and safety issues. Residents thereby identify themselves as 'temporary' people, of which as shared by several participants heightens their insecurity in the settlement. if any immediate emergency were to occur residents believe because of their state of being, they will not have the luxury of time to fix things (i.e. leaking roof or damaged structure) over a certain period of time. Eunice* shares on how the woman in her street started a stokvel for shack materials. 'If anything happens like heavy rain, winds and your shack is the unlucky one, at least you can get some support from us' (Eunice*, Interview #18) Time thereby shapes residents identity formation which ultimately shapes their engagements and activities.

The idea of household security is the most important for informal settlement dwellers, solidifying the understanding of temporality and permanence as well as the sense of community. Studying Recife in Brazil, Flavio De Souza (1999) argues that perceptions of households by informal residents in Recife are drawn from their likelihood of being removed and their sense of personal security. People's experience of relocation and the responses by the state and experiences on the space itself inscribe very particular meanings of how they come to understand their environments. The following are extracts taken from interviews with Thabo*, Jonas* and Eunice* around the perception of space.

Thabo* claims that

> 'As you can see here (point to his shack), I have had to make this place liveable for my family and I, especially my wife. Because this is our home now, therefore I have added new flowers, a new fence and an extra room to make it a bit bigger for when we have guests. I was born in a rural area and have always loved flowers and beautiful things' – (Thabo*, Interview #8)

Thabo's* understanding of the space is temporary, yet from his account it is clear that the space belongs to him. This is why he expresses the will to improve the landscape. One could say this is a form of place-making and construction of place- identity taken from personal memory.

Johan's*, on the other hand, has built his identity and interaction around safety determined by his experience in the community of being attacked by the local illegal miners one night. His understanding of the space is that it is unsafe and has increased his insecurities thus he has decided to increase his home security by;

> 'So I make sure I lock all day long, even if I am sitting outside because you never know what might happen to you, *phela* this is not my home. I don't trust anybody around here, except one neighbour. I was never this person, this place and the crime around here has made me like this always worried that they might come back for me again. – (Johan'* Interview #13)

And Eunice*

> 'I wouldn't say I am happy here, but I am happy that my children at least have a roof over their heads, I am happy that I can grow my vegetables and feed them for the night. I am happy that at least today I am still alive. This is now my house, because I own it. I have decorated it, because it must represent me' –Eunice*, Interview #18

The idea of shelter is what has comforted Eunice* since relocation she describes how they were forcefully moved by the 'Red Ants' in the rain, and how she and her two children were living under a self-made plastic bag shelter for two weeks before receiving materials to build a shack. For her having adequate shelter constructs her identity in the space.

In urban informal settlements, where incremental building processes often take place over the course of many years, the result is that houses become containers of meaning and memory (Kellett, 2002). They become much more than just shelters. They express, through their layout, architecture and interior design, ideas about progress, identity and values (Kellett, 2002). The state remains a collective actor in inducing ideas of identity through place-making, as it institutes spaces in the form of new housing projects, human settlements or neighbourhood developments. The state's presence in the form of service provision and maintenance of the community is felt as a strong influence to everyday life and, using Friedmann's words, as 'the physical context for patterns and rhythms of neighbourhood life (is) controlled by the state' (2007: 260).

In the N12 Highway Park, it is the provision and maintenance of services or the lack of the latter that community members begin to feel acknowledged and taken care of by the EMM Benoni Region, whether through the portable toilets being drained, rubbish collected and level of sewerage cutting through the shacks. These impact on how members of the community come to identify with the space, mostly expressing that they feel like 'animals', dehumanized and unable to make use of the facilities as a whole. In these experiences residents of the N12 Highway Park come to identify themselves as 'temporary' shack dwellers; unrecognized citizens; self-constructing individuals and community members. These are multiple identities, but the understandings of the self- remains negotiated, balanced and constructed on a daily basis through everyday practices and relations

4.7. Conclusion

> 'When you living in temporality you are always scared because you do not know when you are going to be moved again, to the point whereby you cannot even enjoy living in your shack and use the things around you'- (Jude*, Interview #3)

In this chapter I have demonstrated how the N12 Highway Park community was established through state sanctioned forced relocation. I have also shown how the concept of temporality or 'living in temporality' has come to shape how members of the community produce and understand space as well as how being 'temporal' impacts and affects the space production process. This chapter has outlined how the EMM Benoni Region has reacted and relates to informal communities, which has often been through relocation and evictions. The N12 Highway is characterized as a TRA and in its physical, psychological, political and social patterns resembles similar settlements elsewhere. However its conditions do not fit the legal description.

The N12 Highway Park will therefore remain being referred to its full name as it has not been legally deemed as a TRA by the Department of Human Settlements in the Ekurhuleni Metropolitan. Based on these structural circumstances, new identities are forged in the N12 Highway Park, which are shaped by perception of space, particularly their shacks as home. Individual identities as fluid are acknowledged by residents and the collective identities of residents as being *shack dwellers* and *temporary people* is established. The understanding of and the relation to space have been predominant in this chapter, shaping its analysis and comparisons. The legacy of apartheid remains in how the state deals with spatial issues in urban areas. The post-apartheid state shows no efforts of moving past these oppressive

structural solutions, thus continues to marginalize Black, poor people The following chapter explores the state's approach to service delivery, looking at the relationship between residents of N12 Highway Park and the EMM, and broader South African state and citizen relations.

CHAPTER 5

The State and the People: A Relationship of Expectations

5.1. Introduction

> 'We were told that we would be placed here for three months, now it has been six years. All we want from the municipality is to move us from here, give us houses and better services like electricity'- (Nomsa*, interview #19)

The above quote is taken from an interview with Nomsa*, a mother of 3 who lives in a two roomed shack. It presents a common view of the members of the community at the N12 Highway Park, who want to be relocated and provided with adequate services. The demand for houses and services such as electricity are at the top of the list. Nomsa's* statement speaks to the various understanding of the role of the municipality and expectations towards the local state, thus reflecting on the politics of citizenship and claim-making towards receiving adequate services by the marginalized. In post-apartheid South Africa, because of the history of oppression, stark inequalities and the promises expressed in the 1996 constitution, informal settlement dwellers have come to use the constitution and political affiliations to vouch and make claims to adequate services from local state representatives and municipal officials.

The community of the N12 Highway Park are no different, drawing from the legal case *Pheko and 777 Others v Ekurhuleni Metropolitan Municipality 2011* between the community of N12 Highway Park and the Ekurhuleni Metropolitan Municipality (EMM) over unlawful relocation of the community and violation of the rights to housing. The relocation of the community is also seen as a hastily measure of dealing with increased informality in the area by the municipality. The community has therefore used their legal case against the municipality as leverage in an effort to speed up municipal delivery of services as well as residents' have used their political party membership as forms of recognition and claim-making.

Democracy in post-apartheid South Africa is interpreted through the Constitution of 1996 and the Chapter two Bills of Rights that promotes better living standards, job opportunities and housing. People living in informal settlements can, therefore, be seen as being the biggest victims of the state's failure to

deliver its constitutional obligations to adequate housing; thus the failure of the expectations of democracy. This chapter explores the relationship between the residents of N12 Highway Park and EMM. It presents state-people relations as shaped by proximity to urban areas and the law. Firstly, by exploring the law and use of courts and how this has affected people's' perceptions of and relations to the local state. Secondly, discussing the geographical location of the informal settlement, and how this has increased the community's access to municipal offices in town, in order for the community to make demands and be recognized.

The residents of the N12 Highway Park have lived in the informal settlement for six years, with unfulfilled constitutional and legal obligations by the EMM. As a result, residents have begun to question their permanency and the so-called democratic freedom to a dignified life and access to adequate housing and basic services. The chapter argues that the relationship between the EMM and community of the N12 Highway Park is shaped by the democratic expectations of the state by the people to adhere to their demands. In the remaining sections of the chapter, I present the politics of space and the idea of citizenship as the grounds of the community's expectations. . Here the idea of how particular spaces determine particular claims is explored.

5.2. The Development of Housing Policy, the Law and *Pheko*

The Constitution of South Africa is renowned for granting an array of classic political and socio-economic rights, and a broad range of judicially enforceable socio-economic rights. The Constitution is set to redress both past and present causes of marginalization and socio-economic injustice through the transformation of the South African society (Strauss & Liebenberg, 2014). The promises of 1994's democratic dispensation made by the leading liberation party African National Congress (ANC) support this by stipulating that:

> 'A roof over one`s head and reasonable living conditions are not a privilege. They are a basic right for every human being… We will focus on the 7-million squatters and the homeless, and the upgrading of townships…The ANC will ensure democratic, efficient and open local government which works closely with community structures in providing affordable housing and services.' (ANC, 1994)

The promises of the ANC are based on the socio-economic promises of the South African Constitution.

Shaping development politics into a framework of rights, government is seen as having a duty to advance the social and economic status of the people. Against this backdrop the 1996 Constitution enshrined;

> '1). Everyone has the right to have access to adequate housing 2). The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realization of this right' (Republic of South Africa, 1996).

The housing legislative policy framework of South Africa has focused on the provision of housing subsidies to those in informal housing. The Housing Act of 1997 represents the key legislation in the housing sphere. It should be noted that all housing policy since 1996 are based on the Housing White Paper of 1994 which provided the framework for the country's housing development project set out in the now abandoned Reconstruction and Development Programme (RDP) (Tissington, 2010). The formation of the Housing White Paper of 1994 was concurrent with the drafting of the Constitution. Thereby it is important to note the shift and development of policy and law, in relation to the state of housing provision today, emerging informal settlements and eviction cases as to draw in the case and relevance of *Pheko.*

There have been numerous primary and secondary legislation relevant to different aspect of housing in South Africa. All have shifted and developed according to the various socio-economic changes the country has experienced and in some cases changes implemented were often reactions to weaknesses to policy implementation or driven by other agendas including political pressure and internal departmental politics (Tissington, 2010). Housing policy shifts are not explicitly rooted in interrogating the needs of the poor and the impact of such policies and programmes on livelihoods and economic activity of beneficiaries.

In the period between 1992-1994 the National Housing Forum (NHF) emerged; its main aim was to formulate consensus around new non-racial housing policy. The central debate of the forum was characterized over who would provide the housing and process of achieving this. The NHF thus set the tone for the first democratic National Housing Policy in 1994 (Tomlinson, 1999). The 1994 White Paper on Housing emerged from the NHF process and Housing Accord, it was largely influenced by the broad principles and targets of the ANC's 1994 RDP (Tissington, 2010).

The 1994 White Paper on Housing was adopted by the ANC after the democratic elections with the aim of 'creating viable, integrated settlements where households could access opportunities , infrastructure

and services, within which all of the people of South Africa will have access to' (White Paper of Housing, 1994). The goal of the policy was to increase the national budget allocation and to increase housing delivery in a sustainable way. The White Paper on Housing describes the government's overall approach to the housing challenge and is aimed at mobilizing and harnessing combined resources from both the private sector and the state. The intention of the policy of 1994 was to deliver starter houses, however despite the efforts of Department of Housing (DoH), there have been problems with both the quantity and quality of housing delivery. With this the DoH underwent a comprehensive review of its housing programme after recognizing a number of unintended consequences of the existing programme. The problems included poor quality products and settlements; the lack of community participation; corruption and maladministration; the increasing housing backlog and continued growth of informal settlement (Department of Housing, 2008).

In order to address the issues inherent in the RDP programme, the *Breaking New Ground (*BNG) document was ushered into existence. The intentions of the BNG were to shift away from the focus on quantity of houses delivered to quality and choice of housing. It built on the principles of the White Paper on Housing but also supplemented existing mechanisms and instruments to ensure more responsive, flexible and effective delivery. The key objective of the BNG emphasized the process of housing delivery and the eradication of all informal settlement by 2014, thus the BNG document frames housing delivery as a catalyst for achieving a set of broad socio-economic goals (Department of Housing, 2008).

Despite the shift and development of the housing policy, aimed at ensuring better service delivery and quality of housing for poor people, there remains a deep historical spatial inequality and exclusion in South Africa. Due to an increase in urban informality there have been a relatively high number of cases launched in the Constitutional Court since its inception in 1995 over housing rights, demanding justice and inclusion into the urban landscape. The majority of cases launched deal with negative infringement of the rights to housing or with evictions, the jurisprudence on housing furthermore they revealed government failures in policy implementation and misuse of law (Tissington, 2010).

The cases launched with the Constitutional Court were primary centred on the Section 26 of the Constitution, and particularly clause 26 (3) which states 'No one may be evicted from their home, or have their home demolished, without an order of court made after considering all the relevant

circumstances. And clause 25 (3) of no legislation may permit arbitrary evictions' (Republic of South Africa, 1996).

The case of *Grootboom and Others v Oostenberg Municipality and Others* (2000) judgement became a landmark in the transformation of eviction laws in South Africa. The N12 Community took on a similar path, assisted by the non-profit human rights organization Socio-Economic Rights Institute of South Africa (SERI). The community launched its case in 2011 with the Constitutional Court of South Africa, and submitted that their relocation and demolition of their homes violated their rights against eviction or *demolition* of their homes *without an order from the court,* under section 26(3) of the Constitution, as well as their right to human dignity under section 10 of the Constitution (Pheko and Others v Ekurhuleni Metropolitan Municipality, 2011).

Winning the case, the Court handed down judgement whereby it found that the actions of the EMM in forcibly removing the residents of Bapsfontein and demolishing their homes without a court order was unauthorized in law and contrary to section 26(3) .The Court ordered the municipality to provide land to the evictees 'within the immediate vicinity of Bapsfontein' and since the order was passed, another two court orders were issued the municipality has not adhered to any these thus undermining the law. The Ekurhuleni Municipality like many other municipalities in the country has been accused of a poor turnaround time to addressing legal issues often raising a number of arguments and justifications to their inability or delay to provide alternative accommodation and services to accusers (Clark, 2013).

In the case of *Nthabiseng Pheko and Occupiers of Bapsfontein Informal Settlement v. Ekurhuleni Metropolitan Municipality,* it should be noted that the Constitutional Court found that the area was commissioned to be hazardous in 2004, despite the aforementioned residents were only relocated in 2010. Therein it can be argued that it was the goal and intentions by the EMM to permanently evict the residents out of the area. This use of legislation can be deemed a form of structural violence drawing from the overall manner in which the state deals with informality.

The Kwa-Zulu Natal elimination and prevention of re-emergence of Slums Act, 2007 popular known as the KZN Slums Act serves as an example state structural violence. The Act was set to;

> To provide for the progressive elimination of slums in the Province of KwaZulu-Natal; to provide for measures for the prevention of the re-emergence of slums; to provide for the upgrading and control of existing slums; and to provide for matters connected therewith (KZN Slums Act no. 6 of 2007)

The Act serves as an example of the adaptation of the UN-Habitat *'Cities Without Slums'* ideal, the misunderstanding of the Millennium Development Goals (MDG) of Sustainable Urban Development and overall misinterpretation of law to address informality by the local state. In a Lefebvrian notion (1991) the Act was an instrument for the domination of space and ultimately an instrument for negative appropriation; meaning spatial prohibition inscribed in space and underpinned by law.

According to Huchzermeyer (2011) the Act's repressive measures suppressed the symptom rather than addressed the causes of informal settlements. The Act as a form of the state using its powers for mandating evictions was deemed unconstitutional and ~~as~~ a violation of the mandate and goals of Section 26(2)[5]. While a 'dignified framework' for evictions was subsequently set out in the Prevention of illegal Eviction from Unlawful Occupation of Land (PIE) Act No. 18 of 1998, PIE focuses on fairness in eviction procedures, yet the objectives of PIE are often ignored by municipalities conducting evictions and so-called relocations.

EMM too subsequently rejected the objects of PIE in the eviction of the N12 community whose cases account~~s~~ that 'the Municipality was not in line with PIE. Residents have also argued that they were intimidated by the "Red-Ants[6]"(Pheko and others v Ekurhuleni Metropolitan Municipality, 2011).[7][8] In the forceful relocation of the community, residents David* and Louis* note personal accounts of violence and mistreatment by state apparatus which included;

> 'The day that they came to evict us it was a mess, people were protesting, others closed the road with stones and burning tires so that the eviction truck wouldn't enter the informal settlement. So many of us got arrested'- (David*, Interview #20)
>
> 'The Red Ants didn't care if you are a woman or are with your children, they just dumped everything into the truck. Imagine the trauma of my children as well as that is where we lost a lot of our stuff, and I believe some of them were stolen by them' – (Louis*, Interview #21)

[5] Section 26(2) of the
Constitution of the Republic of South Africa Act 108 of 1996 reads that "The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of [the right to access to adequate housing]'

[6] A private security company whose employees wear red overalls tasked to evict people

[7] Relevant cases where the objectives of PIE were not fulfilled adequately; *Occupiers of 51 Olivia Road, Berea Township, and 197 Main Street, Johannesburg v City of Johannesburg and Others [*2008] ZACC 1; 2008 (3) SA 208 (CC); 2008 (5) BCLR 475 (CC)

[8] *Schubart Park Residents' Association and Others v City of Tshwane Metropolitan Municipality and Another* (CCT /12) [2012] ZACC 26; 2013 (1) SA 323 (CC); 2013 (1) BCLR 68 (CC) (9 October 2012)

The EMM use and misuse of legislation in dealing with informality speaks to the broader housing and service delivery issues in the region. For the EMM, "relevant circumstances" should have been taken into account in the Pheko vs Ekurhuleni case. It would seem that the Municipality in its hasty relocation sought to avoid other options such as upgrading and rehabilitating the informal settlement. Avoiding such responsibilities has become the most common cause of informal settlement evictions and relocations across the developing world (Mabuza, 2011).

Continuous cases of relocations conducted by the Municipality can therefore be seen to highlight the growing desperation to bring informal settlements under control. Thus the dramatic increase in the use and referral to the Constitutional Court and Constitutional rights by informal settlement dwellers is at large an indication of not only increased access to the courts and the law, but it is equally a sign of residents asserting their rights to resist what they perceive as unlawful. Local municipalities remain the biggest recipients of legal suits and violators of the Constitutional obligations of local government (Nieftagodien & Bonner, 2012) (Mabuza, 2011).

The struggle for adequate services and housing in informal settlements continues as much of the law has been developed in relation to dealing with inner city building violations. As a result, less attention is paid to what is required of the state regarding informal settlement relocations, as well as there is minimal policy guidance with regards to the relocation process. Its aftermath and duties of the state which results in the negative effect on the lives of informal settlement dwellers (Molopi & Vos, 2016).

As noted by David Dyzenhaus (2007) in his article, *The Pasts and Future of the Rule of Law in South Africa*, 'if public officials do not regard it as their duty to implement the law, the very existence of legal order is in doubt' (2007;18) and it places the rights of citizens at risk. However, how did the state and local government structures get to this point in their democratic mandate and responsibility to deliver adequate services and housing? The following section will interrogate issues of service delivery as primary reason behind the failures of the local government to adhere to its obligations as set out in the housing and constitutional framework.

5.3. Adhering to Legal obligations vs Capacity

There are several reasons why local government and municipalities across South African' metropolitan areas continue to grapple with increased law suits launched against them. This section interrogates the failures of the local state to adequately address issues of service delivery as a result places local

government in legal incompetency. In post-apartheid South Africa, local government is identified as the epicentre of governments' delivery system. After the promulgation of new legislation in 2000 national government devoted much attention and resources to the local government in order to ensure efficiency to municipal service delivery. The functions of local government were expanded to include eradicating poverty, local economic development and the sustainable development (Parnell & Pieterse, 1999). The legislation of 2000 sought to ensure efficient functioning of the local sphere of government. This would signify the national governments strategic vision of assuming a central role in addressing poverty and inequalities affecting the majority of the population in both urban and rural areas. However the performance of numerous municipalities across the country has demonstrated huge deficiencies in state responses in so far as to fulfilling its constitutional, legislative and political obligations (Koma, 2010).

The local level is often perceived as more democratic and responsive than other spheres of government, as it is well-placed to respond to local needs and interests. Local government is mandated by both the Constitution of South Africa and local government White Paper (1998) and Municipal Structures Act which provide that 'the central responsibility of municipalities is to work together with its citizens to find sustainable ways to meet their needs and improve the quality of their lives'. This notion is linked to the post-apartheid transformation goal of the development of participatory democracy that would ensure that municipalities are more accountable to the electorate and deepens citizenship participation in decision-making processes (Bekink, 2002)

Local government's fulfilment of its legal and Constitutional obligations of rectifying socio-economic balances by providing sustainable and efficient services has not been a smooth ride. The poor performance of municipalities affects public confidence and trust of citizens in government apparatus and with an increased stake of civilian forums and organizations at the local level. Local government faces scrutiny and threats of retaliation to poor services by disgruntled community members mainly through service delivery protests.

Adam Habib (2013) in *South Africa's Suspended Revolution: Hopes and Prospects* outlines inadequate service delivery as attuned to numerous factors such as there is a lack of clarity in the lines of authority between spheres of government spheres leads to the serious impediment to the efficient functioning of the civil service. Secondly, due to high levels of corruption and inadequate capacity, the public service has been incapable of fulfilling its obligations to deliver adequate services to the general public. As well

as cadre-deployment, party loyalties and lack of political will remain bearers to holding officials accountable. Lastly, as a result of inadequate resources, there is a dysfunctionality in public institutions with continuous under and over budgeting. This poses as a serious obstacle to effective service delivery (Habib, 2013)

The post-apartheid state continues to suffer from the legacy of unequal development and distribution of resources between the urban and rural areas. This is mainly due to issues of institutional capacity and corruption thus maintaining a perpetual socio-economic divide in the democratic dispensation. In rural South Africa, government institutions are few and far from communities and thus access to services is an on-going challenge. James* a resident of the N12 Highway Park, shares accounts of the level services received in the farm area of Bapsfontein;

> 'In Bapfontein, we never had running taps with water, water was brought in those big Jojo water tanks every week, and we had to dig up our own pit toilets because we didn't have toilets. And you know what the sad part is that when we were living there, we never knew that the Municipality should be providing all of these things to us, we thought this was life' - (James*, Interview #22)

This quote exposes how rural/ farm areas continue to be under maintained by the state; the lack of knowledge by most rural/ farm dwellers regarding their rights to resources, and how the current proximity of the community closer to urban areas has shifted their understanding of the local state and their expectations of it. This is further elaborated in the *chapter.* Therefore, the efficiency or lack of in local government service provision shapes the manner and ability of the local state to adhere to its legal obligations, as the current services received by communities remain largely inadequate.

5.4. Service Delivery and the Constitution in EMM

The failures of the housing policy in post-apartheid South Africa reflects the state's dereliction in its obligation to adhere to Section 26 (3) of its Constitution's obligations to residents living in informal settlements. Lack of adequate housing has posed a challenge to integrating the poor into the city, thus limiting their right to access to space, economic opportunities and secure tenure. It should be noted that the existence of slums is perceived as institutional failure of housing policy, finance and local government (Alsayyad, 1993). In 2000, the EMM and the other five metropolitan areas were established as part of the re-organization of local authorities after the end of apartheid, tasked with two objectives.

Firstly unifying the spatially fragmented region to a centralized administration, in order to facilitate the delivery of basic services and secondly to promote the institution of local participatory democracy (Nieftagodien & Bonner, 2012). The metropolitan area continues to face many challenges of inequality and underdevelopment in areas located on the peripheries of its urban areas and towns, and as a result of this the Metro has experienced a rash of protests by poor citizens demanding better services.

The refusal to accept informal settlements as a permanent reality in cities has resulted in slow response to the service needs of the community in the area by the municipality, therefore communities resort to protest as means of getting demands. Service delivery protests are therefore perceived by communities as signs of a systematic revolt and an indication of local government and municipal failure to the people. Protests are caused by various factors, including corruption and enrichment of local representatives (e.g. Ward Councillors) to the detriment of citizens; the lack of adequate political and structural representation coupled with the lack of regular contact between public representatives and their communities who are often out of touch with community frustrations over services. Protests are a language of power from below, they serve as reminders of the pledge and oath taken by elected representatives to serve their communities. Protests become symbolic as forms of revolt or a language of communicating community frustrations (Booysen, 2007).

For the residents of the N12 Highway Park just like in many other poor communities, protest is regarded as the only language the municipality understands as it is through protest that the municipality responds to their demands. Thabo* notes the importance of protesting for poor communities such as the N12 Highway Park;

> 'When they were removing us from Bapsfontein, we protested and some of us got arrested. But by protesting we managed to stop the process by a day, but they come back the next day. It was war. Here we don't protest because the leadership committee keeps on telling us to wait and not get angry. Change is coming but I don't think so [9]' – (Thabo*, Interview #8)

Protest are therefore a physical expression of disgruntlement, dissatisfaction and demand for the local state to adhere to citizens' constitutional rights. They are often targeted at municipalities as they are seen as the institutions that provide and allocate service and housing. Ward councillors and other forms of

[9] During the research, residents such as Thabo alluded to organizing a protest in line with the visit of the MMC in the community. These plans were halted by the leadership committee who shared that it wasn't the time nor the place. This created a lot of tension between the leadership community and several organizing groups.

representatives are also linked to deficit services such as sanitation, water, electricity and housing and thus become targets of community protests. Protesters often attack the physical property of Ward councillors and other forms of representatives as targets of protest, community sentiments are often that what they own, ultimately belongs to them(Tshiqi, 2015) (Govender, 2016).

In Ekurhuleni, issues of service delivery and particularly of housing have been evident since the 1970's. Rapid urbanization in the region saw an increased amount of poor migrant workers and those seeking employment, squeezing themselves in slums and informal settlements. The EMM remains an area with the highest number of informal settlements in the country. Housing Development Agency (HDA) (2013) accounted that in 2008 there were 112 accounted settlements; in 2010, 119 and between 2014-15 the number drastically increased to 137. With a large number of informal settlements emerging in areas between Daveyton/Etwatwa, Chief Albert Luthuli, Wattville, Modder East on the north-eastern part of the region, as well as in Katlehong and Tokoza on the opposite end of the region (Nieftagodien & Bonner, 2012).

Due to stark and evident apartheid spatial planning, poverty has remained in the former townships and emerging informal settlements. The biggest challenge for the Metro has been its ability to adequately respond to service delivery needs and commitment to the region ruling party election slogan '*Better life for All'*. As noted by municipal state official during the research, this quote reveals the challenges that the EMM faces, a high influx of people migrating to its CBD's resulting in an increased number of informal settlements. This means that budgeting has become very difficult and as a consequence dealing with service delivery issues timeously too. It should be noted that the element of political will exists, coupled by the political capacity to actively deliver to poor communities.

The EMM remains densely populated and the provision of basic housing is an issue in the region and South Africa at large. According to Patrick Bond and Angela Tait's (1997) account of the *Failure of Housing Policy*, market forces have to a large extent maintained the spatial and socio-economic divide between the rich and the poor. These authors claim that the consequences of the market-centred approach to subside low-income housing delivery has been detrimental to the needs of South Africa to building houses for poor people and workers. Bond and Tait based their analysis of state capacity and its reliance on the private sector for funding as well as the social impact of services in these sectors of housing. The privatization of housing in post-apartheid South Africa has been the biggest ironies and as a

result of this the present housing delivery concept remains segregated and unchanged with 'low-cost houses being developed in outlying areas where the property is cheaper'.

The subsidies houses are seen as replicas of the apartheid 40 square meter 'matchbox' houses located even further away from jobs and community amenities. In addition, because of inadequate delivery, poor people suffer from lower quality state services such as inconsistent rubbish collection to inadequate water and sanitation provision (Bond &Tait, 1997; Bond, 2004).

The post-apartheid state has been progressive with regards to the improvement and quality of life for the majority of the population. Basic services have been extended; there has been a reduction of absolute poverty and access to increased, deracialized opportunities. However it should be noted that the extension of access to services does not necessary translate to quality of those services, so while the state has played an important role as an instrument of redistribution unemployment remains stark, and the effectiveness of the state has been hampered by poor state capacity, patronage and corruption (Netshitenzhe, 2012).

The delivery of basic services remains the primary objective of the democratic government and the Ekurhuleni Municipality performs relatively well. This notion is seconded by one local municipal official Mr Tlabo who notes that ' The Ekurhuleni Metropolitan does really well in delivering water and electricity the various areas in the municipality. Our biggest challenge is the informal settlements, of which we do eventually give services to. Housing on the other hand has always been an issue in Ekurhuleni, we simply do not have developmental land and communities do not want high-rise buildings. It is a challenge' – (Mr Tlabo, 19/07/2016)

The challenges of the EMM remain centralized on land issues particularly well-located land suitable for housing development is minimal in the area. EMM struggles between authorities and informal settlement dwellers as residents of these poor areas often locate themselves on environmentally hazardous land. The removal of residents in these areas has caused high-tensions as areas in EMM are fragmented. Thus relocation areas are often far from transport linkages resulting in inadequate mobility, disruptions in work opportunities and livelihood. The community of N12 Highway Park in their relocation have suffered the consequences of EMM fragmentations. Residents of the N12 Highway Park in their quest for the right to the city as an exercise of what Harvey (2008) deems as the individual liberty to access urban resources as well as residents liberty to transform the city through themselves,. Residents have become more active in their engagement and demands to the municipality.

The Right to The City can therefore be deemed a human right, which speaks to the recognition and protection of socio-economic rights of the people, particularly the marginalized. Residents of the N12 Highway Park in light of claiming their right to the city, come to make sense of the place distinctively from their previous location in Bapsfontein. And through increased engagements with the municipality they feel 'closer to the state', 'more informed of their rights and opportunities to express that' as expressed by Nomsa*

> 'When we were living in Bapsfontein, we didn't know anything about the municipality only that we can vote and work wherever we want. Now that we live here, we now know that there are so many things that the municipality can do for us. One of them being giving us better services' - (Nomsa*, Interview #19)

Therefore Nomsa* like James* understands the role of the local state through the provision of services and broader perception of the EMM and N12 Highway Park is through the fulfilment of socio-economic rights. The following section will speak to the kind of understandings built by the community of the N12 Highway Park towards the EMM in the backdrop of the Housing legal-policy and broader service framework of the EMM. The section seeks to carve out how these perceptions influenced the notion of citizenship shaped claims made by residents of the N12 towards the local state.

5.5. Ideas of Citizenship and Claims to Basic services

The transformation of local government and development of a liberal multi-democratic South Africa, saw participatory governance structures emerge alongside classic institutions of representative democracy. The increased number of participation structures is most evident in local the sphere of government which include direct citizen participation and political representation. Booysen (2004) posits that in this form of participatory democracy citizens express themselves through two means; the ballot paper and protest, as a form of moving past traditional oppositions of representation. However, in poor communities local participation and engagement with the local state is conducted through community associations, ward committees and street committees. These structures serve as intermediaries between residents and the state as a form of representation. Community associations and street committees are highly regarded as they have closer proximity to communities as well as they negotiate daily relations between residents and build the community's capacity to organize for services such as housing (Oldfield, 2000).

In the N12 Highway Park, the leadership committee consists of six members, a chairperson, a secretary, a development officer and general community members. This is accepted as an appropriate is a structure of governance. The leadership committee serves as a mediator between residents and the municipality, they help the community lobby for government resources and organize residents in self-help initiatives. For instance, upon arrival in the area there were no water taps in the community. Residents thus initiated and conducted the first batch of tap installations, the project was then liaised by the leadership committee. While the municipality only installed additional taps prior to the visit of the MEC of EMM in 2010. According to Grace*, a resident at the N12 Highway Park,

> 'The municipality didn't even supply us with taps, we came together as a community, contributed R10 each and bought our own taps and additional pipes so that everyone in the community could have access to water that is nearby. The Municipality only care about our demands when it is the elections, someone dies and it's in the news or we *toyi-toyi**'- (Grace*, Interview #6)

The community driven installation of taps demonstrates that the inadequate delivery of services by municipality incite community members to seek alternative measures of achieving goals. There are different imaginaries of the state- how people 'see' the state as well as how the state 'sees' them, this notion shapes the nature of the state-people relationship and the broader scheme of community relations with representatives.

Partha Chatterjee (2001) referring to the Railway informal settlement in India, posits that the state is understood and related to by informal settlement dwellers and the marginalized through structured organizations and associations of representatives. She outlines how the railway community through organizing themselves and representation were able to lobby for government resources and formed a political society. This society is understood as a site of negotiation and contestation over government activities towards a population group. The political society in informal settlements however cannot fully rely on citizenship because of their informal status and their precarious relationship with the state. Thus, the majority of political societies use brokers and politicians to mediate with the state in accessing particular services (Benit-Gbaffou & Oldfield, 2011).

The modes of interaction between the state and marginalized residents frame poor people's representations of the state, their expectations and their own citizenship. South African societies can be understood as specific in their expectations of the post-apartheid state. The state remains at the core of

representation and expectations by poor residents, with protests becoming the manner in which these groups show disappointment of these expectations. The expectations and experiences of confrontation with the state can therefore be said to be characterized by everyday practices of negotiation, favours and clientelism (Benit-Gbaffou & Oldfield, 2011).

In the N12 highway Park, the everyday expectations of the residents are characterized by the constitutional basis of human rights and the ideas of citizenship. The community, governed by a representative body who serves as an intermediary between the residents and municipality is at the forefront of engagements with the community itself and the municipality,. Mr. Justice shares the experiences of interacting with the municipality as;

> 'When we go to the municipal offices, we go there in peace and clear about what exactly we want. They know me at the municipal offices and always listen when I come to plead my cases because I make sure that the community does what the municipality wants at times' - **(**Mr. Justice, Interview #4)

Aspects of Auyero (1999) Peronist case study talks to the relationship between the members of the leadership committee and the EMM however due to confidentiality given to participants detailed information of the kind of relationship the community has with EMM local state officials it could not be further elaborated by the participant for personal reasons. In growing literature centred on representation, community based representatives unsettle the terrain of democratic legitimacy becoming more vocal when dealing with power structures. Although this form of representation is not equivalent to political representation and cannot be held to account. Houtzager & Lavelle (2009) outline how the proximity of representatives in local community base structures gives representatives a genuine understanding of the interest of the represented, which fosters accountability because often these structures have a dual responsibility as one members of the community at large and two representatives of the community to the state. Mr. Justice who holds a prominent position in the leadership committee describes this duality as;

> 'It is difficult when you come back from a meeting with the people from the municipality and they don't do what they said that they would do. Now you look like you didn't fight hard enough with them, or you didn't go at all. This affects us as the leadership committee too because we also want and need the same things the rest of the community wants and needs' - (Mr. Justice, Interview, #4).

Drawing from Mr. Justice, members of leadership committees continue to be face with the difficulties of the duality of being both leaders and members of the community. In negotiating with the local state over community demands, informal communities engage with local state as members of social groups to be considered legitimate citizens. Citizenship in poor communities is perceived in numerous forms. According to Cornwell et al (2011): 'different kinds of states, make different kinds of citizenship possible' (2011, 9). He posit that subject's position and form their identities through class, race and gender all of which shape the notion of citizenship in poor communities. There are diverse and contrasting trajectories to citizenship including state brutality, state bureaucracy and its exclusions and denials. Therefore what being a citizen means is contested and contingent, as so are the peoples experiences and claims to access to the state and its resources (Cornwall, et al., 2011)

Khuno*, a resident of the N12 Highway Park and an owner of a small crèche in the informal settlement posits her understanding of citizenship as;

> 'I am a South African, I have a valid ID and I have been voting since 1994, I have always voted for the same political party so when all of these things are happening to us in the community I feel sad and angry that the people we trust with our votes do not treat us properly'- (Khuno*, Interview #8)

For her understanding of citizenship is drawn from the fact that she holds an official document that stipulates that she is a South African, she regards it as a form of validation for demands and needs from the state. Therefore, in the South African state, citizenship in both urban and rural areas is largely characterized by responsible citizenship and forms of entitlement with a widespread belief that the state owes its citizen services and resources such as free housing, water and sanitation. The high dependence on the state increases the knowledge of the marginalized over their rights as citizens of the state, exposing inadequacies' in services provided, forms of group recognition as well as the respect and inclusion of people.

In the N12 Highway Park, the community's first engagement with the municipality was through the SERI launched *Pheko vs Ekhurhuleni* case, an exercise and extension of the community's rights and demands as citizens. The idea of citizenship is intrinsic in the relations with the state by the community as well as the kind of identities formed and entitlements are understood as situational and negotiated rather than fixed. (Cornwall, et al., 2011)

Further engagement and lobbying for adequate services in the N12 Highway Park has been through the medium of human rights and recognition influenced the universal and constitutional understanding of a dignified treatment of all people. Rights are therefore shaped through actual struggles informed by people's personal understanding of what they are justly entitled to and have come to shape the daily experiences of the people of the N12 Highway Park. Mapule* in a distress articulates her experience of using local services

> 'Every time I think about using the latrine toilet I get stressed, I even develop a headache because I think to myself, I am a South African citizen with a green ID book yet I have to live like a dog in my own country while white people enjoy living lavishly with all the better services' - (Mapule*, interview, #5)

The relationship between the state and citizenship is complex and shaped by memories of past experiences as access to the state by poor people remains a difficult process shaped by notions of classism and racism. Poor people come to use different means of accessing the state, making claims to basic services and to be recognized. In the N12 Highway Park being situated across the RDP section houses of Chief Albert Luthuli, residents have reconstructed their ideas of citizenship, access to resources and broader claims made to the municipality. Claims to broader resources are based on claims of belonging to the community and over the rights and services that belonging to such a community should entail.

The community also uses varied factors to making claims to services including, the idea of citizenship based on state adhering to its people through the use of human rights; the legal case with the municipality and group legitimacy in the form of residents being recipients of social welfare and grant payments. The groups increased proximity to urban areas is also an increasing factor to claims made for services, not only for members of the N12 Highway Park but by informal settlements at large that are located on the peripheries of City centres. The notion of how proximity accounts for the different claims made by the community is elaborated in the next section.

5.6. Different Spaces - Different claims

People living in informal settlements are often excluded from making particular claims in the delivery of services. Although the state acknowledges its obligations expressed through practices of welfare provision and social control. The marginalized still encounter the state either as a

subject, citizen or client and thus in the geographies of state and society, analysis of spaces for manoeuvre, agency and negotiated are panned out as spaces are accessed differently by different bodies.

Spaces are imbued with power relations and are characterized by a multiplicity of relations that shape the production of space. Foucault's (1977) discussion on space and power speaks to how space makes the efficient exercise of power possible and on the basis of representational space and spatial organization effective government, effective exercise of power become possible.

The relocation of the N12 community is an exertion of state power and social control over the people. Subsequently the legal suite against the state an example of people's power. However space proximity has come to shape most of the communities' expectations and experiences with the state. Majority of interviewed participants expressed that previously they had no stark interest in issues pertaining the municipality. Sharing that claims made towards service delivery were largely based on the status of community members as migrant farm labours who needed accommodation as shared by Julia*.

> 'Personally, I didn't care much about the municipality because we all knew that we didn't come here to stay. We came here for work, but obviously we started to build families in Bapsfontein and neighbourly relationships. All I knew about the municipality was that the ward I was in is controlled by the ANC but the land my shack is place belongs to the owner of one of the farms'- (Julia*, Interview #6)

Drawing from Julia's* quote, the tenure of community members was based on their employment or as family members of employed farm workers. However, community demands were made directly to private land owners and not to the municipality. Thus the shift of space to living in close proximity to urbanized areas such as Daveyton, Chief Albert Luthuli and middle class suburban area Crystal Park, has changed residents' perception of the municipality as not this distant body but an institution set to serve them. One participant, Louis* expresses how living in an urban region exposes one to particular opportunities and resources that were previously not available in Bapsfontein;

> 'Living near a township you get exposed to so many things, and opportunities, we were once farm dwellers now we are being urbanized. I mean we can even claim what kind of

> dustbins and toilets we want, meaning that the people really do have a lot of power in decision-making we just didn't know about it.'– (Louis*, interviews #21)

Drawing from Louis* notion of people-power and claim-making in particular spaces, the process of place-making in informal settlements or marginal spaces in democratic South Africa is characterized by power dynamics that are exerted by both poor people and local state officials. Residents approach the local state through democratic principles and constitutional obligations of adequate services and dignified living for all. The claims of the people of the N12 Highway Park are thereby shaped by the current space that the community occupies and the kind of exposure they have received which has ultimately moulded various understandings of the state at large and created multiple spaces of negotiation and discourse within it.

5.7. Conclusion

The state of local government as transformative and redistributive has fallen short in the case of addressing the expectations of informal people living in the peripheries of the Metropolitan. The EMM still suffers from the backlog of housing delivery and addressing service delivery issues of its growing inhabitants, it should be noted that the municipality is one of the most developed in the country however it is yet to find adequate solutions to its service problems. The shift in housing policy and introduction of the Breaking New Ground has shaped the relationship between the state and informal communities. The policy centralized the experiences of communities in addressing their needs and finding relevancy in the urban landscape. The policy has also ensured an increased use of the rights based approach exposing issues of service provision in the municipality and other underlying issues the EMM such as access to durable land and capacity to delivery services.

For the N12 Highway Park the relationship between the community and municipality is based on the ideas of citizenship alluding to being 'green i.d book carriers', the legal case launched against the EMM and the communities' new proximity to urban areas. The claims to service delivery are thus made along this trajectory as well as the salient hands of the leadership committee who are politically affiliated and subtly use those affiliations to achieve community goals. Space remains an overall element of how different claims are made by different bodies because of their proximity to urban areas. Therefore further recognition is given to community members with the application and use of rights and the law seemingly possible. The following chapter will explore the production of space and practices of place-

making at the N12 Highway Park by residents. It will descriptively analyse how space has been used by the community post-their relocation deciphering the distinctiveness of what space production means and place-making in the N12 Highway Park.

CHAPTER 6

Space Production and Place-making in the N12 Highway Park community.

6.1. Introduction

In the previous chapter I discussed the relationship between the people of the N12 Highway Park and the local state. I have argued that the ideas of citizenship and proximity to urban areas serve as the basis for claims made by residents for increased services and recognition by the state. Reference to the law and exertion of state power remain the manner in which the people and the state relate to each other. This chapter elaborates on the ways in which space has been produced and place is made in the N12 Highway Park. Power and subjectivity serve as the basis of space production and place-making in the community. The chapter therefore builds on the argument that the spatial production and place-making in the N12 Highway Park is informed by the actions of the local state and everyday practices of the members of the N12 Highway Park.

In the remaining sections of this chapter I start by presenting the interrelationship between space and place, analysing their co-production as shaped by common experiences. I then present the EMM construction and deconstruction of N12 Highway Park, exploring the dynamics between the local state and residents as shaped by history, culture and class. I then present place-making in community as linked to the construction of a home. This is elaborated through how residents of N12 Highway Park have decorated their shacks and the kinds of relationships built, symbolizing use and association of space.

6.2. The Co-production of Space and Place

The production of space and place-making have multiple attributes to them. Place is bounded and specific to location, it is considered the materialization of social forms and practices as well as the affective experience that has come to shape how people embody space. Places serve as reference point in our lives and have distinct qualities that give people a sense of belonging, while space tends to be understood as an abstract form of complex ideas (Tuan, 1979). The vast definition and quality of space make us think of the metaphorical notion of space as being everywhere and nowhere at the same time. Thus space can be understood as always embodying a meaning. Space and place are co-produced through various dimensions and common experiences. The intersection between these two concepts is varied and dynamic serving as a reference to how space has been produced in the N12 Highway Park.

The relationship of place and space are merged in experience and mediated by symbols including codes and use of language. Codes in the form of language, alluding to space are seen as a practical relationship and part of an interaction between subjects, their space and their surroundings. The use of language is a descriptive-characterization of space and is presented through the perception of things. Language centres emotions and expectations thus there are specific codes established to explain phenomenon's relating to issues of space and place-making (Lefebvre, 1991; p291).

In the South African context, forced removals and resettlements during apartheid left a legacy of graphic names given to residential areas usually referring to events and activities at the time as well as the commemoration of people. South African informal settlements are renowned for the peculiar names given to them by community members who are often characterized by personal association, and experience. The N12 Highway Park is no different, the area was named according to its location of being placed adjacent to the N12 Highway with Johannesburg west bound and Witbank/eMalahleni east bound. The community members have characterized the area in various ways with Focus Group #2 collectively naming the area *'emahellene' and la khunga nampilo* loosely translated to 'Hell hole' and 'a place that has no life'. Focus Group 2 qualify these descriptions as;

> ‘Person one: if you ever stay in this place for more than a day you start to get sick. Why? Because of the dirty air that we are expected to breathe in every day.
> Person two and three: That is why we say that this place is bad, not only are we constantly sick but we are unemployed too’ – (Focus group #2)

The emotional under tones in the characterization of the area speaks to the symbolic language used to articulate perception of space by residents. Space can therefore be said to be constituted by a collection of things. The production of space encompasses space in totality and it symbolizes a shift of things in the form of physical development or emotional attachments. It is associated with change and the relationship between space and place is mediated by symbolism with spatial relations being intertwined with perception of space to human attachment to places. In the N12 Highway Park the concept of spatial production is presented though the use of language and community initiatives in efforts of creating a particular living environment. The woman of focus group #2 share how the feeding scheme served at the local crèche has become the centre of the informal settlement;

> ‘Here at the feeding scheme, we only serve the elderly and children under 5 years because they are the most vulnerable. We get the food from donations and sometime from our own pockets. The feeding scheme is a reminder that we are still a community and that we should care for each other. It is to create better living conditions for us all’- (Focus group #2)

The aforementioned speaks to how actions and behaviours shape and produce particular spaces. The feeding scheme as a beacon of hope in the community serves as an example of creating places that are imbued with value. Pred Allan (1985) in *The People, Space reader* posits that places are similar to spaces, they are human products involving appropriation and transformation in time. Understanding time as connected to space means understanding the evolution of space and in the change of space means the shift of place association., This understanding centres geography as socially constructed and maintains place as imaginatively shaped by self-perceptions of space. This is evident in the N12 Highway Park as articulated by Gloria*

> **'**We have been living here for more than the time they said we would be here, so this place has eventually become a home for me, in fact to the point whereby I have further plans of extending my shack'- (Gloria*, interview #14)

The above quote addresses how time impacts people's attachment to their environment. For Gloria* her sense of place has been influenced by the duration she has spent at the informal settlement. In reference to the area as 'home' she alludes to the forms of attachment to space that lead to place-making. Space and place have a replicating effects on each other particularly in the kind of language used to characterize them, the language used is often personal and emotive. The following section will analyse the EMM in the production of space in the area, characterizing the relationship as one based on power and subjectivity, particularly in the decision-making process and community responses.

6.3. Power and Subjectivity in Space and Place production

The local state is a bearer of power and holds the capacity to dictate the amount of access people have to certain goods and services as well as where they live through planning processes. This power is maintained through the kinds of relations it has with citizens and is emphasized through state action and policies implemented. Questions of power are underlined forms of decision-making that shape the way in which places are designed, built and maintained. Through various conventions and regulations, power dynamics allow or prevent access to space thereby framing our experiences and activities (Gieseking, et al., 2014). In space, subjectivity is framed as individual experiences and self-identification that are conditioned by social political and economic forces intertwines with the notion of power. This interrelationship manifests itself in the built environment through spatial interactions and relations. This section will analyse how EMM in the spatial planning and maintenance of the N12 Highway Park has shaped the subjectivities of the members of the N12 community and ultimately contributed to space production in the area.

The concept of power can be deciphered in various ways, drawing from Steven Luke's in his book "*Power: A Radical View"* in 1974 (2005) he distinguishes power through value-assumptions particularly in its range of empirical application, arguing that the power of the state or any structure manifests various ways. It operates latently through ideology, prevailing social beliefs

and practices evident in the macro-scale of government to the micro-scale of group interaction. In the built environment the concept of power is distinguished by Lefebvre (1991) who centres the state in the process of shaping particular environments stipulating that the state is actively involved in housing construction, city planning and urbanization with urbanism being part of both ideology and what is considered rational practice of the State.

The relocation of the community of the N12 Highway Park, was considered part of this so-called 'rational practice of development' and part of giving 'solutions'. The after effects of the relocation were however not thought out by the state indicating the lack of adequate consultation with the community. Officials at the EMM who work closely with the community have indicated the blunder in the municipality of not acknowledging the impact of livelihood as they were mandated to merely ensure the safety of the residents. One municipal official , Mr. Eddie from the EMM Benoni Region offices attempted to indicate the conditions of the community noted:

> 'We relocated the people from Bapsfontein because of environmental issues. And we are still looking to find them a soluble land to place them on. These things take time but the community is not permanent in the area because we are working on the issue. It should be noted that where the community was living previously they had no access to all these things we are doing for them now, so I think that life has gotten better not worse for them'- (Mr. Eddie, Interview #2)

This interview presents a set of challenges in state–people relations and perception of a people's wellbeing. While local state officials believe that the relocation was for the betterment of the people and presents broader opportunities for the community members, some residents of the N12 Highway Park disagree with this just like Jude* who stipulates that;

> 'Yes, we might be living near town (Benoni); yes getting to places is easier now that we living closer to busy transport routes; yes we now receive better services and yes we now know who the ward councillor is. However we are poorer than we have ever been. There is a lot of unemployment in the area something that was never there in Bapsfontein, people always had work now we have nothing'- (Jude*, interview #3)

The relationship between the local state and the community is not singular but diverse. It is often characterized by the distribution of services to members and this form of clientelism characterized by exchange of favours between voters and councillors, whereby the councillor gives voters public goods for support (Benit-Gbaffou, 2011). While this relationship is not explicit in the community, what is important for the study of the N12 Highway Park is the evident power dynamics that are maintained through state-people relationship and how it ultimately influences spatial production.

Michel Foucault (1982) on his writing about *Power and Subjectivity* exposes the structures and dynamics of coercive power. He centres his concerns with institutional, discursive spaces and mental categories such as sanity and legality. Delineating these as elements of governmentality and technologies of self that are produced and reproduced in it, here the notion of power is immanent to relations between the state and its subjects but exist only through application. For Foucault (1982) power is embedded in the form of discipline, the regulation of population and distribution of material conditions. Thus Foucault notion of power in the N12 Highway Park is presented through the relocation of the community by the EMM and service provision in the area as a means of 'regulating the population' (1982; 256).

In space the state imposes and promotes itself as a stable centre that is fit to distribute and shape space according to its desires. Space is political both in the material and abstract sense and for the state it is the means of production translated to the means of control, and domination. In the EMM with the increased amount of informality, the municipality seems to fail to master space completely thus uses violence as a means of control. This occurs through land allocation, relocation and broader community's access to resources. For the EMM power is only understood in its specific relational and material effects (Farrar, 2000).

Mr Justice expands on the power of the EMM and its impact on the informal settlement:

'You see the municipality understands that we need it. They forcibly placed us here so they understand that they need it to give us water, electricity and toilets and grade our roads. It is not like we cannot get or do those ourselves using other methods but we rather not because we understand and know our rights! The municipality must just do the right thing.'-(Mr Justice, interview #4)

The aforementioned speaks to how the community of the N12 Highway Park understands the role and responsibility of the local state. Centralizing the power of the municipality through state power of relocating the community, services provided and their impact of the communities' state of being. The

impact of state action on the community of the N12 is exacerbated by the material conditions the community currently lives under. Relocated 30km away from their original location, the people of N12 Highway Park experienced the harsh reality of loss of livelihood, income and communal ties. Through the decisions of the state, a particular subject was produced in the N12 Highway Park. One of which historically did not consider issues of space as of great importance but was mostly concentrated on livelihood and day-to-day interactions. The subject produced is one that now recognizes himself/herself in social structures and who's understanding of themselves as citizens is awakened. Subjectivity in the N12 community articulates itself in terms of perceptions, feelings and experiences. Thereby individuals have become directly and indirectly subjects of the conditions of their social milieu.

Economic relations and class action also serve as influencers of space production by the state in the community. Here community members believe that the municipality relates to them differently because they live in an informal settlement and are poor (Focus Group #1). For Lefebvre (1981) speaking to economics of space; the bourgeoisies have power in the struggle for space. Concentrating on residential spaces, Lefebvre argues that these spaces transcends neo-capitalist practices and is coupled by the representations of space waged under the Gramsci (2006 (1971)) *hegemony.* Intended as a dominant ideology the hegemony it is expressed through consensus, used to reinforce the goals of capitalism and the nation-state. Gramsci (2006 (1971)) notes that the interests of the dominant class are presented as if they are the only viable interests and any alternative is impossible or utopian because space is a production of capitalist mode of production and an economico-political instrument of the bourgeoisie therefore exclusionary to everybody else.

The exclusionary sense of space was felt at the N12 Highway Park. Located in close proximity to RDP and bond house affected residents' behaviour and the perceptions of themselves and broad sense of space in general. Living adjacent to the Chief Albert Luthuli RDP and bond section houses shaped the perception of class and space in the settlement with community members such as Carolina* expressing:

> 'When we first realized that we are living across RDP houses, our children began to question the difference between us and them. Why they have electricity and we don't,

> flushing toilets and somehow a sense of dignity than us. I could not answer those questions because for me it all boils down to money, they have money we don't' - (Carolina*, Interview #14)

The capitalist understanding of space is that poor people in comparison to those who have the financial means, do not live in homes or neighbourhoods. Poor people and well-off people are differentiated by choice; the structure that poor people occupy is not determined nor does it reflect dwellers ideas and preference, while the bourgeois have control over this process and the kind of neighbourhood they want to live in. Housing as a concept serves as a form of differentiation and distinctiveness (capital, class, social). For poor people the lack of decent housing brews resentment and helplessness, with consciousness of place brewing, the possibility of civilian action is high. For the EMM in efforts of avoiding civilian action local state officials reiterate that the placement of the community is temporal.

> 'We are still looking for land for the community of N12 Park. But they must not forget that we have to deal with other people first, I mean that is why we have the list system so that everyone can be served adequately'- (Mr. Eddie, Interview #2)

Mr. Eddie alludes to the issues of distribution and housing backlog faced by the state. In the EMM the re-relocation of the community to suitable land, provision of adequate housing and basic services was ordered by the Court[10], but the municipality has seemingly lagged behind. This has impacted residents in various ways particularly in identity building in the community. It should be noted that physical settings and properties are important to identity building and according to

The power of the state in the production of space in the N12 Highway Park is elaborated through the municipality's lack of urgency to adequately address the court orders issued. It is also through the sentiments of the municipal official Mr Eddie, that are the challenges of the municipality regarding informal settlements are highlighted as well as perceptions towards informality and informal people is presented.

It therefore can be argued that in urban regions, informal settlements are stigmatized, the poor are blamed, socially rejected and viewed as visually unattractive and disorderly, thus the relationship

[10] See Chapter 3 elaboration on case of *Pheko vs Ekurhuleni Metropolitan Municipality.*

between housing authorities and informal communities is often denounced and classist. The states understanding of the informal settlements as temporary, isolates members of these communities who in the long run have to over exert themselves to be heard by the state and included. Roy (2009) in the politics of inclusion outlines how slum dwellers of Mumbai had to constantly battle with the local state to be heard and the use of radical forms of citizenship. Alluding to how the kind of relationship the authorities have with citizens reinforces understanding of each other as the bearers of power and subjects. In the N12 Highway Park,

Mr. Mpanza shares the difficulties of getting the attention of the officials at the EMM as;

> 'We leave here very early in the morning so that when the doors of the municipality offices open. We are the first ones in line. Sometimes we go there to go ask for things just like more water taps, more latrine toilets and development programmes. But we are not always lucky. Because sometimes we don't even get a chance to see the relevant people we want to see' – (Mr. Mpanza, Interview #15)

Access to local state officials is a continuous issue for residents of the N12 Highway Park in the EMM. The municipalities' history in the continuum of resettlements and isolation of informal settlements in post-apartheid is reinforced in the N12 Highway Park whose case study solidifies understanding power and subjectivity, in informal settlements as shaped by local state decisions and local state officials' perceptions of informal communities.. The following section will present the experiences of the community members of the N12 Highway Park, drawing from the elaborated understanding of local state action and subjects produced. The narration of the community's lived experiences will outline how individuals in encompassing and rejecting all external factors have come produced their own spaces and ultimately make sense of place in the form of a home.

6.4. Everyday experiences of the N12 Community

We all appreciate beauty, we imagine ourselves in beautiful spaces that represent and reflects our wants and desires. Therefore, the manner in which we treat the spaces we occupy is often a replica of how we see ourselves. People living in informality have been the most creative and resourceful in finding the means build and shape their lived environments, often using recycled objects, small gardens and self-portraits as means of decoration and home-making. In the N12 Highway Park the area has largely been

shaped by state planning in its processes of resettlement, maintenance and service provision. Members of the community have however begun to build and shape their own spaces, safe heavens they consider home. This section serves as a narration of the experiences of Margret*, Gloria* and Ntombikayise* in their efforts to make sense of Place through the construction of a home. This speaks to the greater understanding of the impact of both physical and abstract space on people.

Understanding built environment allows us to be more specific about ways in which spaces shape and mould specific subjectivities, complex meanings and networks of interpretation.
As outlined by Tuan (1991) places are spaces that are imbued by personal experiences, they are symbolic as we learn to make sense of them through human experiences. Drawing from Feldman (1990) and Manzo (2003) definition of home and sense of identity, a home is defined as a place in which personal meaning becomes tied to the individual's conception of self. Feldman (1990) further explains that the experience derived from living in a house, home, city and region are significant elements where people and family units assemble their sense of identity through social and place-specific interrelationships. Manzo's (2003) notion of place-identity and attachment outlines how a house cultivated by emotional attachment and perception of surrounding environment becomes a home. For members of the N12 community, this framework best helps to decipher place-making and home-making as interlinked.

Standing with Margret * on a hot day at the informal settlement, she gleams as she shows me around the yard of her compact shack. Margret has recently upgraded her shack from a one-bedroom to a more spacious three-bedroom with a small veranda. The corrugated iron is light blue in colour with black coated window planes, the roof is shiny shoe black with a silver grey chimney pipe protruding outwardly. The yard is approximately 5meters by 3, covered with small maintained patches of grass and concrete slab grass in front of the door as to block water from coming into the house. During the interview, Margret* waves at her neighbour and says:

> 'We build our shacks according to how we feel and see ourselves, like me, I appreciate nice things and just because I live in a shack does mean my yard should represent that. I'm from the farms so I need to have plants in my house, as you can see I have even planted some spinach and maize in the back because you cannot eat meat everyday' (Margret*, Interview #26)



(Margret's Shack. *Source, Mohale, N* 2017-01-10, N12 Highway Park)

Margret description speaks to Suttles's (1972) idea that what people do heavily depends on where they are and how they relate to their spaces. Therefore, a person's association with their intimate space although is difficult to narrate for the researcher but can be noted through visual evidence. Margret's pride of her shack is tied to the fact that it represents a home and a sense of ownership therefore she believes that she can use the space as she feels. Grace* on the other hand vocalized her distress with the area and the environment because she felt pushed to create a more suitable and pleasing environment for her and children:

> 'They placed us here like pigs, with no resources; no water, no electricity. We had to start from scratch. This shack that you see, (as she point backwards) to the blue painted corrugated structure with a distinctive red gate was not like this. I have had to struggle to make it look like this, not just for me but for my children as well, so that they can be at least proud of where they live. Even if it is in an informal settlement'- (Grace*, Interview #26)



(Grace* House, Source*, Mohale, N (*2017-01-10), N12 Highway Park)

The views and perception of space impact the manner in which people relate and use it. The spaces we inhabit and each thing within them are an extension of ourselves. We live in relationship with the spaces around us and the ones we create. For Grace* the creation of her own space has shaped her perception about the area, as 'not so bad anymore' but cannot further imagine her children growing up here. She elaborates further;

> '… As a person who grew up on a farm, I've always appreciated cleanliness, I have always appreciated flowers and growing my own food. Since coming to live here, I have been unable to do half of the things that I was used to do such as grow my own food. Why? Because we live so close to each other that when your neighbour disposes dirty water it runs passed your front door. I actually feel so bad about the people living at the bottom of this settlement because they bear all the dirt that comes from the top'- (Grace*, Interview #26)

Grace* lived space is shaped communal living and her personal experiences of the current space she occupies. The lived space is a felt space, inquiring into the ways we experience spatial dimensions of our day to day existence. For Grace* the decoration of her shack is the centre of her understanding of space, she uses objects to shift and shape perception of the environment, all in efforts constructing a home for her children. The following section will analyse how service provision shapes and influences the process of place-making.

6.5. Impact of inadequate services on Place-making

Space is a social product that incorporates social actions reflecting self-presentation and self-representations. In the N12 community the communal understanding of space is seen through collective rubbish dumping. The community just like many other informal settlements in the country, faces problems of high density population and it contains large amounts of dumping sites. These sites cause an increasing amount of environmental health risks, impacting the communities' attitudes towards the municipality and shaping practices concerning the environment and health issues. Grace* whose shack is approximately 3 meters away from one of communal dumping sites in distress says:

> 'This dumping site is an indication of the municipality not caring about the informal settlement. My children especially the young one always has diarrhoea and respiratory problems now, I need to always make sure that the air in the house is clean and she has her specially required food, how can I possibly control clean air?. People in power do not realize that where and how we live matters and affects us'- (Grace*, Interview #26)

Grace's* concerns speak to the detachment of local state representatives to informal communities, the lack of service provision and maintenance of the N12 Highway Park has shaped the communities spatial setting and health status with the lack of refuse collection and adequate latrine toilets as the main issues. This has influenced counter-acts by community members who have 'taken matters into their own hands'. Ntombikayise*, aged 65, offers one such example: she lives alone in her one room shack separated by a line curtain to differentiate between the public and private space. Since being relocated to N12 Highway Park, Ntombikayise* has not received a latrine toilet and refuses to share with her neighbours because of reoccurring health infections and safety issues. She has thus taken the initiative to dig her own 'long-drop'[11] toilet. To her this is a form of maintaining her dignity as an old women in the settlement.

This is a form of spatial practice which contributes in different ways in which spatial production occurs in the informal settlement. Thereby every space is appropriated by members and individual subjects according to their own interpretation of the environment and the texture of space is therefore aligned

[11] Pit Latrine toilets often referred to as Long drop toilets

to internal and external spatial practices which is largely based on the past but it is also shaped by current circumstances. Therefore the kind of space produced in informal settlements is a combination of private and social space, which encompasses interrelationships in their coexistence which is an outcome of a sequence and set of operations. Informal settlement spaces are seen as repetition spaces from an outcome of repetitive gestures associated with instruments of control and association all of which are both duplicable (Gieseking, et al., 2014). Drawing from Lombard's (2013) Mexico case study on place-making in urban informal settlements, he shows the relevance in the terminology of place-making practices for urban informal settlements particularly in the backdrop of isolation and inadequate service distribution. Lombard highlights that there is a limited understanding of urban informal settlements, as they are treated outside normal urban considerations meaning they are often insufficiently maintained and isolated from material benefits of urban regions. Residents of these informal settlements are often tasked to build and maintain their own areas. Thereby notion of place-making helps us understand how communities relate to spatial and social marginalization.

The phenomenological approaches by both Relph (1976) and Tuan (1977) emphasize place as the locus of meaning of human existence and a way of seeing urban 'informal settlements as site sites of complex socio-spatial interaction' (Relph, 1976;78). Place-making and shaping of spaces in homes in the N12 Highway Park is anything but static it is underpinned by everyday practices, lived experiences and individual perceptions and responses to the f surroundings of residents (Cresswell, 2004; Lombard, 2003). Thereby the experiential elements of human action at the level of specific places can be understood as fundamental to constructing informal settlements. However it is critical to approach the production of space, place-making and perceptions of space in the process of home-making not only as an outcome of social processes but as tool of creation, maintenance and transformation of relationships. This would ultimately produce knowledge about informal settlements and the broader impact of space on people as individuals and collectives.

6.6. Conclusion

In this chapter I have outlined how the Ekurhuleni Metropolitan Municipality together with the community members of the N12 Highway Park have produced space and made sense of place in the area. I have argued that space and place are co-produced by experiences and symbols. , This means that one influences the other and through this, the manner in which space is construction or deconstruction

by both the local state, its actors and residents of the N12 Highway Park is important in the overall understanding of space and place-making. I further elaborate on this point by looking at the role of the local state and responses of the community members in space production. I propose this relationship is elaborated through power and subjectivity. Power is framed as state spatial planning, maintenance and service provision; Power is also recognized through local municipal official perceptions of informal settlements, whether they recognize the importance adhering to the communities' demands and how those perceptions have impacted the lived experiences of the residents of the N12 Highway Park.

Subjectivity is framed as the ripple effects of state actions on the members of the community, of which has shaped residents personal experiences and their perceptions of the state. This has largely influenced kinds of homes they begin to construct. Homemaking/ construction is a concept used to decipher place-making in the community. It also serves as counteract to the states exertion of power; home-making becomes a means of reconfiguring individual space as members through their everyday experiences begin the process of home-making, which is described through the individual narration of Gloria*, Grace* and Margret*, who share their experiences, personal taste and perceptions of their lived environment.

I have argued that the perception of space is shaped by service amenities and relationships built with local representatives. The residents perceptions of their surrounding environment and interrelationships are all expressed in the physical through visual aesthetics and use of objects to decorate another form of home-making. I conclude that the Ekurhuleni Metropolitan Municipality maintains a heavy hand in space production in the community however community members of the N12 Highway Park have taken their own initiatives influenced by Habitus and experience to shape their own lived environments.

CHAPTER 7
Conclusion

7.1. Introduction

This chapter presents the conclusions of the research project based on reflections on the research questions, objectives of the study and interpretations of the findings. The purpose of the study was to bring the role of the local state through service provision and planning processes at the centre of space production and place-making in the community of N12 Highway Park. It aimed at exploring the impact of state action on the interpretations and meanings that informal communities attach to living space. My personal experiences at the N12 Highway Park become fundamental in the interpretations of the findings. The research is based on a particular case study and findings should not be interpreted as a representation nor generalized to fit the experiences of other relocated informal settlements in Ekurhuleni. However, the research is rather helpful in illuminating broader questions on the relationship between the state and society particularly with residents of informal settlements. As well as understanding of the impact of state service delivery and planning processes on the place-making efforts by poor communities

7.2. Research conclusions

I conclude that the manner in which space has been produced as well as place has been made sense of in N12 Highway Park is shaped by local state inventions and the provision/lack of basic services in the community. Twenty-three years into the democratic dispensation, the local South African government continues to react to increasing informality through the structural violence of displacement, relocations and inadequate service provision all as a means of controlling urban sprawl. The state's poor interpretation and implementation of policy is reflected in the physical emergence and conditions of the N12 Highway Park. The informal settlement is characterized as an unorthodox 'Temporary Relocation Area' a term coined by the researcher. TRA's serves as a bitter legacy of apartheid policies that continue to be used in post-apartheid South Africa as a solution to increased housing demand and failed housing policies. The community of N12 Highway Park have bared the brunt to this harsh solution resulting in the community being removed from their historical social networks and places of employment thus

deepening the communities' levels of poverty and social inequalities. The concepts of the production of space and place-making in the research are drawn from theorist Lefebvre (1974) and Tuan (1979) who centralize space as social product and who production process is determined by social relations rooted in politics and economics. The terms 'production of space and place-making' contribute to a vocabulary for the analysis of the impact of institutional decisions and everyday practices of informal settlement communities. In the research the concepts are grounded on state actions and community responses in the form of how the EMM relocated the people of N12 Highway Park; displacing them from their livelihoods, placing on the equally environmentally questionable land and inadequately providing them with basic services.

The responses of the community members of the N12 Highway Park included the rebuilding of networks; community initiatives which sought to regain the dignity of the people as well as individual responses to space through place-making practices. All of which are bounded by community members perceptions of the area, of themselves in relation to services received and residents proximity to urban areas. The concept of place-making in the research is understood as home-making, it serves as a form of spatial production and practice in the community. It is considered a form of response to state actions and ultimately presenting residents various attachment to the space.

The basis of the research commences by understanding the background of the N12 Highway Park leading to their relocation. The findings show the EMM reasoning behind the relocation as based on environmental issues. Furthermore the state of the residents of N12 post their relocation is analysed, with the idea of temporality and 'living in temporariness' at the forefront of how residents' see themselves and their lived environment. The institutional temporariness of the N12 Highway Park is shaped by service provision and the perceptions of the community by the local state officials in that the grievances and demands of such communities often side-lined.

This exposes how the needs of temporary informal settlements tend to be disregarded by policy-makers as they believe that the settlement arrangements are for a minimal time, thus with poor implementation of a proposed project, the local state lacks soluble solution for unorthodox TRA's. The impact of living in temporariness for residents is understood through Tuan 'Places as experience', proposing that living in a temporary / unsafe space is psychology damaging. It ultimately shapes the kind of identities forged by members as a collective and as individuals. As well as the kind of attachment and/or lack of constructed in spaces by people, thereby influencing how space is ultimately used.

At the core of the relationship between residents of N12 Highway Park and EMM is the legal case launched by the community against the local state. In the research the use of the law relays the interpretation of the 1996 Constitution and the democratic promises of the ruling political party in 1994 by poor people. Therefore understanding the development and shift of housing policy in South Africa particularly the introduction of the Breaking New Ground sought to highlight the relationship between the state and informal communities and centre the relevance of *Pheko vs Ekurhuleni Metropolitan Municipality* in the fight for decent housing and basic service provision for the poor. The use of the courts thereby has become an avenue for informal communities to voice out grievances and holds the local state accountable. The EMM similar to other metropolitan areas in the country has failed to adhere to set out housing and constitutional frameworks, of providing adequate housing for all and implementing soluble upgrading projects.

The research holds that issues of inadequate developmental land, service delivery issues, institutional capacity and political will serve as the primary reason for the failures of the EMM in addressing the issues of the N12 Highway Park. Through the use of the law and courts residents of N12 Highway Park do not only set out their demands and grievances but also come to expand Benit-Gbaffou and Oldfield's notion of claim-making by poor people who use basic rights and ideas of citizenship as their basis. Here the marginalized group of N12 Highway Park are witness using multiple political discourses and adopting plural strategies. As well as residents begin to develop particular identities, the idea of citizenship and being citizens is solidified by residents who begin to use their rights and expression of demands to the municipality.

Residents also make claims on the basis of their proximity to urban areas, which proves valuable to understanding claim-making and state-people relations. Relaying that the closer you are to urban areas the more exposed you are to municipal services as well as the more the municipality takes your grievances seriously. This also exposes the rural/urban divide of access. With most residents expressing how moving closer to an urban area has shifted their understanding of the role of the municipality in light of the provision of services. The strategies employed by the community of the N12 Highway Park also expose the failures of the state to adhere to its constitutional obligations and housing policies. Highlighting the high dependency on the state by poor people which continue to pose a challenge to the local government to deliver its set out promises to a growing number of people.

Space is characterized by numerous factors that shape how it is produced and by whom. The Foucauldian theory of power and subjectivity fits this case study, particularly in relation to state actions

and community responses at the N12 Highway Park: here space is imbued in power and vice versa. Power in space is understood on the basis of Lefebvre representational space and spatial organization whereby the local state's exercise of power is centred on decision-making in spatial planning processes and provision of basic services The relocation and maintenance of the N12 community is therefore an exertion of state power and social control over the people. Power is also framed through the perceptions of local municipal officials of informality and informal settlement as ultimately this influence whether community demands are adhered too.

Subjectivity in the research is framed as the ripple effect of state actions on a people. The experience of community members, their perceptions of the municipality and the state of their lived environment largely influences their place-making processes. The notion of place-making/ home-making in the community is physically expressed though the decoration of shacks, use of landscape, upgrading of shacks and use of colours. In this practice the understanding of space and place as interlinked and interchangeable meaning one influences the other, it is a process that seeks to counter act the heavy hand of the municipality in the informal settlement, giving residents an opportunity to reconfigure individual space. Therefore the research posits that EMM has maintained a heavy hand in the space production of the community shaping space through the provision or lack of basic services . With the responses of the community members in the form of place-making have been shaped by residents lived experiences seconded by habitus all of which shape residents use of space in shaping their own lived environment.

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Footnotes.

[1] Includes architects, urban planners and decision-makers.

[2] Joe Slovo case involved the attempted large-scale relocation of residents of Joe Slovo informal settlement in Cape town to the peripheral town of Delft to make way for the N2 Gateway Housing project commissioned in terms of the BNG Plan.

Abahlali case based on the legal challenge of the KwaZulu-Natal Elimination and Prevention of Re-emergence of Slums Act No. 6 of 2007. Abahali baseMjondolo a shack dweller social movement was concerned severe consequences of the provincial legislation of the Slums act.

[3] The asterisk is used to symbolize that the name used is a pseudonym.

[4] A phrase alluding to one having a South African identity book translated to being a South African citizen.

[5] Section 26(2) of the

Constitution of the Republic of South Africa Act 108 of 1996 reads that "the state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of [the right to access to adequate housing]'

[6] A private security company whose employees wear red overalls tasked to evict people

[7] Relevant cases where the objectives of PIE were not fulfilled adequately; *Occupiers of 51 Olivia Road, Berea*

*Township, and 197 Main Street, Johannesburg v City of Johannesburg and Others [*2008] ZACC 1; 2008 (3) SA 208 (CC); 2008 (5) BCLR 475 (CC)

Schubart Park Residents' Association and Others v City of Tshwane Metropolitan Municipality and Another (CCT

[8] /12) [2012] ZACC 26; 2013 (1) SA 323 (CC); 2013 (1) BCLR 68 (CC) (9 October 2012)

[9] During the research, residents such as Thabo alluded to organizing a protest in line with the visit of the MMC in the community. These plans were halted by the leadership committee who shared that it wasn't the time nor the place. This created a lot of tension between the leadership community and several organizing groups.

[10] See Chapter 3 elaborations on case of *Pheko vs Ekurhuleni Metropolitan Municipality.*

[11] Pit Latrine toilets often referred to as Long drop toilets

APPENDICES

Appendix 1: Interviews

Interviews conducted with Ekurhuleni Metropolitan Municipality Officials

Mr. Ace Phiri - City Manager, Springs Branch 12/07/2016

Mr. Tlabo - Customer Relations Assistant, Benoni Branch 19/07/2016

Mr. Eddie Nkomotse – Executive Manager Human Settlements Property and institutional Support Eastern operational area, Housing Department, 21/07/2016

Interview with Leadership Committee

Mr. Kamadi, Gender and Women, 08/03/2016

Mr. Justice, Chairperson, 05/08/2016

Mr. Mpanza, Street leader, 05/08/2016

Interviews with community members: Pseudonyms

Sarah, Female, 06/09/2016

Grace, Female, 06/09/2016

Vivian, Female, 06/09/2016

Julia, Female, 06/09/2016

Mandla, Male, 08/09/2016

Khunu, Male, 10/09/2016

Thabo, Male 08/09/2016

Jonas, Male, 10/09/2016

David, Male, 10/09/2016

James, Male, 08/09/2016

Jake, Male, 13/07/2016

Eunice, Female, 05/07/2016

Jude, Female, 05/08/2016

Gloria, Female, 05/09/2016

Mapule, Female, 07/09/2016

Nomsa, Female, 11/09/2016

Louis, Female, 11/09/2016

Carolina, Female, 11/09/2016

Marget, Female, 11/09/2016

Ntombikayise, Female, 11/09/2016

Focus Group interviews

Group 1, 18/07/2016

Group 2, 22/07/2016

Observations

ANC Electoral door-to-door campaign, 23/07/2016- 24/07/2016

EFF electoral door-to-door campaign, 25/07/2016

Mass meeting with the Ekurhuleni MEC, 28/07/2016

Appendix 2: Images

Example of different uses of space, through the decoration of shacks









Appendix 3: Participant Information sheet.

PARTICIPANT INFORMATION SHEET

Exploring the Role of the local State in the Production and Maintenance of Space through the Delivery of Basic Services and Community Responses: The Case of N12 Highway Park, Ekurhuleni Metropolitan Municipality

Greetings

My name is **Nthabiseng Mohale** and I am currently a full time student studying towards a **Masters in Urban Studies** in the School of Architecture and Planning (SOAP) at the University of Witwatersrand. I am currently interested in investigating the extent to which

The impact of the relocation of people in the informal settlement and what kind of service and maintenance have the people received since, and how they view their new living environment

I am inviting you to be part of the study through an **interview process and questionnaire**
The interview will take no longer than 45 minutes of your time. And will be conducted in and around N12 Highway Park and City officials will be interviewed at the Benoni Municipal offices. During the course of the interview you will be asked questions regarding

What kind of relationship do you have with your local state official/ members of the community?
What kind of services are provided to you?
How do you find the new place that you now live in, particularly your house?

The interview will be **recorded** to be used as evidence of aims of the study, using an audio recorder and hand written notes.

You have been selected to participate in this study due to your

Position as resident of the informal settlement

Position as a State official

Your participation is **voluntary**, you may refuse to answer any questions that make you uncomfortable, and you may withdraw at any time without penalty or loss. You will receive **no payment or other incentives for your participation.**

Your participation will be completely **anonymous** and you will not be personally identified in the final report. You will be referred to by a pseudonymous
However, your **organisation** may be identified

The results of the interview and your personal views **will not be linked to you in the final report.** *In the event that I use direct quotations from this interview, please note that your identity will not be revealed. Any comments that you make that you deem "**off the record**" or similar, will not be quoted. Further, any information that you share will be kept **confidential** and can only be accessed by me on a **password protected computer**. There are also no foreseeable risks associated with your participation.*

The research undertaken is **solely for academic purposes** and once completed will be available electronically and can be accessed publicly.

If you have any questions, concerns, or comments or if you would like a copy of the final report, please feel free to contact me at
678494@students.wits.ac.za or my supervisor Noor.nieftagodien@wits.ac.za

_____.
NAME: Nthabiseng Mohale
DEGREE: Masters of Urban Studies

Appendix 3: Participant Consent Form

FORMAL (SIGNED) CONSENT FORM

SCHOOL of ARCHITECTURE PLANNING

I hereby confirm that I have been informed by the student researcher of the purpose, procedures, and my rights as a participant. I have received, read and understand the written participant information sheet. I have also been informed of: The use of my words as evidence in the study.

□ the nature of my participation in the form of a questionnaire
□ the place and duration of the study

☐ the reasons for why I was selected to participate in the study
☐ the voluntary nature, refusal to answer, and withdrawing from the study
☐ no payment or incentives
☐ no loss of benefits or risks
☐ Anonymity
☐ Confidentiality
☐ How the research findings will be used

I therefore agree to participate in this study by completing the questionnaire

I AGREE / DO NOT AGREE to audio-recording during interviews.

PARTICIPANT:

_____
Printed name

_____ _____
Signature Date