



*A better Berea for whom?*



## CHAPTER ONE: ASCERTAINING THE ROUTE - CID IN BEREA

### INTRODUCTION

This chapter captures the background to which City Improvement Districts (CID) have materialized in South Africa in brief and their definition. Outlined here are the means at which the research has come about, what it seeks to achieve and how it has been conducted including the research limitations. Despite the fact that my initial interest was on investigating the impacts of the *residential* CID to the poor communities in Berea; this study has focused on the decision-making processes within a CID. The reason is that the case of Legae La Rona is recent (it was only born 4 years ago), making it difficult to investigate its impacts hitherto. Thus, I decided to focus rather on the decision-making processes at works in the CID, understood as the backbone to what happens within a CID and giving strong indications on the outcomes that might derive from them.

### 1.1 BACKGROUND

City Improvement Districts have emerged as a new urban management tool responding to the problems such as crime and grime faced in urban areas and to the perceived failure of municipalities to deal with these challenges. In the post-apartheid South Africa, city centres are faced with challenges of urban decay which call for urgent regeneration. While there are a number of business improvement districts, this study examines the decision-making processes and structures of the first *residential* CID called Legae La Rona (Our Place) situated in the inner city neighbourhood of Berea, in the city of Johannesburg. CIDs in South Africa have been mainly of business nature in malls evident in the northern suburbs of Johannesburg with few proposed in the inner city neighbourhood and Legae La Rona is the only approved *residential* CID in Berea (Figure 1). This implies that there is little or neither literature nor study on what a residential CID may result in, in particular on their impacts they may have on the poor communities and their role in urban governance. However, in support to the argument that CIDs, by the Johannesburg municipality, are a good tool that needs to be approved in places where decline is evident or likely in future, one

may see (at face value) the need to approve the proposed or informal voluntary CIDs around the Johannesburg city centre residential areas.

The aim of this thesis is to examine the decision-making processes and structures within a CID. This urban management tool is a new way of governance that seeks to attain a global city status through urban renewal frameworks that empower local communities. It is hypothesized that CIDs are successful in cleanliness, safety and security encouraging consumers and investors back to these districts leading to economic and social revival of the area. However, they lead to the exclusion of the most voiceless members in our societies in the urban environment. This research draws upon a case study of a *residential* CID in Johannesburg to assess the level of representativeness (if any) of the marginalized groups within CID decision-making institutions, mechanisms and processes. Detailed information on the background of Berea relative to Johannesburg will be outlined in chapter 3 presenting the case study area.

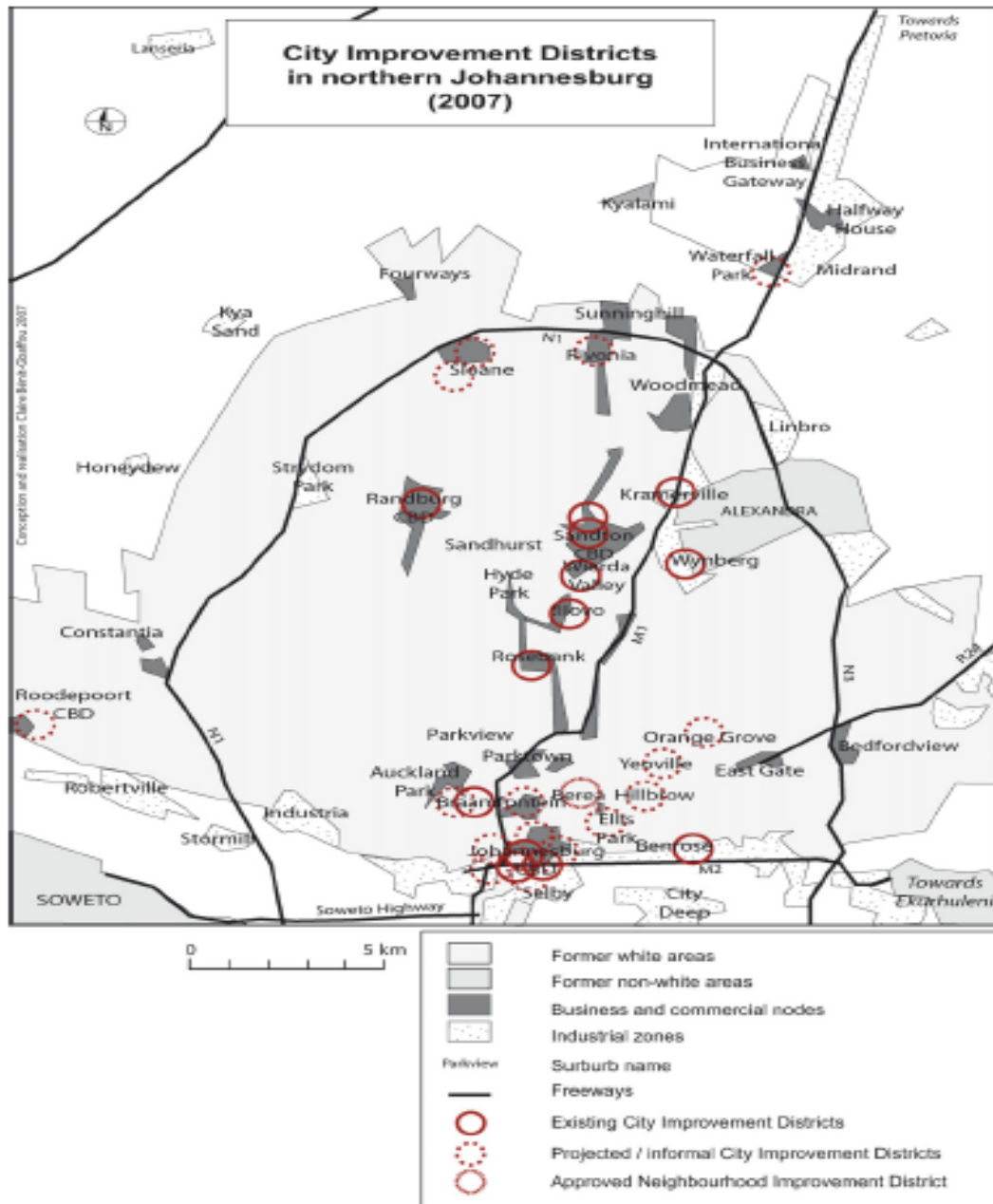
The study topic is about exploring the decision-making process and structures of establishing, building and managing Legae La Rona. The research question is about who decides over urban management issues managed by CIDs and who is represented in the decision-making structures and processes?

Supporting questions are:

- a. Can we talk about private governance or rather a Public-Private Partnership (PPP)?
- b. What is the role of the poor people in these processes?
- c. What are measures laid in establishing and managing *residential* CIDs to deal with unintended consequences or giving those against the CID a procedure to follow in putting forward their opposition?

The focused area in this study is to get information on who makes decisions, which property owners have a bigger voice, who is included as well as who is excluded. Furthermore, this new tool is used within the environment with distinctive history and amongst people with different socio-economic status; therefore, issues of who participate, who has a bigger say on decisions taken, what procedures are followed and what issues are discussed are relevant to investigate.

Figure 1. Map of CIDs in Johannesburg North



Source: Benit-Gbaffou (2008)

The research was done for the period of thirteen months. Planning and data collection were done from February to November 2008. Data analysis and writing was done from November to March 2009.

The presentation of the entire work structure will articulate and maintain flow of views and facts. Aim, rationale, research methodology, sampling procedure, research tool, synopsis of data collection and analysis, ethical issues considered in this research as well as limitations of the research methodology and anticipated findings are given in this chapter. In the literature review (chapter two), discussions are about the two main arguments for and against the use of such an urban management tool, theories of communicative planning, participation and other relevant literature is presented. Chapter three presents the context of the case study, its location and the relevant literature to facilitate the understanding of the originality of Berea, where Johannesburg experiments its first *residential* CID. Subsequently, data presentation is in chapter four and finally chapter five presents a summary of the study and recommendations leading to the conclusion of the overall work.

## 1.2 WHAT IS A CID?

An Improvement District is a distinct physical area within which property owners agree to pay an extra charge for certain services (of their own choice) to enhance the physical and social environment of that area (Gauteng City Improvement Districts Act, 1997). It provides supplementary services to those provided by the local authority that usually include safety and security patrol officers, pavement cleaning, litter collection and the removal of illegal posters. This is a self-imposed financing mechanism implemented by property owners for the enhancement of public service. Other services can include: web-based communication and information systems connecting all businesses in the area; business attraction; environmental upgrades, business preservation; branding and marketing the CID zone as well as events management to attract more people to the area (Mitchell, 1999).

### 1.3 PROBLEM STATEMENT

CIDs are a new urban management tool used as a means to achieve localized management by local people promoting private ownership. Briffault (1999) and Mitchell (2001) mention the on-going debate of the nature of this tool which endorse privatization of service delivery, create inequalities in access to service as well as privatization of control over urban space. This new tool raises the question of whether urban management is local or private. That is, as the local municipalities fail to efficiently manage the area, they pass other duties to property owners. The inquiry will also be looking at the role of public agents (like the City Council) in the management of the CID.

In line with neo-liberal ideologies, some argue that these methods of management increase freedom of people who use the area and space and help reduce poverty through increased local ownership (Zetter and Hamza, 2004). It helps ensuring a proper management of derelict areas where the public sector does not seem able to cope with urban challenges such as street security, garbage collection and public space maintenance. "By adding extra resources and local management of a neighbourhood, a CID would help restoring a safe, clean and well maintained environment based on local ownership of the area" ([www.cjp.co.za](http://www.cjp.co.za)).

Others, critical of these neo-liberal ideologies, argue that such tools of urban management will not benefit the poor because poverty on its own results from the exploitative relationship within capitalist production and distribution (Wright, 1997). Localized ownership or privatized management may result in power imbalances between residents and the property owners which may lead to exclusion of the poor with limited influence on decision-making as the property owners are the ones responsible for paying the extra levy and decide on what supplementary services the fund will be spent on. This raise the uncertainty on the mere efficiency of such tools transferred from the initial economic development purposes to residential improvements. The argument here is supported by the fact that the recent community CID that occurred in Cape Town led to practices of segregation and exclusion. People like the beggars, street kids, the unemployed as well as tax drivers and contract workers were excluded and identified as criminals as a result (Didier and Morange, forthcoming). Wright (1997) argues that property rights given to people generate

exploitation of those who do not own property. Thus, this research seeks to find out whether this is a type of good management or if it advances exclusion.

The perception of exclusion here is induced by the fact that the Gauteng City Improvement District Act of 1997 states that the management body of a CID must at least have three representatives of ratable property owners and one representative of the municipality. It states that tenants are also entitled to be members but emphasizes the role of property ownership as it is the majority of property owners who determine and agree to fund supplementary and complementary services to those normally provided by the municipality in order to maintain and manage the public environment. The voting rights are proportional to property ownership, thus, only the property owners vote on what is required (not the tenants) and there are no means for tenants (or small property owners) to hold them accountable for any unjust or questionable actions. Such entitlement leads to skepticism on the decision-making process questioning who gains and who losses due to decisions on urban management. The researcher perceives that this localized management gives power to property owners, reducing or seizing local municipality's responsibilities to service delivery and provides services (double paid by the rent payers and tax revenue) that are costly to the poor people who cannot meet the expense of extra levies to their rentals.

#### 1.4 RATIONALE OF THE STUDY

In Gauteng, CIDs are considered in terms of the CID Act No. 12 of 1997 which was approved on the provincial legislature by the end of 1997. This means that they are approved by the Provincial government, yet controlled by the city municipality at a local level. There is no municipal by-law enforcing the establishment of the CIDs in Johannesburg as opposed to the Cape Town municipality by-law on CIDs. This may suggest that coordination and management of such operation may be difficult and complicated at local municipality level.

CIDs are provincially legislated but the cost is borne by the property owners through the payment of CID levy. As it depends on the value of individual stand, this means that different owners bear different cost and they gain control and more power over their property. The CID needs 50% of agreeing property owners representing at least 50% of the ratable property for it to be approved

(see the text box below). Nevertheless, once approved all property owners are affected and they should pay the levy. This raises the question of that if such imposed costs are suffered, upper hand is granted in terms of control of property by the property owners, profit driven developments favouring business are encouraged, what outcomes may all this have to small property owners, users of the public space and ordinary people who are renting the buildings.

The Gauteng City Improvement District Act of 1997 limits the influence of people with no property or those with less valued property to decision-making within a CID. The Act may simply be interpreted as stating that a person with more property pays more and more pay corresponds to more vote. This work seeks to identify if there are any divisions created, issues rising or conflicting ideas between big property owners and smaller property owners within the decision-making processes. It also explores the representation (or lack thereof) for the poor within the processes of establishing a CID and to a smaller extent, identify if there are any costs to be endured by the ordinary tenants who only occupy the residential area in terms of rental lease. To achieve this, the researcher intends to explore (by partaking in the CID meetings) whether there are any restrictions as to who is allowed to occupy the place which may lead to exclusion of the poor people resulting from the process of decision-making.

The inquiry here is evoked by the fact that it is not only big rateable property owners who reside or own property in Berea, poor people are the main occupants of the residential buildings in the inner city neighbourhoods. Therefore, the poor may be disadvantaged in a long-term or even forced to relocate from this residential area as a result of regulations as well as increased rentals. On the other hand, CIDs can have a positive impact such as rendering the street more secure for the tenants and the repair of the dilapidated buildings, acting as an improvement for the occupants. Therefore, this research is useful in terms of exploring both positive impacts that may be recommended in the future developments as well as identifying negative effects (intended or not) that may badly affect the very poor members of our communities. Such findings may help identify and help inform good strategies that developments especially within residential areas should undertake so as to avoid excluding people in a long-run and inform policy-making in terms of urban regeneration strategies that seek to achieve an inclusive city.



Box 1. Extracts of the Gauteng City Improvement District Act, 1997

*Gauteng City Improvement District Act, 1997:*

*Section 4(1) The city improvement district may be formed only after written proof in the prescribed form is provided to the municipal council by the petitioner indicating that more than 50 (fifty) percent of the owners of rateable (sic) property who represent more than 50 (fifty) percent of the rate base in value of the property in the city improvement district.*

*Section 4(3) Owners of rateable (sic) property and tenants within the boundaries of the city improvement district are entitled to be members of the management body: provided that the votes of members may be weighted in proportion to the levy payable by them and provided further that the weighting accorded to any one member or group of members under common ownership or control may not exceed one third of the total number of votes which may be cast.*

## 1.5 RESEARCH AIM

The purpose of this research is to investigate the decision-making processes within a CID, questioning the representativeness of all stakeholders involved in decision-making. The study questions whether a *residential* CID leads to local empowerment or simple privatization of governance, which may have upsetting effects to the poor people like street kids, hawkers and the ordinary renting communities who do not own property, whereby involving people may lead to better living conditions as some studies claim or exclusionary processes may simply chase poverty away from the city centre. This is based on the CID critics that CIDs threaten democratic accountability, create wealth-based inequalities in service delivery and negatively impact the residential neighbourhood (Garodnick, 2000; Hoyt, 2004). In relation to planning, it seeks to evaluate in a broad spectrum urban regeneration or neoliberal arguments using the perspective of the people holding different powers in decision-making within a CID in a city in order to contribute to policy-making recommendations.

The findings of this research are expected to contribute to the understanding of the possible negative impacts that poor communities may suffer due to the developments that can initially

intend to make them proud but instead badly affect them. This research will try to identify possible proactive solutions to the challenges that may result from the CID processes. The report also seeks to identify positive effect that may result from the *residential* CIDs in order to tribute their future use as an urban management tool.

## 1.6 HYPOTHESIS

1. Large housing companies are driving the decision-making processes within Legae La Rona CID in Berea. The dominance of large private property companies in Berea renders the *residential* CID much alike local *business* CIDs and does not usually allow local users of the space any access on the management of their area.

2. The residential CID promotes localized ownership/ private ownership at the expense of the poor people such as the street kids, street vendors, low income residents as well as small property owners who may not be included on the decision-making of what should constitute a residential CID and those who cannot afford high rentals.

## 1.7 METHODOLOGY

This research adopted a qualitative research design. Qualitative research design appeared to be the most appropriate method in investigating people's perceptions, experiences and their behaviour in social interaction. Since qualitative method is the research method that involves meanings and perceptions and seeks subjective understanding of reality from perceptions of people who are part of that reality (Greenstein, 2003), it is used in this research as a means to understand the decision-making processes from the decision makers within a CID. The study has implemented individual in-depth interviews using semi-structured questions which have provided the space for answering the questions broadly with reasonable limitations. Such interviews allow flexibility in the responses and consent to prop questions. This method gives flexibility around the sequence in how questions are asked and allow respondents to answer in a broader way. Open-ended answers give more detail and encourage participants to give a narrative story of their experience and share their knowledge. Issues of power, marginal in decision-making can be

sensitive in a way that respondents have to feel free in answering questions and the interviews have occurred in a natural setting. Questions shown in appendix A and B were created in such a manner that there are no leading questions, they are open-ended questions, the similar issue is not repeated in different questions, questions are not ambiguous or contain two different questions or meanings and that the questions systematically follow each other to allow the researcher to ask or not to ask the question depending on the answers provided by the respondents on the previous questions.

The qualitative method has provided more data for rich contextual issues, giving a rich description on aspects of the place of the poor on decision-making processes in urban management, demonstrating the inclusiveness or exclusiveness of the processes as well as highlighting briefly what may be the long-term effects of CIDs to the poor or marginalized communities and residents renting the property under the Legae La Rona CID in Berea.

Participatory observations through attending community policing forum meeting and meetings of Legae La Rona steering committee were also used as a method to get additionally information to achieve gathering of in-depth information and facts about the whole strategy without interfering with anyone. This method helped to limit subjectivity within the interview process and allow first hand know-how to the researcher on how decisions are made, who attends the steering committee meetings and how issues and challenges are dealt with. Additionally, walking around the precinct observing the building renovations, streets cleanliness and informal street trading was also used to gather more information on spatial make-over.

#### 1.7.1 DATA COLLECTION AND PRESENTATION

After reading the Gauteng CID Act of 1997, noting that the voting power is proportional to property ownership and observations around Legae La Rona that there are both blocks of flats and houses, the researcher realized that the participants should be identified from both flats and house owners. Consequently, participants include big property owners, small property owners/house owners as well as tenants. Tenants are involved in order to examine whether they are represented as well as to get their views on Legae La Rona. The term property owner in this context refers to those who

are engaged in property management, CEOs of property companies as well as owners of the property.

To achieve confidentiality in the presentation of the findings, in this research B is used for big property owners e.g. B1, B2 etc, H1, H2 for house owners as they are presented sometimes as small property owners, BM for building manager, Co for community organizer and T1, T2 for tenants. Due to limited access to information on Legae La Rona participants, the researcher could not manage to identify property owners as big or small in terms of the size of the flats they own or identify how many owners of flats. This typology was established because it was difficult to get the information on which property owners participate on Legae La Rona as B1 said "it is everyone's property owner, but I cannot give you the names". Despite this intricate experience, the researcher improvised and used the minutes of the meetings attended in order to compile the number of owners of property in Legae La Rona. The mainly used is the debt analysis report that the researcher obtained through attendance at Legae La Rona steering committee meeting-28 October 2008, showing the property owners owing, paying and those that are not interested. Skills of writing while a respondent is talking and listening attentively were adopted.

The data is analyzed in themes that develop from the basic research questions. The information collected from field work and literature was organized, themes identified and coded into subject matter.

### 1.7.2 SAMPLING PROCEDURE

For the purpose of this research, the researcher used accidental or availability non-probability sampling as the study required actors on the process of establishing a CID as well as other stakeholders to include all cases on hand. Accidental or availability non-probability sampling is when the likelihood of having a representative sample is unknown and determining whether all elements of the population are included is difficult. The reason why the researcher used this sampling procedure is that it was very difficult for the researcher to get information about who is on the managing board of Legae La Rona, therefore depended on the referrals. Other than that, there was no other possibility to know about who is involved in what and where to get them. Given the

fact that there is no specific population list of property owners within Legae la Rona, or that the property owners may be residing elsewhere in the world than in Berea, participants comprise those owning property, managing the buildings, and involved in the formulation process of a CID. However, big property owners which are identifiable property companies in Legae La Rona where some of the respondents are working at or living in buildings that are under management of these companies are IThemba Properties, Trafalgar, Prime Property Invest, Johannesburg Housing Company (JHC) and TULHF. Participants from different buildings in different streets were interviewed.

A total of 12 in-depth, semi-structured interviews were conducted amongst 4 big property owners, 1 community organizer, 1 building manager, 2 house owners, 2 house tenants and 2 flats tenants. Sampling from different property in terms of size has given perceptions of different experience from different participants. In addition, it has also given advantage for this research to access different views from occupants in different position and different places within this area. Although this sample is convenient for this research in terms of availability or accessibility of key actors and time constraints, generalization based on these participants is extremely risky because it might not be representative.

### 1.7.3 ETHICAL CONSIDERATION

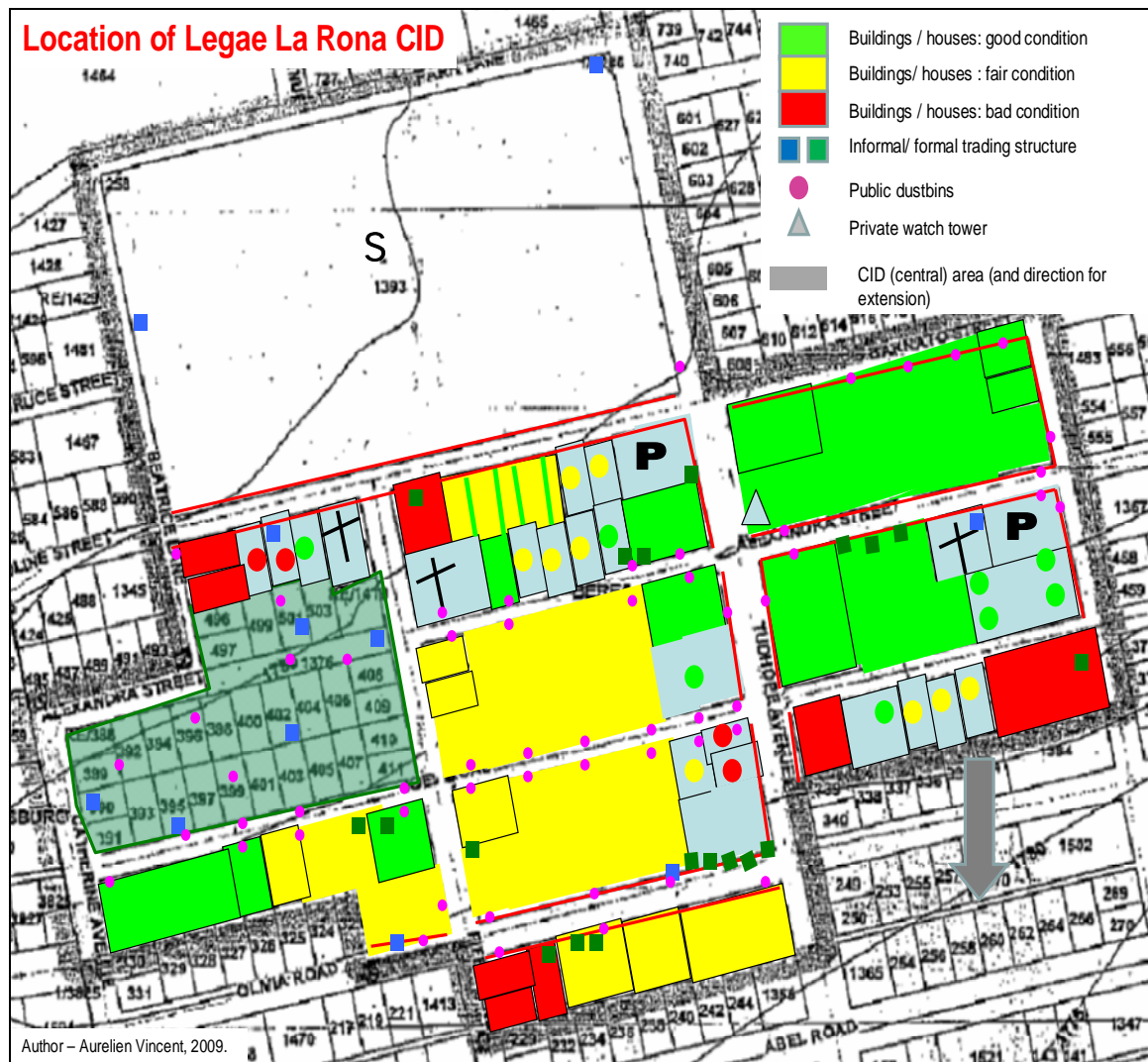
Participation to this research was voluntary and participants were allowed to withdraw from the study as they wish. Participants were assured that there would be no disclosure of their identities in relation to findings or responses and the research will not be published. Additionally, questions were constructed and asked in a manner by which all the respondents will not be offended.

### 1.8 RESEARCH SITE

This research was conducted in Legae La Rona CID in Berea residential area, north-east of Johannesburg CBD. Legae La Rona CID consists of seven blocks, running from Barnato Street to the north, Olivia Road to the south, bordered by Fife Avenue to the west and Lily Avenue to the east ( Figure 2). By blocks I mean buildings quadrilateral bordered by main streets.



Figure 2. Boundaries of Legae La Rona Central



Source: Aurelien Vincent (2009), Fieldwork Survey.

To include Barnato School, and Barnato Park, and some buildings of flats, it encompasses the area from Barnato Street to Park Lane, Beatrice Lane and Catherine Avenue. Also, along Olivia Road, there are some blocks of flats that are part of Legae La Rona and those that do not participate, thus, some buildings like the San Jose are not part of Legae La Rona Central but are

part of Legae La Rona South. This area is at the east side of the Jo'Slovo Road, south of the Louise Botha Avenue and north of the Ponte City building.

Most of the buildings around Legae La Rona are in a fair condition, few are good and others are bad (green, yellow and red as demonstrated from the above figure) from the outside in terms of painted walls, no broken windows and order at resident's entrance gates. Markedly are formalized street traders shown in green squares and pink circles for dustbins as clear indications of improved cleanliness and space control by the private watch tower at corner Tudhope Street and Alexandra Street.

However, despite all the ongoing debate about how was it approved by the Johannesburg municipality, whether the legal framework initially made for a Business Improvement District (BID) can be used to establish a *residential* City Improvement District etc, Legae La Rona has expanded its borders on the 1st of July 2008 to cover Berea South and intends to get support and financial resources to register. Still today, at the time of writing, Berea South is a voluntary CID (Visser, 2008). A voluntary CID is when levies are apportioned differently, without any obligation to any unwilling owner to pay.

## 1.9 EXPECTED OUTCOME OF THE STUDY

Immediate beneficiaries of this work are expected to be Berea residents, users of Berea space as well as those in current space management in Berea. This research should bring knowledge to urban dwellers and policy implementers so that they start questioning such tools. The research should inform decision-making to the administrators of this area (the municipality, commercial land lords and policy makers), other areas in South Africa and the world. Scrutinizing decision-making processes in urban management hopes to contribute to a greater understanding of challenges faced by policy-makers working within the decaying urban environments in South Africa. Local and international societies expect more to be done through urban regeneration strategies so as to achieve a global city. Hopefully, this research will raise questions for future research on CID issues in order to improve intervention programmes and eliminate possible negative externalities. Additionally, scrutiny of the decision-making processes will enable the identification of root causes

of the problems faced within a CID which may directly influence policy-making, policy-changes and policy implementation processes for the common good.

"The *New York Times* (5 December 1997) devoted a Sunday feature to South African's endless copying of US culture. In the words of Lizeka Mda, "South Africans have no clue who they are!" (*Mail and Guardian* 24 December 1997 to 8 January, 1998)" cited in Tomlinson (1999).

"We've heard this all before, and everyone nods sagely, but we continue to travel down the failed routes of the past. We know better! First World policies can't be applied to developing countries! We just don't care! I think it is the latter which, sadly, holds true" (Fraser, 2002)

The study intends to foster and emphasize the need to change the South African policy-making culture of borrowing American ways of doing business, "implicit or explicit adoption of US models" (Tomlinson, 1999: p1655) and putting them in a totally different environment and context without serious reflections of the local.

#### 1.10 LIMITATIONS OF THE STUDY AND THE METHODOLOGY

Legae La Rona stated its operation in 2004/2005, making it difficult to assess its impacts within such short period. The impacts of such a tool may be readily identifiable in a long-term than in a period less than five years; therefore, the case of Legae La Rona is still new to be fully used to assess the impacts of decision-making processes within a CID. As a first step therefore, I have focused on decision-making processes in CID boards, not on survey based on low-income residents, street dwellers and street venders, and cannot fully ask the impacts of CIDs on the people living in Berea, but rather examining the processes and structures of this new form of decision-making.

Gender as well as colour-bar bias are evident in Legae La Rona board meetings and home owners' demographic profiles. This research intended to include all key stakeholders regardless of race or gender. Conversely, property owners on the steering committee meetings and home owners are only white male (except for the Lady who represents the Barnato School). This has

presented a bias in terms of gender and race as other groups are not represented in the study due to the legacy of immovable property ownership which is predominantly white and gendered. This setting may have had promoted a racist influence to the responses as Benit-Gbaffou (2007) states that South Africa is still racially divided and often racist. However, this is promoted by the nature of property ownership in South Africa which is parallel to the history of the country. As a young black woman, this may have affected my ability to do research and participate in the CID meetings.

Coming up with this research topic was problematic as it raised lots of issues like what is crime, how is it understood, power issues, general discourses on the transient nature of the inner city communities, perceptions equating informal trade to crime and policy-making procedures, seemingly it required a lot of field work. Firstly I considered and constructed various questionnaires including that aimed at caretakers (for community issues) and another for street security guards (for security issues), tenants (for their perceptions on changes brought up by Legae La Rona), and anticipated to involve tenants associations and attend caretakers meetings for issues on the ground. With time constraints and need to scale down for a master research report paper, the researcher only focused on decision-making processes using the interviews with key people within a CID and attending CID meetings and one of the CPF meetings as well as informal interviews with tenants. Still, it was very difficult to construct an interview schedule because exploring decision-making processes within a CID mean exploring power issues and the rights of people with different status in practicing their rights.

Moreover, subjective nature of the study might have had an influence on the responses given by the participants. Participants may be reluctant to disclose information that they think violates the company's policy of confidentiality either as a means to protect their organizations or themselves. Certain respondents were reluctant to talk or to give documented information like the constitutional framework of Legae La Rona and documents stating the number of property owners. This was evident as one of the participant agreed to have an interview at the presence of a security guard. As a result, the researcher felt like an intruder of which may have had an impact on how the questions were asked and noted down the responses. This highlights the opacity of the system on establishing the residential CID and may have been due to the previous conflicts (between blacks staying in Berea and whites chairing the CPF meetings) which was alleged by one of the

respondents. Hence, participants also can fear the potential critical look of the researcher on potentially burning issues like the exclusion of the poor and the capture of power by the already most powerful commercial landlords, for instance. Voluntary participation might also have had an impact on the responses given as the student can be viewed as less understanding about local environment and its management. However, the researcher posed the questions in such a manner that no one would feel offended or could block the researcher during the interview process.

Other challenges may have been due to the political character of *residential* CIDs in Johannesburg at the time of the survey: the issue of whether *residential* CIDs were to be legalized and allowed in the City was being discussed at the Council. Also, the issue of how levies were apportioned was also discussed in the Johannesburg city and raised by house owners in Legae La Rona meetings. The researcher was prevented to attend the meeting were the Legae La Rona Board had to make a decision on this issue as it was raised on a previous meeting as an application for a “zero rate for pensioners”. This meeting was the last Annual General Meeting (AGM) for the year 2008 for Legae La Rona central. Maybe serious issues were to be discussed and decisions that may have seemed not good to be exposed by the study were to be taken. This has restricted access to the understanding of decision-making on tough issues like those concerning how levies are apportioned and by who?

Apart from the outline on the legal framework of how CIDs are established, the researcher did not find literature on CIDs focusing specifically on the decision-making processes, making this study the only reviewer and critic of the processes. The researcher adopted a qualitative paradigm with a problem of few participants that limits the generalisation of findings. Reliance on few cases in a South African context could also hamper knowledgeable analysis. Furthermore, CIDs have been most found in America more than Africa, most literature on CIDs follow this prototype and inference of internationally understanding to a local experience can be detrimental given different social dynamics and history of the study area compared to any other in the world.

However, some limitations were overcome by the use of work by a fellow French student, Aurelien Vincent, who has been researching for his own work in 2009 using the same case study of Legae La Rona but his main focus was on security.



## 1.11 SUMMARY OF THE CHAPTER

This chapter has given an overview of the opening point in the study. Reasons have been given as to how the study has come about. The chapter has outlined the purpose and aims of the research. In addition this section has given a brief background of research site and the limitations encountered during the investigation. It also highlights the research method used for data collection and provides expected outcomes of the findings of this research. The following chapter presents a detailed and well chosen literature to boost the understanding of the theoretical framework of CIDs.

## CHAPTER TWO: LITERATURE REVIEW AND THEORETICAL FRAMEWORK

### INTRODUCTION

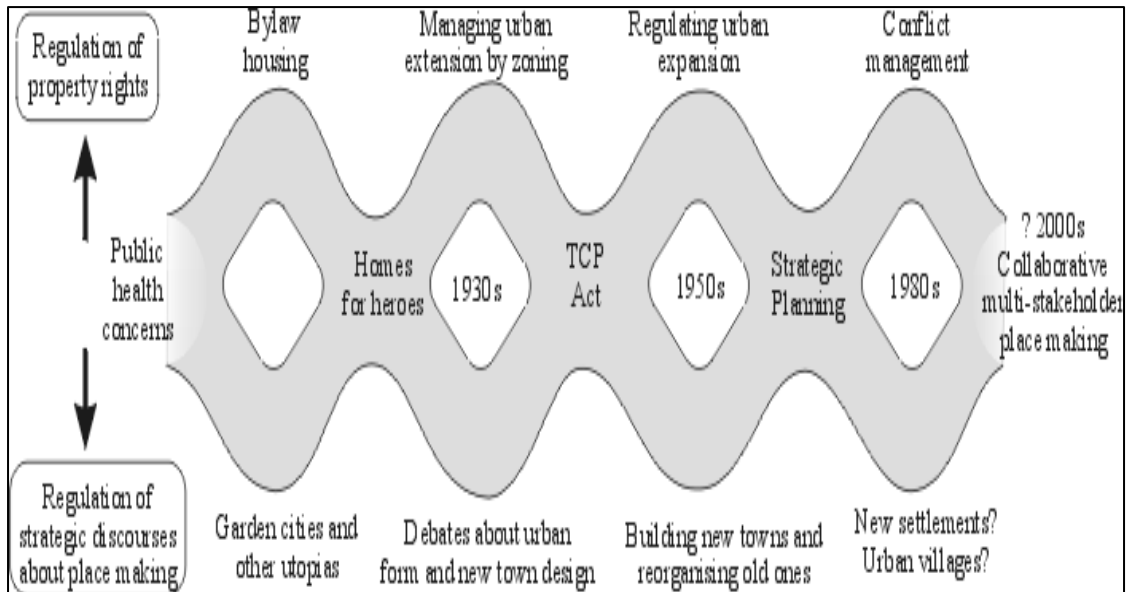
Improvement districts have emerged in North America as 'Business Improvement Districts' (BIDs). However, studies show that this model has spread to other regions globally and that the facilitating legislation exists in places like United States, Canada, New Zealand and South Africa etc. Hoyt (2003: p3) points that this "model represents a flexible form of governance that allows participants to craft solutions in a way that is sensitive to the local context and where state and local funding is limited; provides an opportunity for multiple stakeholders to organize, operate with autonomy, and manage programs to improve the physical, economic and social conditions within their geographical jurisdiction....". Evident to the case of this study and elsewhere in the world, this tool has surfaced as an internationally diffused model for urban revitalization and a multi-faceted response in a wide range of environments. This chapter explores some of the planning theories which are useful for the study and relevant literature on the subject matter, CID debates abroad and in South Africa in order to orientate the progress of the analysis.

### 2.1 PLANNING THEORIES USEFUL TO THE STUDY

Watson (2002) states that the term planning is used to describe the conducts of a wide variety of actors for their deliberate public actions that impact on the built and natural environment. Hence the need for this research to use planning theories to channel the analysis of the findings of this investigation on a new urban management tool (CID). Additionally, Hoyt (2005) points out that a close inspection of the CIDs is relevant to planning because it is a popular and is an international model for urban renewal. To highlight the importance of this research to planning discourse, two mandates of planning by Healey that talk to the process and outcome of planning (regulating private land use rights and promoting particular qualities of places), Communicative or Collaborative planning theory and the Just City approach are used. These approaches have been chosen specifically because they advocate for the voiceless in decision-making for local developments to encourage local empowerment. Consequently, they are significant to this study on urban management.

Healey (1998: p1) affirms that the mandates for planning are “regulating private land use rights in the ‘public interest’ and managing conflicts together with promoting particular qualities of places”. Healey’s framework helps to understand the debates around CIDs through outlining what types of places should be created and the means by which they should be created. The role of planning is to regulate land-use rights through conflict management and making places or urban villages through collaborative multi-stakeholders. That is, the process and the outcome of planning shown in Figure 3 for a couple of decades till today.

Figure 3: Conceptual angle of two mandates for planning



Source: Healey (1998: p1)

Regulating private ownership for the public interest means that all stakeholders get involved in public negotiations to meet the mutual interests and finding the middle ground in decision-making. Such regulations between the public and the private lead to increased ability to develop and implement plans that reflect the public interest, creation of trust, mature relations and knowledge that may generally encourage better community development. (Gunton *et al.*, 2003).

If private land is regulated for public interest in the course of planning, power imbalances among stakeholders will be challenged through satisfactory representation of everyone's relevant interests. Within a CID there is a serious possibility that limited resources by the poor may ensure a dominated process by powerful people with abundant resources (and more especially property owners as they are at the core of the definition of a CID) and may lead to unfairness in land-use management in urban environment. The extent and limits that planning needs to grant property rights (their 'regulation') is therefore indeed a key issue in understanding how planners and municipalities may attempt to regulate power imbalances in CID decision-making processes.

On the other hand, Healey (2006: p4-5) in Table 1 gives three issues to be considered as a focal point to place creation and place management which are:

- a. Paying attention to place qualities.
- b. Responding to changing land and property development dynamics.
- c. Building governance capacities for place management.

Focusing on place qualities, from a neoliberal viewpoint, she points the attributes relating to social ambiance, landscape quality, market position, environmental sustainability and accessibilities affording authentic choices to people in different circumstances with different desires. Linkages between activities, land and economy are emphasized. By this, Healey highlights the importance of the quality of daily life in urban living environments. With regard to Legae La Rona, the socio-economic status divulges poverty and unwelcoming environments. More than half of the people in this neighbourhood live below poverty lines and rely on informal economy. Significantly, policy attention to the place qualities of the neighbourhoods for living, working, production and relaxation activities should be upheld. According to her, this will guarantee nonstop qualities with retained public realm resources and limit the negligence towards vulnerable areas which accordingly turn into a spiral of decline.

Berea is one of Johannesburg's inner city area where overcrowding is a major problem, as a response to poverty and lack of affordable housing. It creates in turn difficult and unsafe living conditions. Developments should be intended for the provision of accommodation for those in need rather than chasing them to the periphery. In her argument for land and property development,

Table 1: Three Key Issues to Planning

	Place qualities	Land and property development	Governance capacities
Key issues	Promoting neighbourhood quality	Responding to shifts in development products, market opportunities and industry configurations	Building a capacity for routine micro-level place management
Spatial 'solutions'	Review of practices and outcomes Spatial co-ordination Funding to support growth locations Funding for remedial investment	Market shaping Link investment and Regulatory interventions Fund neglected needs Encourage improved industry 'performance', including product innovation	Encourage cross sectoral, spatially focused strategy making Encourage co-alignment of investment and regulation policies Expand R&I function
Other policy types	National spatial policy for key infrastructures and national development projects National specification of basic standards Promotion of R&I function Provide remedies for major market failure	Promote policy interconnectivity at all levels Promote R&I function Provide funding streams to facilitate/unblock market energy, and to address market neglect	Devolve more regulatory capacity Protect against over legalization Promote R&I function and knowledge exchange Promote capacity building in research and staff exchange

Source: Healey (2006: p5)

Healey (2006: p4) emphasizes the importance of responsive developments so that "demands for space (land and sites) get translated into actual changes to the built scene, building shapes, forms and qualities, accommodation specifications, tenure arrangements and property rights". A CID is reputed to encourage local ownership, therefore, the extent to which Legae La Rona promotes land



occupancy and property rights to the local community would be highlighted in the findings section of this research. This will be through identifying who owns the property or whether the local people are afforded any form of land tenure as well as the extent of their rights to such property.

Lastly on governance capacities, the focus is on the importance of the practices through which public policies are formulated and implemented (Ibid). In urban management shared planning leads to resolving conflicts over land-use rights. As there may be many interests for land-use, in collaboration, she argues that different people with different views and interests on different aspects of a problem can constructively investigate their differences and search for solutions that go beyond ones interest. Collective process for resolving conflicts and advancing shared visions by different people can be achieved, common goals developed, and practical solutions created through consensus. Through these public proceedings, partnerships may be achieved; the conflicts between property owners, residents and the city council may be resolved. Oppositions may be hampered and both the residents and property owners may benefit from the services of a CID. Therefore the collaborative multi-stakeholder place-making could result in solutions with a better reflection of the public interest by seeking a consensus-based solution that meets the goals of all involved and affected. Conflicts are reduced as anything that may hinder implementation may be resolved through the involvement of all parties in the process of plan development. As a result, this process of regulation by consensus promotes relationships with other decision-makers, spread skills, creating networks and knowledge that may increase community capacity to solve other problems (Gunton *et al.*, 2003). Through good governance, Legae La Rona can be easily managed and maintained as it would be of similar significance to all parties.

Opportunity to participate directly in the decision-making process within a CID may guarantee that the plan meets every stakeholder's interests and objectives. However, there are difficulties in reaching consensus that may result from inequalities in power and limited representation. Negotiating in good faith may lead to skewed decisions favouring those with greater power, resources and skills. Consequently, it may dominate the process, bias the outcome, and overwhelm the civil society stakeholders. Regulation through collaborative multi-stakeholder place-making can be an effective process for resolving conflicts and preparing space management plans that meet the public interest (Gunton *et al.*, 2003).

With regard to place creation, if conflicts are managed in different places in the city, more proactive measures, inclusiveness, and co-operative plans may be developed. Different places require different management approaches and a balanced approach between managing and transforming the area would be a solution in urban management as Gunton *et al.* (2003) state that management without alteration may mean that the problems are not dealt with at all.

### 2.1.1 COLLABORATIVE OR COMMUNICATIVE PLANNING

Ownership is claimed to exert large influence on sustainability. The form of a planned product should be usually a clear expression of the values of the civilization that builds it (Healey, 1997). Healey (1998) advocates for collaborative planning as a way to promote the discovery for ways of developing strategic concurrence about what places could be like. The idea advanced on this proposition is that collaborative planning will engender deliberate certainty. Development through collaborative planning considers social and environmental costs through mutual gains resulting from solutions that are locally specific that have originated from a neighbourhood specific language and grounded in locally specific underlying principles. As a result, materialization of accountability and proper clarity can be achieved from an interactive process with many of those residing in an area. Thus, through collaborated planning, consensus between different groups within the city can be accomplished in public discussions amongst communities (Healey, 1992). Despite the fact that power and individual interests are more significant in economic sphere of life, advocates of communicative planning state that mutual discussions assist and guarantee the abolishment of power and individual interest through the process of developing a shared consensus (Stein and Harper, 2003).

Communicative planning is based on the supposition that discussions taking place in public can lead to the realization of harmony amongst different communities within the city. Healey (1992) points out that public discussion precedes and informs planning and should be used as a technique to assist and ensure that control and individual interests are eliminated. With such main assumptions, the collaborative approach is relevant to establishing a CID as it realizes the importance of engaging various stakeholders in the city governance. Hence the anticipation that all

those who live in the city including informal settlers will be equitably included in the formal participatory process as required by the advocates of Communicative or Collaborative planning (Ibid).

Legae La Rona is implemented in a low income residential area, with street dwellers, street hawkers and street kids. There is a need for all those living in the city to be equitably included in the formal participatory process as it is a requisite by the advocates of communicative or collaborative planning (Healey, 1992). It is declared by Healey (1992) that communicative planning promotes incorporation of the marginalized groups and unofficial dwellers by warranting general public places for public discussion. Nonetheless, this study seeks to show whether the principles of communicative planning are practicable to the process of establishment a CID through decision-making processes in the chapter of findings and analysis.

#### 2.1.2 THE JUST CITY APPROACH

According to the Just City Approach, increased wealth and equitable sharing of that wealth by all citizens irrespective of social distinctions is emphasised. This approach is relevant to this research topic to channel the analysis, for example on the question of who benefits within a CID. Necessarily, participatory processes transform power relations to bring the previously excluded into decision-making processes. The powerful social groups like the property owners might influence the city plan at the expense of the poor, therefore, Fainstein (2000) points that it is imperative to question who benefits and whose voice is heard from these participatory processes. This research intends to raise this type of question.

Most citizens of South Africa have been characterized by expression of grief and marginalization, as well as exclusion for a long period since the birth of apartheid and the fruits of apartheid are still being garnered today. Robinson (2003: p259) states that "apartheid's demise has not ended the experiences of segregation and inequality that have shaped the lives of most of the people living in Johannesburg. New developments seem more likely to reinforce old patterns than transform them, despite many hopes of initiating a new, integrated and compact city form across the country." Accentuated by Fainstein (2005), the Just City means the empowerment of the voiceless in-depth

and just manner in social issues. Additionally, the just city has emphasized on social inclusiveness, social justice, empowerment of the voiceless, debate around marginal identity and difference. Such factors in South Africa are to be emphasized as there is enormous race intolerance, gender inequality and other forms of discrimination and marginalized groups of people which were enforced by the legacy of apartheid. Beauregard (2003) cited in Fainstein (2005) avows that to realise a city where environmental quality, economic growth and social justice coexist, the city must be governed in a way that is paying special attention to the mutual concerns of its people. Additionally, Chambers (1995) and Sandercock (1998) cited in Monwa (2007) points that the Just City will only be accomplished through the engagement of the voiceless in planning and policy-making processes. The starting point in analysis in terms of such assumptions will be on the Provincial CID Act of 1997 as well as the stakeholders' inclusion in decision-making within Legae Ra Rona CID.

## 2.2 IDEOLOGIES INFORMING THE ESTABLISHMENT OF CIDS

American ideologies<sup>1</sup> that have now become global governance principles or recipes (even sometimes gaining the debatable title of "theories" are also informing debates on City Improvement Districts and the management of urban safety and security in contemporary cities. Two of these ideologies are examined here: the broken windows "theory", and the principle of "defensible space". These assumptions perceive physical design and day-to-day use and management of urban spaces as key to a clean and safe environment and have had a great influence on the establishment and operation of CIDs. The idea that properly design and well managed environment increase social interaction and social cohesion among residents and that such relationships lead to a well organized environment that is safe and secure to use and live, go hand in hand with the assumption that as social disorganization increases, crime increases.

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<sup>1</sup> "Ideology" is used to identify that assumptions saying that small signs like the broken windows, graffiti, etc may be a result of criminal behaviour but not necessary attract criminal activities. The idea advanced here is that there are different types of criminal activities occurring in different environments at different times. For instance car hijacking may only happen in rich neighbourhoods as the hijackers need money and most rich people may hardly reside in slums. Moreover, people's perceptions concerning crime may differ as some criminal activities are reported and some are not. While a theory is understood as built upon hypothesis and evidence, therefore it may be difficult to give evidence to the causality relationship between reduced crime to social control and social order.

### 2.2.1 BROKEN WINDOWS 'THEORY'

The broken windows idea came to prominence in 1982, by Kelling and Wilson claiming that people are more likely to commit crimes in neighbourhoods that appear unwatched and uncared for by residents and local authorities. Lack of social control encourages criminality (Morin, 2005; Kelling and Wilson, 1982). The argument advanced is that perceptions affect reality. Any signs of neglect promote bad behaviors, thus, lack of signs of social control promote social disorder (Kelling and Wilson, 1982). That is, reduced petty crime and low-levels of anti-social behavior eliminate the occurrence of major crime.

McLaughlin *et al.* (1996: p331) point that Wilson and Kelling's underlining assumption on the broken windows ideology is that "small signs like broken windows or graffiti can encourage more serious forms of criminality by giving symbolic impression that nobody cares. The civility and order are baseline components of society which both requires and mandates the police to restore and maintain neighbourhood order through proactive, confident street policing". However studies like Fagan and Garth (2000) and Harcourt and Ludwig (2005) in contradiction with the assumptions of the broken windows, highlight that it is not always that policing is about disorderly places nor about improving the quality of life, rather policing poor people in poor places by distrustfully focusing on minority citizens, putting them under non-particularized distrust and are therefore targeted for aggressive policing measures and that there is no existing research providing strong support on broken windows ideology, respectively.

Morin (2005) states that the broken windows "theory" holds the assumption that ignoring the little problems like graffiti, litter, and shattered glasses creates a sense of irreversible decline that leads people to abandon the community. Black families living in poverty and their residential areas are perceived (by other blacks outside poverty stricken areas and whites) to have more disorder. Black people are a stigmatized group and are to be avoided at all costs (Morin, 2005). In this research, as Berea is predominately populated by black people, there is a need to investigate how this ideology unfolds in terms of race and crime. As an ideology to crime-fighting, the supposition underlining broken windows is that in order to fight and stop major crimes and community disorder, the stepping point should be stopping small ones like minor displays on building walls.



### 2.2.2 DEFENSIBLE SPACE

Newman (1972) formulated defensible space principles under the assumption that some features of physical environment like indicators of territory and surveillance can reduce crime. Thus, crime and delinquency can be controlled and mitigated through environmental design. Defensible space emphasizes on two obstruction to crime that are actual barriers (physical impediments to access, such as high fences and hedges) and symbolic barriers (physical characteristics of a house, such as nameplates indicating personal property and that the owner cares about their property and are prepared to defend their residence). Clear observation of the property from both the house and street is believed to increase security. The belief is that when one cannot clearly observe the property, or the property is under increased concealment, it creates vulnerability and opportunities for burglary by criminals (Ibid).

Adding to this ideology, other studies have suggested adding traces of occupancy, that is, environmental cues which indicate the presence or absence of occupants. The hypothesis is that if dwellings are unoccupied, increased will be the confidence for offenders to engage in criminal activities. Ham-Rowbottom *et al.* (1999) has observed that the market value of the residence is another possible vulnerability indicator since more valuable houses are considered more vulnerable to burglary. That is, the defensible space idea is based on that houses with no actual and symbolic barriers, limited surveillance from the street and from inside the house, unoccupied, and high market value are vulnerable to burglary (Ibid). One needs to question whether creating such environments/places really reduces criminal acts or it is only a sense of security of occupants that matters. To the researcher's view, where there is such surveillance, huge fences and tagging, sense of community or neighbourhood seems reduced. Sometimes, in cases of robbery or pick-pocketing or petty crime (occurring within the households) for instance, neighbours help, but how can they do so if the place looks inaccessible or if there are such barriers.

Defensible space is described as a residential environment whose physical characteristics (building layout and site plan) function to allow inhabitants themselves to turn into key agents in ensuring protection. Thus, good space design should have areas defined for function, paths defined for

movement and indoors allowing observation for outside areas. The argument is that an area is safer when people feel a sense of ownership and responsibility for their space. Good design is seen as a means to isolate criminals as all the space in an area will be owned and cared for by owners. When criminals sense a watchful community, they become less secure on any initiative to committing crime. (Newman, 1992).

Newman (1972) states that through good design, people should not only feel comfortable questioning what is happening in their surroundings, but they should feel obligated to do so. Any intruder should be able to sense the existence of a watchful community and avoid the situation altogether. The estimation on defensible space is on giving the residents control of public spaces since such designed space will afford residents ability to utilize and control the space. To create a defensible space community, residential areas should be subdivided into smaller entities of similar families because control and responsibility is enhanced. The ideology is that higher crime rate exists in high-rise apartment buildings because residents have no control or personal responsibility on the neighbourhood with many people. (Ibid).

Whether more people and effective use of the streets provide more surveillance and create fear to criminals to be engaging in criminal activities or more people increase confidence on criminals to engage in offensive activities is still at hullabaloo (Hoyt, 2004). Jacobs (2002) states that side walks are nothing without the bordering uses. "Side walks are the main public space of a city and its most vital organs. Safety places in New York are among those places living the poor, problems of insecurity cannot be solved by trading people more thinly, and that learning from the statistics from Los Angeles, society evils are not owing to poverty-stricken people, safe street need eyes and often those eyes belong to those seen as proprietors" (Ibid: p352).

Aforementioned arguments uncomplicatedly allow one to understand that there are more variables that may lead to crime and grime or that crime prevention needs more than mere measures based on inadequately tested and proven assumptions. The idea advanced here is that simple measures like those that may result from simple belief on American ideologies may foster no success. Nonetheless, the ideology behind the establishment and wide spread of CIDs is that well-managed

and good designed (with particular control of street life) public spaces are safe and secure. This is thought to be through well maintained buildings, clean streets as well as discernible street guards.

## 2.3 THE ROLE OF CIDs

The services provided by CIDs vary from one to the other, however, public space cleaning and maintenance, securing of public spaces and businesses, and marketing of the area are the most common service domains (Briffault, 1999; Hoyt, 2004; Mitchell, 2003). There are challenges on sustainability related to the involvement of all stakeholders and practical difficulties that are enhanced by the diversity, the lack of unity of many poor communities as well as the lack of social and material resources (Emmett, 2000). However, studies on development projects show that the realization of sustainable development requires a united effort and participation of the surrounding communities. Hence, it is of great importance that the neighbourhood is a crucial point for social policy, urban renewal and community organization as Halpen (1995) and von Hoffman (2003) cited in Harwood (2007) contend.

CIDs are a private-sector led resolution to the revitalization of urban areas and declining public services. This is through their role to lowering crime rates, vacancy rates and increasing rentals as well as property values. Harwood (2007) points that neighbourhood improvement programmes encourage grass-root leadership, raise local issues at political agendas and empower residents. The Gauteng Legislature on the City Improvement Districts Bill (1997) supports this point by stating that the CID will provide services which assist vagrants or the homeless people. To question this argument, one may try to find out the perceptions of residents on increased safety within the CID area.

## 2.4 CID AS A RESPONSE TO URBAN DECAY AND A MANAGEMENT TOOL

South Africa city centres and towns are caught in a state of degeneration as a result of a variety of historical and current reasons. City's property values have decayed; their buildings get ramshackle, social and economic functions operate at a decelerating rate as well as reduced economic value. Hence, property owners with support from the local authorities have seen the need to put up

strategies such as the CID that will respond to these challenges in a sustainable manner as government is resource constrained to do so. Both Cook (2007) and Schaller and Modan (2005) demonstrate how CIDs started as a reaction to economic problems facing city centre management in England and Wales and how they have been transferred and adapted in other places of the world. This model “have thus emerged as a creative response to city fiscal stress and abandonment” (Schaller and Modan, 2005: p396) to restructure urban space.

## 2.5 CID: A FORM OF GOVERNANCE

In many countries abroad and in South Africa there has been a change from the old type of government to new means of governance in the last decade or so. That is, a shift from authority to deregulation or dismantling of vertically state-driven and state-controlled system of government (Didier and Morange, 2006). This change came along with the materialization of the CIDs as a means to urban governance. Governance is a broad, sometimes confusing, term emphasizing the fact that decision-making is now shared between different stakeholders; the state is no longer the only regulator but is sharing power with business and civil society.

Governance can be seen as a result to both market failure and insufficiency of the state to deal with contemporary social problems (Pierre and Peters, 2000). Governance can broadly be defined as a concern with governing, achieving collective action in the realm of public affairs, in conditions where it is not possible to rest on recourse to the authority of the state (Stoker, 2000 cited in Anderson, 2004). Governance detains governing through achieving collective action in public affairs without resting on the authority of the state. Gafikin and Rafferty (2008) state that indicators of good governance include voice and accountability, participation, democratic rights, freedom of press, government effectiveness, transparent administration, credibility and ability to compromise. Urban governance is a way of governing cities involving not only public actors, but also other stakeholders like business and civil society (Figure 4) in decision-making.

CIDs seem to particularly illustrate urban governance as they involve non-state actors engaging in partnerships with the city in local urban management. Partnerships created make an integrative decision-making possible and implementation between agencies and sectors, and as a result,

leads to proactive approaches. CIDs are a partnership arrangement through which the local business community and local authorities can agree to take forward schemes which are anticipated to yield improved dividends for businesses as well as provide other economic, social and environmental benefits in the chosen area (The Development Brief, 2007). Thus, government (authority by state in decision-making and policy implementation) has shifted to governance (involvement of private and non governmental bodies and civil societies). Governance has surfaced as a reaction to social division (Anderson, 2004). The case of Legae La Rona is a new one, but to some extent, has to show that the creation of a CID has created a relationship in which local stakeholders now know each other including property owners and also residents and users of the local space.

Figure 4: Sectors of Urban Governance/PPPs



Source: Gafikin and Rafferty (2008).

Nonetheless, urban governance does not always guarantee the victory of collective interests in decision-making. CIDs can be led by powerful or resourceful private companies and operate under private hands of property owners in favour of their interest. This raises the question of accountability. As accountability is an important element of good governance, it involves being answerable for decisions or actions, often to prevent the misuse of power and other forms of inappropriate behaviour (Cameron, 2004). The nature of sovereignty on how CIDs operate may be problematic as Rhodes (1996) states that giving power to the private hands erodes accountability by complexities created. Benit-Gbaffou (2008) stresses that responsibilities are diluted as responsible stakeholders multiply within this form of governing through partnerships. Power, trust, accountability, control of resources and vested interests inherent in partnerships (Gafikin and Rafferty, 2008), complicate management tools like CIDs in urban governance. Moreover, Gafikin and Rafferty (2008) state that fiscal crises, multi-sectoral challenges, hyper-complexity and overlapping responsibilities make partnerships run the risk of becoming "gated communities". The root cause of convolution in partnerships may be on the basis that management is through own appropriate criteria, authenticity is proclaimed on the basis largely of own inherent goodwill and that the development agendas and priorities are set at own judgments, as well as pursuing political agendas by the local authorities (Benit-Gbaffou, 2008).

## 2.6 COMPLEMENTING THE LOCAL AUTHORITY STRATEGIES AND IMPROVEMENT OF THE LOCAL GEOGRAPHICAL, SOCIAL AND ECONOMIC CONDITIONS

Perhaps there are massive and often disregarded contributions of business and property owners in improving the quality of life for those who use and live in urban environment. CIDs may signify a nimble form of urban governance that can allow participants to identify problems and make out solutions in a responsive way to the local context and where state and local funding is limited (Hoyt, 2003). In Johannesburg city centre, the municipality lacks capacity to enforce by-laws, especially on informal trading, building conditions and arrears in property ([www.joburg.org.za](http://www.joburg.org.za)). With the approval of CIDs, one may say that a setting for a variety of stakeholders to organize, function with self-sufficiency and administer programmes to improve the physical, economic and social conditions within their geographical field is provided and also to allow profitable interests.

Thus, *residential* CIDs are presumed to encourage residents' participation in the management of their public space and promoting the quality of their social life.

Conversely, Cook (2007) states that promoters of the CIDs are not yet capable to reveal clearly the causality relationship between the introduction and operations of the CID to the social and economic makeover taking place in these areas. However, it still remains rather a correlation between these variables. In support of this view, Hoyt (2005) stipulates that scholars are also tentative to point that reduced crime and increased property values has been caused by the CIDs in operation in places like New York City. In South Africa, blacks have been excluded from most productive resources due to the past imbalances created by apartheid. For this reason, blacks are engaged in informal economy as a means and a strategy to be economically active. Despite the fact that informality is not equivalent to crime, measures that assume to reduce crime target this form of economy and its population. This is based on the idea advanced by the broken windows 'theory' that lack of social control promotes social disorder which may lead to major criminal activities. Hence Legae La Rona has been established, to deal with crime through eliminating informal activities in Berea.

There might be a trying to convince type of an argument that crime in Berea has dropped and that residents feel that it's their place since the establishment of the Legae La Rona CID. Nonetheless, crime statistics are not always accurate as there are issues of corruption with security providing department (SAP), different categories of crime, inconsistency in terms of documentation as well as unreported or less reported crimes like rape, domestic violence or petty crime. Beal *et al.* (2002) points out that there are problems with policing, including poor relations between the community and the police officials, high levels of police corruption and unevenly spread police resources across South Africa that may lead to flawed crime statistics.

## 2.7 DEMOCRATIC ACCOUNTABILITY

There is generally little engagement of the tenants on the establishment and management of a CID as the power to vote and make decisions is focused and directed towards property ownership (Cristopherson, 1994 cited in Schaller and Modan, 2005). The division of power and possessions

between communities such as larger structures, market forces, and policies can put severe restrictions on what communities may contribute to developments and the poor will have little control in planning and development (Donnges, 1999). This excludes this new urban management tool from a democratic model of governance with democratic channels of accountability and is removed from public challenge. Therefore, one needs to question whether the *residential* CIDs presents the opportunity equally to all citizens as contended by the theory of public choice which stresses individual freedom, choice and ability to satisfactorily compete to produce efficient and most select results in public arena (Schaller and Modan, 2005). These new forms of governance are "challenged from both within and outside of their managing structures by contentious local issues, and particular by vast social inequalities and citizens historical struggle for inclusive citizenship and the right to the city" (Miraftab, 2007: p602). Keisha-Khan (2004: p801) essay points out "how urban land rights are a crucial part of engaging in a broader national and international politics of race". Residential CIDs limit ordinary individual rights to vote on what should be done or not done in a CID. The local authorities have no control over the operation process of a CID as it reduces the scope of local government to tackle problems faced in the area approved as a CID. Private companies report and answer to private business not to the public. Hence, democratic accountability is threatened.

## 2.8 IMPROVING THE NEIGHBOURHOOD OR BUSINESS AS USUAL

CIDs are not only focused on improving the environment but they are generally driven by the desire of improving profit gains for the business. Increased property values may lead or may not lead to improved neighbourhoods in terms of accessing the resources or services that are paid for by the residents. Residential or neighborhoods CIDs are more like business improvement district. If people cannot afford, they cannot access any resource or enjoy the opportunities created by the residential CID. Benit-Gbaffou, Fabiyi, and Peyroux, (forthcoming) state that the residents become unsure of their role within the urban environment since public space become regulated as private business within the CIDs. CIDs have been identified as unfair by representing the privatization of public space regulation (Cook, 2007) and invade on political freedom of the local citizens and the civil independence of disadvantaged groups such as the homeless and street vendors (Clough and Vanderbeck, 2006; Katz, 1998).



## 2.9 EXCLUSION AND DISPLACEMENT

When *residential* CID is in operation, reduced or demolished opportunities to the poor people to exercise their preferences in shaping the public space may be the result, which simple encourage space-based segregation practices of which Ballard (2004) and Lemanski (2006) identified as discriminatory practices by the governing power structure. From side to side with this centralized system of management, a tool that is initially meant or said to be implemented for fighting crime and grime for the good of the neighbourhood may end up to the exclusion of poor people like beggars and street kids and chase crime out of the CID than reducing it. For instance, Morange and Didier (2006) have observed that the CID that occurred in Cape Town had in no time reduced crime by displacing it to the adjacent areas. Sibley (1992) study of exclusion has found that there is a tendency to reduce the strain to resources of the local law enforcement departments while pursuing elements of exclusion; nevertheless, what is the government's role in the CID implementation to consider and stand for the poor people.

The Johannesburg Metropolitan Police Department is involved in the Legae La Rona CID as they are capable of confiscating goods from poor street traders and closing their pavement stands. This affects lives of the poor especially the sole bread winners of some families and limits them for making a living because they own no property. This may be seen as mistreatment in terms of property ownership which Wright (1997) stresses that it is a type of exploitation occurring when the material welfare of one group of people causally depends on the material deprivation of another, involving the unbalanced exclusion of the exploited from access to certain productive resources. The whole process results in distinctive exclusion backed by force in the form of property rights (Ibid).

## 2.10 CIDS IN A SOUTH AFRICAN CONTEXT

Similarly to the city of Johannesburg's history of decay, the decay process of the inner city in Cape Town also occurred during the 1990s. Cape Town like Johannesburg also experienced both the decentralization of businesses from the city centre to the suburbs and the influx of black people,

coloured people and immigrants into the city centre. Likewise, overcrowding, urban decay and insecurity accelerated necessitating the restoration of security and safety. In response to this, property owners contended for a right to manage their environment by the use of CIDs as they bought derelict buildings, rehabilitated them and then rented them out (Morange and Didier, 2006).

The residential CID in Cape Town was based on the Tygerbeg municipality by-laws because it made provisions for "community CIDs" at the time when the municipality was focused on its restructuring, while in Gauteng it is under the provincial act of 1997 which caters for business city improvement district, but does not preclude residential CIDs. The Cape town CID transpired in two suburban areas which is a major difference to the Johannesburg *residential* CID occurring in the inner city. It started in the year 2000 and suddenly stopped by the municipality in 2004 (when Legae La Rona started to operate in Johannesburg). In one case the property owners have taken advantage of the opportunity offered by the municipal by-law to establish a residential CID whereas the other emerged through the Community Policing Forum (CPF)<sup>2</sup> meetings, the similar setting that brought up the idea of Legae La Rona (Papenfuss, 2008, personal communication).

As reasons to expose the CIDs in Cape Town as dangerous tool, the people of the Cape against the CID alleged that it was an effort to recreate segments of space only for white people with a hidden motive to recreate the separation of the legacy of apartheid. Its scale operated as another reason for objection as the CID was at the neighbourhood scale only not aimed at the whole city (Morange and Didier, 2006). Problematizing the idea of a CID, those against the idea identified that it is not well-suited with the idea of equal access to security to everyone in the city but privileges some rich areas with property owners who can afford to pay the levy. It was revealed that there is awareness that the residents of poor areas cannot afford an extra fee for services. In response to these allegations, the drivers of the CID in the Cape claimed that the poor cannot be affected as there is a fair standard of a levy contributed by every property owner and the exemption of the pensioners. Unlike the Cape strategy of excusing the pensioners, Legae La Rona has not yet finalized what to do with poor pensioners in terms of levy payments. The Cape Town's monthly rate

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<sup>2</sup> A CPF meeting is a public meeting happening at a local level involving the national police officials and the community at large "platforms of dialogue that the national police forces have to set up at the local level" (Benit-Gbaffou *et al.* 2007; Morange and Didier 2006: p16).

was R40 while Legae La Rona charges the flat tenants R26 which is different from R50 for house owners.

Other reasons put forward against the community CIDs in the Cape (which are also predictable in Johannesburg but not yet observed) have been that the CIDs

- a) Encourage social discrimination and spatial exclusion.
- b) Disturbs a certain number of political principles when used in the suburbs.
- c) Are a form of the "social" cleansing of the streets, the control of space and of behaviours (who is on the street and doing what).
- d) Provide security that can be used as a pretext for groups to exclude the 'undesirables'.
- e) Are tools used to identify undesirable job-seekers (perceived as "outsiders") (Ibid).

However, in spite of the negative impacts that *residential* CIDs may have, it has become practically acceptable in the inner city because it creates a good city image in terms of clean streets, reduced informal services and visible street security guards (at the expense of poorer ones deemed undesirable in the city bowl) (Morange and Didier, 2006).

On the 6th of March 2008, the discussions by the mayoral committee at the Department of Development Planning and Urban Management in Johannesburg raised the following questions about the applications of community-based CIDs:

- (1) Whether the CID legislation is correct to use in areas that are not evidently in decline, but where there may be perceptions of a threat of decline,
- (2) Whether safety and security is a municipal service in terms of the schedules and definitions of the National Constitution as the CID legislation makes provision that the fund will be used for services in addition to or as an improvement of those provided by the municipality,
- (3) Whether approval of the CID is practical in the context of new rating policy and
- (4) Questions the type of society produced in these interventions. (Document by the Mayoral Committee, Development Planning and Urban Management, 2008)

During the same year 2004 when Legae La Rona started to operate, eKhaya Neighbourhood in Hillbrow was developed. EKhaya Neighbourhood is a voluntary CID, which means that the property owners are not compelled to pay the extra levy. Ekhaya means 'at home'. The idea is to change the mentality that "I stay in Hillbrow, but my home is somewhere in EMjindini, EQwaqwa or EMadadeni area, to the fact that Hillbrow is my home" says the Community organizer (Co) who coordinates the eKhaya Neighbourhood. EKhaya Neighbourhood is sponsored by the Johannesburg Housing Company (JHC), making it also a voluntary CID (Visser, 2008). "The key player in eKhaya, JHC, approached all stakeholders in the Pietersen Street area between Klein and Claim Streets, and the south side of Ockerse Street and the north side of Smit Street, with 85 000 people living in this area" (EKhaya Neighbourhood report, 2005).

Both statutory and voluntary *residential* CIDs have been supported and encouraged in the inner city of Johannesburg while they are condemned in the suburbs outside the inner city. This is due to the fact that the CID legislation (Gauteng City Improvement District Act of 1997) allows for establishment of CIDs in areas where there is evidence of decay or likelihood of decay in future. That is, the inner city neighbourhoods have evident elements of decline, grime and crime is at higher levels in these areas compared to suburbs outside the inner city of Johannesburg.

Co (2008) emphasized that eKhaya Neighbourhood intends to reverse the problem with the housing policy kicking poverty to the outskirts as the RDP house are build in the periphery. Noting that "this process leads to gentrification", she said that nothing can be done; property developers cannot ignore the need for the provision of accommodation to new entrants into formal housing. EKhaya is also engaged in human development within the flats by creating a crèche for tenants and sport activities for community building. It also encourages service provision as a response to the city failure by "dealing with the world that is and not the world you wish should be" (Co, 2008, interviewee).

According to the presentation by Andrew Schaffer of Trafalgar Property Company at the Trafalgar Launch 2008 at the Constitutional hill, as part of renewal projects in the inner city, they intend to accelerate housing delivery by identifying land availability for developments and creation of green friendly buildings to promote sales of property in residential areas. They do this in accord with

national and global standards. They use a crèche to provide client service for community development, adding value and upgrading the parks by responding to the collective needs of the neighbourhood in Hillbrow.

Co stated that EKhaya Neighbourhood in Hillbrow aims for the development of social capital, which is trust. The eKhaya Neighbourhood (a voluntary CID) has 23 participating buildings and has began in 2004, same year with Legae La Rona CID.

The main objective of this Hillbrow neighbourhood is the creation of public space by promoting the culture to use and respect public space. The coordinator of EKhaya Neighbourhood stated that there is a 40% of the local component of children in the inner city schools, therefore, that raise the need to make the city a home to those children. The neighbourhood has achieved better ways of dealing with crime as not only the police officials are taking statements in this neighbourhood, but they do so with the street guards in order to increase support and eliminate feeling of humiliation when everyone watch while the victim gets questioned by the police. Because there are eight hijacked buildings in corner Claim and Kotze Streets, the neighbourhood breaks anonymity and fear leading to reduced tension between property owners because it is voluntary and there are no measures taken against the property owner who does not want to participate. She said that "there is a legacy of keeping people outside in order to create your own protection, but EKhaya intends to bring people inside so as to create your protection through knowing each other and reaching a consensus".

The context to which Johannesburg residential CID and Cape Town community CID occur differs. In Cape Town, the suburbs where the CID occurred were mainly white and well-off suburbs and Afrikaner community including the English community (Morange and Didier, 2006). Whereas in Johannesburg, there are occurring in the inner city decaying low-income neighbourhoods. However, the ideas behind the provision of services like security and cleaning may be the same (with the exception of eKhaya Neighbourhood, on grounds that it is voluntary) as it is in both cases where there is emphasis on controlling street activities and land-use.

## 2. 11 SUMMARY OF THE CHAPTER

The literature review on business and *residential* CIDs has shown that those advocating for an increased establishment of CIDs in urban management argue that CIDs are a good urban management tool promoting ownership of a safe and secure environment to use and live in. Though, the skeptics' maintain that CIDs are a form of privatization of urban governance leading to aforementioned negative outcomes and are leading to exclusion. In his analysis of economic development paradigm shifts, Todaro (2006) observed that any development against world's evil is the creation of another evil. Hence, on one hand literature has proven that urban decay accompanied by crime and grime needs to be responded to and the only possible solution, with governmental resource constrained institutions, is the use of private institutions with resources. On the other, evidenced and perceived threats of the new form of urban governance appear to be true in some context but not a universal law. The analysis of the findings of this research aims to attest or refute and add to this debate based on decision-making structures and processes in a South African context using Legae La Rona CID. Before the presentation of the findings, the case study is presented in the following chapter to give a clear reflection of the area, its functions as well as population dynamics.

## CHAPTER THREE: AREA OF THE CASE STUDY: BEREA, JOHANNESBURG

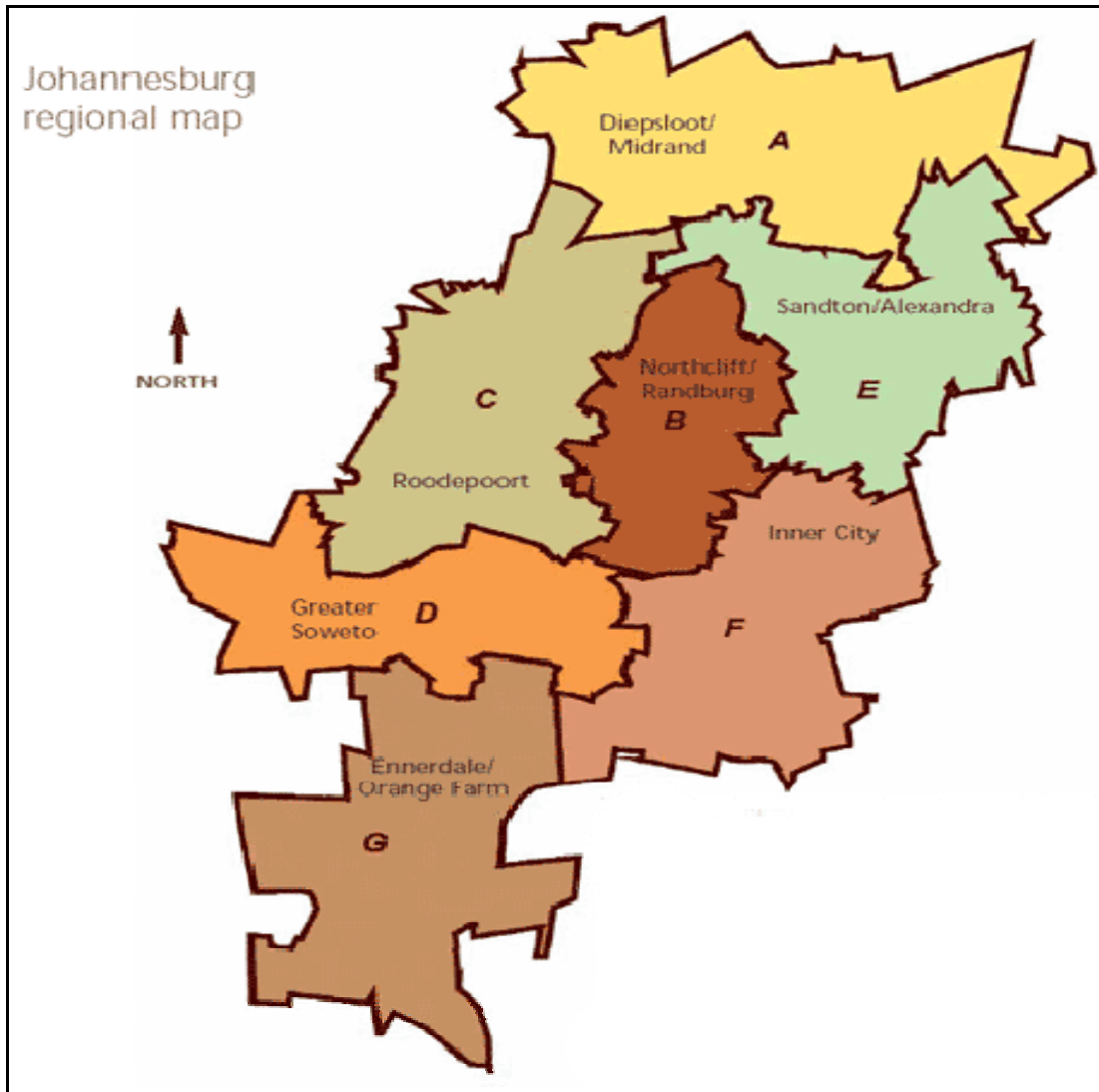
### INTRODUCTION

Explored here is the context at which the study is based. The chapter outlines the distinctiveness of the case study that is used in this research. It briefly delineates the history of Johannesburg, demographics and statistics of Berea and shows the originality of Legae La Rona CID. The history of Johannesburg assists in understanding the nature and the background of the inner city decay which led and gave rise to the implementation or need for the implementation of CIDs. The demographics of Berea and originality of Legae La Rona facilitates the analysis of the effectiveness and the relevance of the CID as a residential management tool considering the specific nature of the occupants of this area.

Johannesburg stretches over an area of 1 644 square kilometres. By October 2001, the population of Johannesburg was estimated at 3 225 812 people living within the boundaries of the City of Johannesburg with an average density of 1,962 people per km<sup>2</sup> out of 8 640 216 of the entire urban region around Johannesburg (City of Johannesburg Annual Report, 2005/2006). Thus, Johannesburg contains 7, 2% of all South African people making it the highest average population density of all urban areas in the country. Estimated was the likelihood of Johannesburg having 4 million residents by 2007. Johannesburg is an urban region covering much of Gauteng province and is continuously built-up. (City of Johannesburg Annual Report, 2005/2006).

Figure 5 shows Johannesburg in terms of its regions. The Johannesburg inner city falls under region F. Berea is one of the neighbourhoods, to the north-east side of region F, within this inner city region where there are high rates of crime, informal trading and problems of bad buildings.

Figure 5: Map of Johannesburg



Source: [www.joburg.org.za](http://www.joburg.org.za)

### 3.1 HISTORY OF JOHANNESBURG INNER CITY DECAY

Studies have illustrated differentiated arguments about the root causes of the Johannesburg inner city decay. The processes of the inner city decay appear to have occurred during the double transition period in South Africa. These trends reveal changes that have occurred in most South



African cities; however the Johannesburg case is exclusive since the city is the economic hub of the Country.

### 3.1. 1 ECONOMIC DECLINE AND SUBURBANISATION

When the National Party came to power after the South African National war, a stable economy was experienced in Johannesburg. This made the inner city northern suburbs to be hunting grounds for speculators and intended for supplying accommodation for a growing population. Blocks of flats were built in areas of Berea and Hillbrow, however, the market declined in the late 1950s showing unstable returns by the speculative investments. Bank overdrafts were blocked and the property empires stopped. As a result, many builders wanted to get rid of buildings suddenly. Speculative investments in areas like Hillbrow and Berea have produced buildings that are of inferior quality (Oelofse, 2003; Meiring, 1986: p54) of which without thorough maintenance have shown traces of decay. Fraser (2007) states that the decline of the inner city had its roots way back in the 1950s when some short-sighted decisions were made by the council of the time and were multiplied each decade until the real enormous decline in the 1980s which increased in the 1990s.

The decision to relocate the City council offices from the Central Business District (CBD) to Braamfontein in the 1950s led to a number of big corporations like Eskom and South African Breweries to follow the council's lead and relocate to Braamfontein prior to the council's move (Fraser, 2007). In the 1970s the economic decline of the inner city was experienced and decentralization of many business interest. Institutions like the SABC headquarters moved out of the CBD and the City council finally moved to Braamfontein while the city's most prestigious department stores were already relocating to the suburbs. Instead of a clustering of activities, the scattered dominant developments spread and located outside the city centre, consequently, could no longer act comprehensibly and competently mainly due to the lack of public transport. This dispersal had a major effect on retail patterns where many retail shops closed and the order of trade in the city declined during the early 1980s. This down scaling affected the medical sector as patients no longer combined their medical visit with shopping to the inner city but went to were the malls and the new medical profession relocated to (Fraser, 2007). The legal sector followed the medical sector in relocating to the north. As property investment heaved to the suburbs, the

benefits of agglomeration were lost in the inner city (Tomlinson *et al.*, 2003). Inner city property owners, through investing in real estate in new locations in a period of economic decline, undermined their investments in the inner city (Frazer, 2007; Goga, 2003).

Big institutions like De Beers, Gold Fields and Johannesburg Stock Exchange in 2000 (Raiser and Volkmann (2005) relocated their headquarters to the suburbs (Kihato, 1999) leading to a major disinvestment. The mass departure of the commercial sector was accelerated by failures in public service delivery and rising crime levels. Noticeably was the lack of commitment by a number of inner city property owners to inner city developments and management (Fraser, 2007). Goga (2003) stresses that from 1975 to 1992; investment in decentralized locations began due to economic crisis with Gross Geographic Product dropping to .6%. Financial institutions withdrew from the market and red-lining was imposed. Red lining is when banks do not lend money to people who want to invest in property in a specific area. It has increased the inability of property owners to raise finance for building maintenance (Fraser, 2004). Red-lining applied to the entire inner-city area and no money was made available by the institutions for purchase or development of residential accommodation within the inner-city to anyone for a long period of time.

The city had oversupply of space as many institutions left and rental income declined. Other factors like political changes, deracialization of the inner city, declining standards of public health and safety made the business to leave. However, some observers state that the reason behind the growing need to invest somewhere was due to the accumulated capital by property owners as economic decline favoured insurance and pension fund institutions to accumulate money as households used these institutions for serving during those hard times. Goga (2003) argues that a surplus of capital in search of investment and held by long-term financial institutions (insurance houses and pension funds) acted as a necessary order in motivating investment to decentralised areas.

Due to these changes, many of the buildings in the inner city had been abandoned. The Johannesburg inner city became typified by urban neglect, litter, unemployment, poverty and most of all crime. Beavon (2004) notes that security reasons increased suburbanization of business. Nonetheless, in support to Goga (2003), Tomlinson (1998) states that not only crime feared by

employees of firms and the clients had a major influence on driving the business out of the Johannesburg city centre, also there were aspects of racial motives firmly aided by apartheid that have driven firms out of the city. Additional to the fear of crime or perceived fear of crime, other commercial businesses moved out of the city due to economic growth and new technologies which required more space and found cheaper land outside the city centre (Beavon, 2004).

As the city has high-rise buildings, decentralization of business has been driven by some personalized desires from firm owners. For instance, a need to “operate in a different environment due to changing work type associated with changing technology and need for low rise buildings and open settings” (Goga, 2003: p72) to increase the corporate identity. In the 1960s taller buildings were built for the provision of numerous accommodations; however an ill-conceived and poorly managed parking policy was introduced that permitted a low maximum number of basement parking bays in any new development occurring on late 1960s. An extremely poor public transportation system, together with a tendency for businessmen wanting their vehicles parked in the same buildings in which they worked, resulted in developers looking more afield to where planning was more tolerant (Frazer, 2007) leading to continued flight of capital to the suburbs (Oelofse, 2003). Rentals slipped back and vacant buildings increased severely as an increasing number of businesses moved elsewhere as soon as their leases permitted them to do so. Major property companies which previously heavily invested started to disinvest in the inner city (Fraser, 2007).

### 3.1.2 SOCIAL TRANSFORMATION

Beall *et al.* (2002) state that the inner city northern suburbs of Johannesburg were initially well maintained and built in favor of white managerial and professional classes but there was a change to black population during 1990s. Chipkin (1993), states that the inner city neighbourhoods were lively economically, socially and had entertainment and mainly occupied by the strong middle class community. However, the changes that emerged as the apartheid state collapsed in the city's function and its community and the inability of the built environment to accommodate these changes has been the key causes of physical decay of the city of Johannesburg (Kihato, 1999). Berea was one of the first parts of the inner city to change racial composition (Crankshaw and

White, 1995; Morris, 1994). The class profile of the inner city residency shifted to low paid service workers and the rents dropped and after the racial integration, decline became more apparent (Oelofse, 2003). The inner-city population (i.e. including Hillbrow, Berea, etc) rose from probably less than 80 000 persons in 1975 to between 120 000 to 150 000 in 1995 whilst the accommodation slightly decreased (Fraser, 2004; Morris, 1999).

Mtongana (2008), states that the conditions of the inner city are a result of the apartheid social engineering that never allowed black people to own property in the cities. Following to the desertion of apartheid regime and scraping of the Group Areas Act during 1980s and 1990s, a sudden increase in urbanization was experienced in the city of Johannesburg (Morris, 1999). African population was forced out of the townships by housing shortages; they then massively went to the inner city area in search for employment opportunities and to claim their right to the city (Beavon, 2004; Fraser, 2007). Morris (1999) states that there has been overcrowding in the inner city residential neighbourhood and inner city decline has been hastened by racial desegregation. In addition to black people in search for accommodation close to workplaces, there has been a considerable large influx of people from bordering countries in search of economic opportunities as the economic system also changed from being a closed economy to a globalizing system. Resulting to this influx, moving in of blacks to the inner city which occurred with no clear and strong housing policy and that those in power were not ready in terms of accommodation for the large numbers of people who flowed to the city (Kihato, 1999), there was collapse of landlord-tenant relationship and many properties were left without services as property owners struggled to come to grips with the changing scenario (Fraser, 2007). The maintenance of some of the inner city buildings decreased as rentals were not paid. Invasion of residential and other buildings by some tenants occurred leading to a big conflict between property owners and tenants. The bad landlord-tenant relationships led to landlords neglecting their buildings and allowing services to deteriorate due to lack of financial resources to maintain buildings and lack of commitment to develop good relationships with tenants. Taking advantage of new black residents, some property owners exploited black tenants. Oelofse (2003) states that the conflict between landlords and tenants was caused by that the predominantly white property owners were exploitative of black tenants by charging higher rentals than before. Landlords provided fewer management and maintenance service, as a result, black people renting the area boycotted against high rentals and service

charges (Ibid). Consequently, aggressive tenants hi-jacked some buildings, changing rental accounts or refusing to pay rentals. Oelofse (2003) stresses that the landlords lost all control and abandoned their properties. Attempting to take control, the black tenants failed to pay rents and to maintain buildings and as a result accumulated substantial arrears in service charges unsettled to the municipality.

Beall *et al.* (2002) maintain that state housing subsidies for white induced them to move out of the inner city into home ownership at the end of 1980s. This meant that white people preferred to buy a house in suburbs away from the inner city than living in rented flats in the inner city. Those who where to start life in places in the inner city remained where they where or left the country in the wake of the 1976 uprising (Morris, 1999) leading to empty accommodation available in places like Hillbrow and Berea.

As many high-density buildings were abandoned by landlords, there was an increase in the rate of violent crime. Tomlinson *et al.* (2003) stated that violent crime is a particular problem in Johannesburg and the marginalization and social exclusion are the root causes. The reason is that rights of space are highly contested as people are not enabled to make connections and associations. Resulting from this shift from the apartheid era to a democratic government, the city of Johannesburg in South Africa faced growing crime levels as it is usual in transitional countries (Shaw, 1995; Shearing and Kempa, 2000). Johannesburg has rated as one of the most dangerous cities in the world during 1990s. Tomlinson (1998) argues that during 1990s there was a strong principal and blaming set of explanations based on crime and grime and poor service delivery. Anarchy developed, eventually accelerated the dilapidation of the buildings and the neighbouring environments because there was totally no new construction of buildings (Fraser, 2004).

### 3.1.3 MUNICIPAL MALFUNCTIONS

Sophisticated and complicated conditions for the control of the functionality of the inner city and its management during 1990s were increased by the lack of adequate urban management. Unmanaged city environment was promoted by the unwillingness of the non-democratic councils to do anything about the inner city for the fear of interfering with the incoming democratic government

and also in consideration of the possibility of re-election (Mtongana, 2008; Fraser, 2007). Continuingly, after democracy in 1994, the democratic councils serving from 1995 to 2000, focused on reformation of the apartheid structures it had inherited while neglecting issues around urban management. The local authority's lack of urban management performance during this five year period contributed to ongoing decline extending the period of political paralyze characterized by the previous regime in urban management (Mtongana, 2008; Fraser, 2007). The inner city of Johannesburg experienced severe decay. City by-laws, for instance those of informal trading were simply not enforced, ensuing informal street trade, considerable unrestrained, unmanaged and lack of control of informal trading.

The limitations of the formal economy to absorb new entrants in economy directed many people to turn to street trading. The most characteristic of the streets of Johannesburg is a significant informal economy consisting of cash-only street traders and vendors. Tomlinson *et al.* (2003) point out that the inner city decay was brought about by trade liberalization and the Black Economic Empowerment. Also, Fraser (2007) states that taxi cars took control of roads and pavements as ranking areas. Hence the unmanaged state of the inner city continued as it became dirty, neglected and unsafe.

Additionally, as the low investment by business in the inner city prevailed, the local government gained no momentum to improve service delivery in the inner city. The city municipality has also contributed to the decay by poor urban management (for example, allowing landlords to get away with not maintaining their buildings properly); and poor credit control (where the municipality did not collect rates and service charges which were owed to it) (Fraser, 2004). Oelofse (2003) maintains that the reluctance of the city council to take action against defaulters had encouraged this tendency.

Currently, credit control and revenue collection in the inner city still pose another set of problems. There are buildings in arrears with their rates, and some tenants experience problems with billing. The Johannesburg city municipality has limited resources that are available to address these challenges, and has only been able to provide fairly small capital budgets to regenerate the inner city. Hence, the need for the city municipality to strengthen the links with big business in order to

access the resources to be used in the effective management of the inner city area and CIDs are being used. Some procedures like closed-circuit television on street corners have been implemented to reduce crime in the city. The most recent one in residential areas is the use of CIDs in the surrounding area, therefore Legae La Rona developed in Berea and Ekhaya Neighbourhood in Hillbrow.

### 3.2 BEREA - LEGAE LA RONA

Berea has a population of more than 40 thousand of people with at least 60 percent of people unemployed with a highest population number with no income and most people with income ranging from R400 to R3200 (see Table 2 for the population and Figure 7 for the income). Land ownership in Berea is both public and private with the majority of the area privately owned; smaller areas owned by national and local authority and a few stands are parastatal-owned. The municipal land value in rands for majority ranges between R100 000- R250 000, followed by values ranging from R250 001- 5 000000, and three stands with values between R5 000 001- R10 000 000. (Draft Regional Spatial Development Framework, 2008/2009).

Table 2. Population and Infrastructure information in Berea

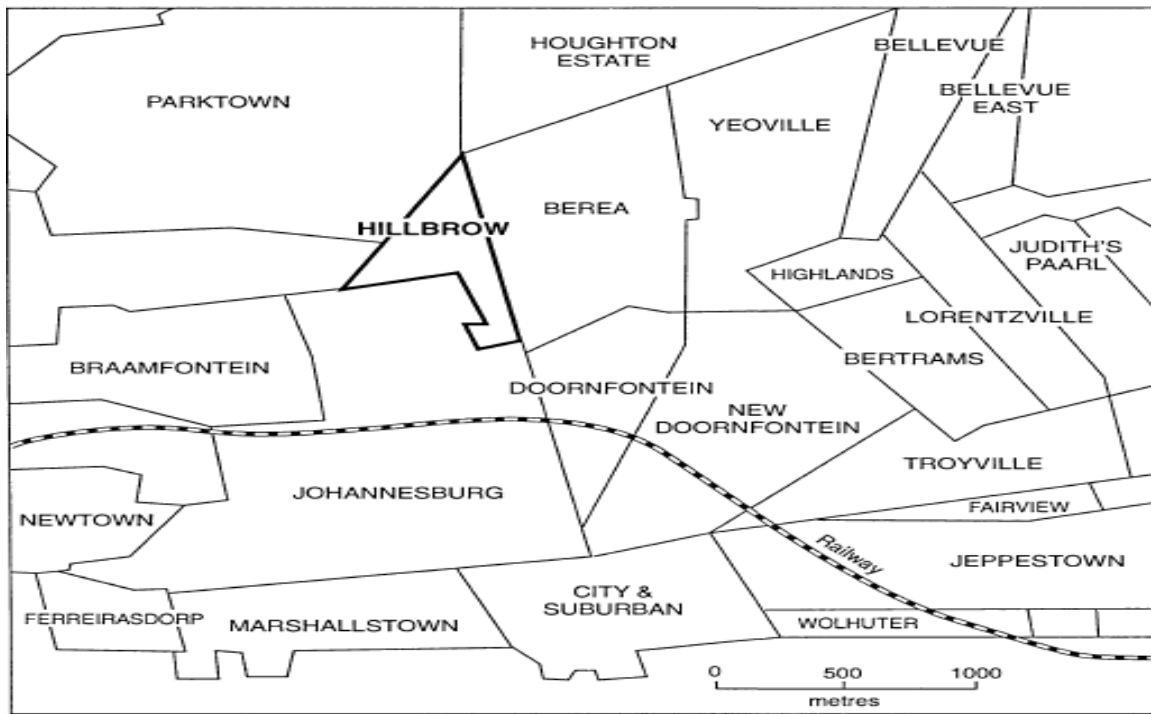
Total Pop. In Berea	40669
Male	55.2%
Female	44.8%
Level of employment	42.5%
No. of dwellings	14836
Households without water	2.6-5%
Households without sanitation	5.1-10%
Households without electricity	5.1-10%
Households without refuse collection	5-10%

Source: City of Johannesburg, *Draft Regional Spatial Development Framework (2008/2009)*

Berea is a mixed use area consisting densely populated high-rise residential buildings, industrial and retail areas (Draft Regional Spatial Development Framework, 2008/2009). This area is located

in the north decaying residential area of the Johannesburg city (Figure 6), close to the CBD and is functionally mixed. Like Hillbrow its neighbour, Berea has been known or perceived as having crowded streets and pavements that create fear to visitors or irregular users during the day and obvious fear at night (Fraser, 2004).

Figure 6: Berea in relation to surrounding neighbourhoods

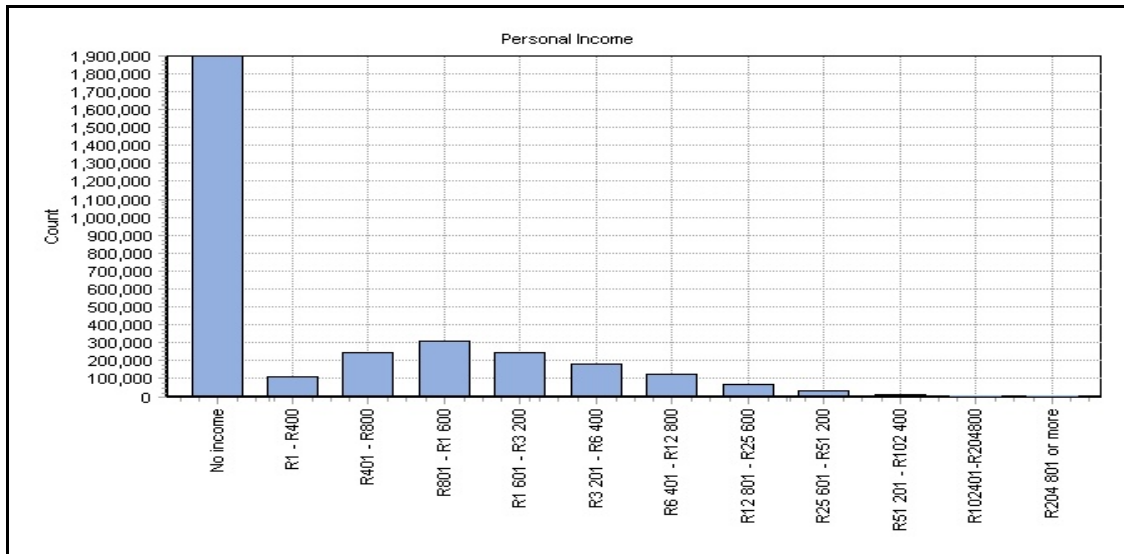


Source: Morris (1999: p674).

According to Statistic South Africa of 2001, Berea consists of more South Africans than any other population group from other countries. There are about 32 000 South Africans, 5200 people from African Countries, 82 from Europe and other continents like Asia has 32, North America has 4, none from South America and 3 are from Australia. About 35 000 of people living in Berea are Blacks, followed by about 700 coloureds, whites at 490 and lastly Asian/Indian at less than 121.



Figure 7: Berea Ward 64 Personal Income



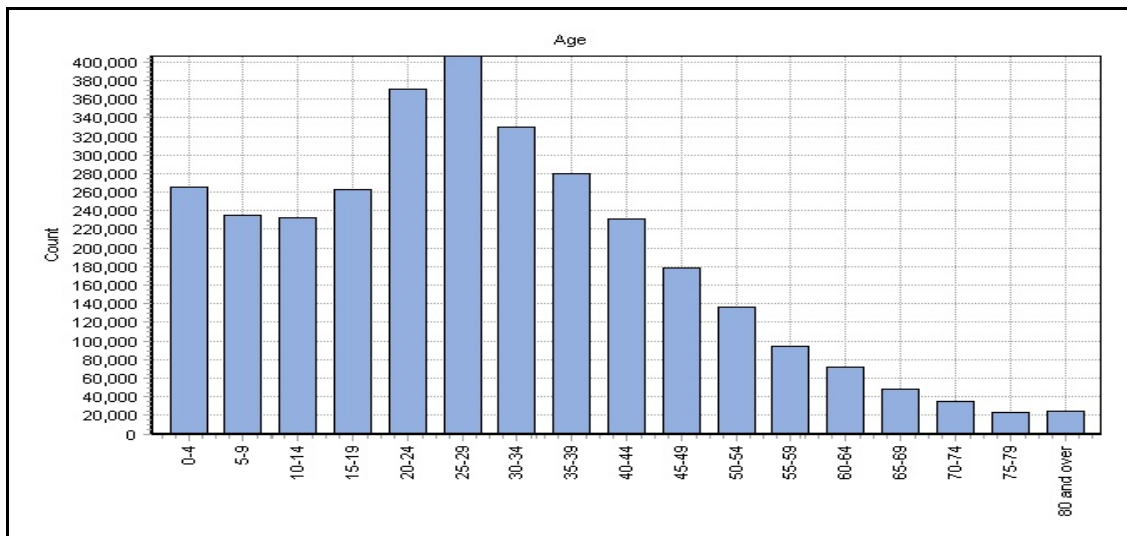
Source: Statistic South Africa (2001).

The renters of accommodation in Berea are predominantly black, mostly within the age range of 20 to 39 years (Figure 8), most male and probably have dependent family members or children as described by the Trafalgar Inner City Report of 2004 (Ibid). The age group statistics of Berea demonstrates gradual birth rate showing that there are many young dependents within the community as well as a rapid decline of older residents. Older residents found in Berea, especially whites, may have been residing in this environment during apartheid and are now pensioners with no option to move out and staying out of choice.

The Draft Regional Spatial Development Framework (2008/2009: p85) states that Berea is "experiencing change and serious degradation due to, a transition in occupants to those with low or no income, absentee landlords, illegal sub-letting and overcrowding. This trend is accompanied by social and safety and security problems". There is no police station in Berea. Berea falls under Hillbrow Police Station; therefore, the Hillbrow crime statistics (Table 3) indicates crime for both neighbourhoods. Beall *et al.* (2002: p177) state that "Johannesburg is seen as South Africa's crime city". Generally, the crime statistic in the period of 2001 to 2005 shows a gradual decline. The

higher crime rates seem to be for robbery with aggravating circumstances and common robbery. This may lead to one doubting that the CID has reduced crime in Legae La Rona. The CID has been recently implemented but crime has been already decreasing in the inner city neighbourhoods of Berea and Hillbrow. Beall *et al.* (2002) further state that some types of crime in Johannesburg are lower than in other developing countries as well as lower compared to other cities in South Africa. To support this, some crimes like stock theft, bank robbery and truck hijacking are nonexistent in the Berea/Hillbrow crime statistic.

Figure 8: Age Group of Berea Residents: Ward 64



Source: Statistic South Africa (2001).

Legae La Rona is the first *residential* CID in the city of Johannesburg. There are many business CIDs in the city of Johannesburg in business areas while residential CIDs are proposed with few voluntary CIDs operating in residential areas. Legae La Rona has been established due to the high crime rates in Berea as well as perceived crime. Legae La Rona consists of both high-rise flats mostly with six floors to thirty floors and few houses. It encompasses three streets from east to west and four streets from north to south as illustrated in Legae La Rona boundary map in chapter one. There are few small retail shops like the tuck shops, dry cleaners, beauty shops and barber

shops as well as the night clubs with the well-known one called Jabula Ebusuku (Be happy at night).

Table 3: Crime statistic: 2001-2005

Crime Information Analysis Centre - South African Police Service				
Crime in the RSA for April to March 2001/2002 to 2004/2005				
Province : Gauteng Area : Johannesburg Station : Hillbrow				
Crime Category	2001/2002	2002/2003	2003/2004	2004/2005
Murder	210	179	127	140
Rape	298	293	282	272
Attempted murder	194	278	203	208
Assault with the intent to inflict grievous bodily harm	1,629	1,942	1,922	1,959
Common assault	1,360	1,796	2,290	2,269
Robbery with aggravating circumstances	2,732	4,081	4,078	3,563
Common robbery	2,323	2,452	2,209	1,982
Indecent assault	39	35	64	57
Kidnapping	87	69	74	67
Abduction	18	21	29	21
Neglect and ill-treatment of children	19	38	88	72
Culpable homicide	36	29	28	28
Public violence	1	2	6	5
Carjacking (Sub Category of Robbery Aggravating)	166	185	136	146
Truck hijacking (Sub Category of Robbery Aggravating)	16	0	0	0
Bank robbery (Sub Category of Robbery Aggravating)	6	0	0	0
Robbery of cash in transit (Sub Category of Robbery Aggravating)	0	0	2	1
House robbery (Sub Category of Robbery Aggravating)	-	233	176	149
Business robbery (Sub Category of Robbery Aggravating)	-	71	61	46
Arson	24	17	15	29
Malicious damage to property	904	1,036	1,003	958
Crimes Injuria	129	197	136	125
Burglary at residential premises	928	758	691	706
Burglary at business premises	443	421	337	153
Theft of motor vehicle and motorcycle	1,018	794	696	776
Theft out of or from motor vehicle	1,469	1,743	1,612	1,271
Stock theft	0	0	0	0
Illegal possession of firearms and ammunition	222	269	282	187
Drug related crime	594	575	358	385
Driving under the influence of alcohol or drugs	116	142	251	242
All theft not mentioned elsewhere	4,941	5,532	5,437	4,633
Commercial Crime	946	876	776	822
Shoplifting	772	514	405	332

Source: Statistic South Africa Report (2005)

From the bill board posted in the Preston Place Building, there are 29 participating buildings in Legae La Rona which are: Alexandra Court, Barnato Park School, Berea Christian Tabernacle,

Chelsea Square, Crest View, Delaroma Court, German Club, Glezina Court, Golden Acres, Helderberg, Hillandale, Kelemberg, Manhattan Place, Metropolitan, Miramar, Montana, Montrose Court, Nordia, Olivia Court, Plumridge, Pontebello, Pontresina, Pontrialto, Preston Place, Rand Executive, Rose Crest, Statesman, Stone Acres and Witberg.

As part of Legae La Rona environmental campaign working with PIKITUP, the main themes on one of the bill boards in the Preston Place building are:

1. Dispose rubbish and waste from your bin into the rubbish bin cleaned by management and PIKITUP.
2. Not to throw anything out of the windows into lanes, streets, trees, and next door properties.
3. Not to dump any rubbish or litter on the pavements or the lanes.

However, the main issues dealt with by Legae La Rona seem to be control of buildings, control and cleaning of streets as well as pushing by-law enforcement through the Metro police.

Legae La Rona is driven by Brian Miller, the property developer of Ithemba Property Trust. Miller is a major property owner in Berea and Hillbrow and also heads the Property Owners and Managers Association (POMA). POMA is a Johannesburg inner city property owners association consisting of landlords and managing agents. POMA is focusing in the inner city transformation as it controls majority of buildings while Ithemba Property Trust is a property development company based in Berea with about 2 500 flats in the Johannesburg (CBD) (Financial Mail, 2005). The Ithemba Property Trust aims on "reducing or eliminating problems of crime, grime, overcrowding and hijacking as problems faced on a daily basis. They intend to achieve this through putting street security officers, effective and watertight access control that will reduce great loss of revenue resulting from overcrowding and extremely high utility bills and guarantee total returns capture for the building owners" (Ibid).

Legae La Rona CID is operating around this residential area with decaying buildings like the San Jose Building. The area is mixed-use of mainly residential high-rise buildings (see Figure 6). Most of the occupants are poor people including street vendors, shebeen operators, street kids, people

Figure 9. A mixture of flats and houses and decaying buildings



Source: Faith Dube (2008).

renting space in terms of sharing as well as street dwellers that stay under bridges and on parks. It includes the Barnato Park at the corner of Barnato street and Five street and Legae La Rona also is involved in the management and maintenance of Donald Mackay Park which is in corner Lilly Avenue and Abel Road. The San Jose building in Figure 9 with obvious decay but seen and understood differently by different people in the case of eviction during 2004 (a case of hijacked building with criminal activities, by other as the symbol of tenants struggle against eviction and right to housing) is being transferred to the Ithemba property owners by the city municipality and as a

means to increase their investment, Ithemba property Trust intends to refurbish this building and rent it out while the municipality continues to provide normal services to a pre-agreed level.

Arguing in support to the Gauteng City Improvement districts Act of 1997, the Johannesburg municipality stresses that CIDs have been successfully implemented in many parts of Johannesburg and are aimed at places where decline is evident or is likely in the future. Localized solutions to upgrading and managing areas through equitable and sustainable funding streams are used to provide services that enhance and add value to a locality without replacing existing local authority services. Legae La Rona has provided upgrading through the means of formalizing spaza shops, maintaining planted trees on the streets, cleaning replaced pavements by the Johannesburg Development Agency and supplying street furniture.

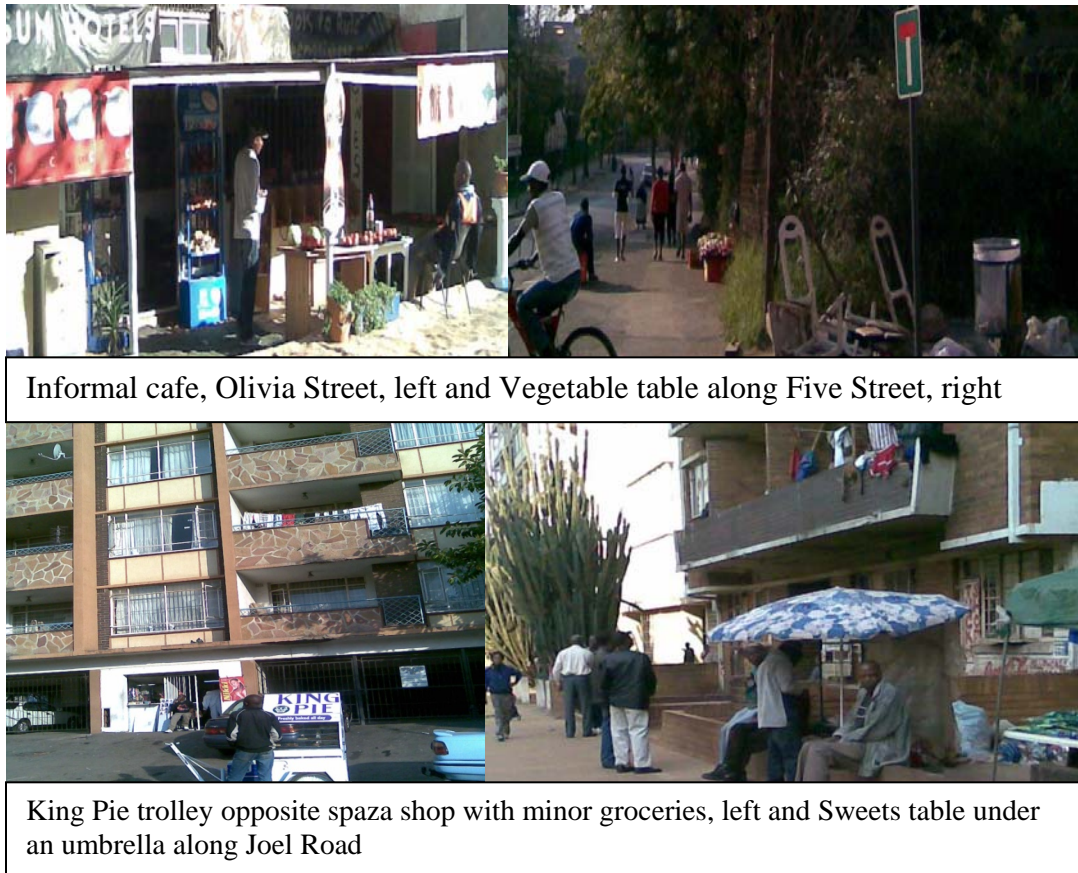
Informal trading is a considerable contributor to local economy. The Gauteng study in 2005 and 2006 done by Shisaka Development Management Service estimated that 355 000 of informal traders operating in residential areas comprise 13% of the population both in the inner cities and townships across South Africa and are generating approximately R476 million per month. The study has identified their role as enhancing access to services and products by low-income households throughout South Africa and contributing to the development of sustainable human settlements. Informal trading more generally represent sole and significant income and stand as available opportunity for unemployed South Africans. The size and scale of the street vending operation characterize limited capacity to any formality that is advocated by Legae La Rona as well as the costs of formal registration which often undermine the profitability of this form of trade.

Figure 10 shows the different informal traders and their scale. There are shops selling vegetables opposed by a King Pie moving trolley that sale pies along the street. This is evidence for informal retailing occurring along the streets of Johannesburg on the pavement. However, beside this King Pie trolley, the informal café and spaza opposite the trolley operate under the ceiling of first floor of big flats or the basement. There are also traders selling sweets under an umbrella and tomatoes sold under the shade of a tree.



Evaluating these pictures, one can clearly see that these street vendors cannot afford formalized rental shops, however, the CID aim to stop all this form of economy and sort of livelihood of the community of Berea.

Figure 10. Informal shops in Legae la Rona



Source: Faith Dube (2008).

### 3.3 SUMMARY OF THE CHAPTER

This chapter has briefly outlined the case study of this research. Demographics of the Johannesburg city and Berea neighbourhood have been offered. It has illustrated that not every person in this neighbourhood has access to basic services. More than 57% of people living in Berea are not employed. Using this statistics, one can identify that the area is poor or poverty stricken. For this reason, informal sector such as street vending may be seen as the basic form of livelihood of Berea community.

Therefore, CIDs as ways to enforce city municipality by-laws present a threat to the local livelihood and reinforce discrimination in terms of socio-economic status.



## CHAPTER FOUR: PRESENTATION OF FINDINGS AND ANALYSIS

### INTRODUCTION

This research is aimed at exploring the decision-making processes and structures within the CID: A case study of Legae La Rona, Berea. Findings have been structured with accordance to the research tool. Presentation of the findings is guided by the main conclusions which are:

1. Decision-making processes are captured by big property owners.
2. The City of Johannesburg shares the CID objectives (urban regeneration) but lets the private sector run and implement it.
3. Exclusionary tendency toward the urban poor.

The findings are structured as 4.1; 4.2; and 4.3: to articulate the representativeness of the structure of the decision-making processes within Legae La Rona and the issues contained by, to discuss and understand the role of the City Council in this specific local governance pattern and lastly to illustrate the predictable outcomes / impacts of such processes to the poor respectively.

The first theme responds to the main topic of this research and the hypothesis that big property owners have more power in decision-making. It provides answers to how decisions are taken, who make the decision, which property owner has high votes and how the legal framework of the CIDs in Gauteng supports the processes within a CID as well as internal conflicts to Legae La Rona CID. The second theme lay down the nature of this urban management tool in terms of outlining its advantages to the municipality, disadvantages to the poor and conflicts at the city, leading to the final theme which seeks to reveal the elements of exclusion that result from the decision-making process by showing multi-dimensions of exclusion resulting from gentrification or building make-vendors over or control over tenants street etc. .

#### 4.1 DECISION-MAKING PROCESSES CAPTURED BY BIG PROPERTY OWNERS.

##### A) CID: A MULTILAYERED AND OPAQUE DECISION-MAKING STRUCTURE

In line with the Gauteng CID Act, the structure of management of Legae La Rona has elected board of directors and the steering committee. Board of directors of Legae La Rona jointly oversee the activities of a company by monitoring management in respect of implementation of board plans and strategies, giving strategic direction to the company and have board meetings every three months while a steering committee sets agendas, plan, manage and make decisions on business matters on a day to day basis and have meetings every month.

Apparently, the same property owners in the steering committee are on the executive board and are part of the board of directors of Legae La Rona. The steering committee is elected at the first CID general meeting where all property owners are entitled to vote. According to the Gauteng CID Act, voting rights are proportional to the levy paid which depends on the ratable value of property. That is, when the CID is established, votes are weighted according to the contributions towards the CID levy. As Legae La Rona became a registered CID, the steering committee has become the executive committee. This has been due to the lack of interest by other property owners as well as commitment by the majority property owners in Legae La Rona (B3, 2008, interviewee).

##### B) CID STEERING COMMITTEE: A STRUCTURE DOMINATED BY BIG PROPERTY OWNERS

The researcher attended the steering committee meetings as shown in Table 4 and obtained the debt analysis document, the minutes for the Legae La Rona (central) steering committee of the 16<sup>th</sup> of September, and both (Legae La Rona central and South) minute of the 28<sup>th</sup> of October. The minutes of the meeting that occurred on the 16<sup>th</sup> of September state that on the 25<sup>th</sup> of November there will be an AGM. That is the very meeting I was prevented to attend. As I attended the 2pm meeting for Legae La Rona South and left when the participants of the 3pm meeting were settling down, from my brief observation, there were few people than what an AGM should consist. There seemed to be no ordinary people there and I think if that was a real AGM, every individual (involved and affected) should be allowed.

There are 49 property owners in Legae La Rona CID according to the Legae La Rona improvement district debtor analysis document (showing debts and credits for accounts of property owners in Legae La Rona) of 27 October 2008. Out of 49, there are only 3 big property owners participating in the meetings: Ithemba Property Trust, Johannesburg Housing Company and Zahavi Estate. The only first two main property owners are represented at Legae La Rona (central) meetings and the last one appears at Legae La Rona South meetings. "Ithemba Property Trust contributes about 45% of the levies" (B3, 2009, interviewee) out of 49 property owners in the CID who are contributing overall in Legae La Rona central. In Legae La Rona South, the Johannesburg Housing Company pays about 60% of the levies" (B3, 2009, interviewee).

Table 4. Presentation of Legae La Rona Meetings

Stakeholders Representatives/Attendants											
	Ithemba Properties	Jozi Housing	Zahavi Estates	Bad Boys Security	CJP Central Johannesburg Partnership	City Johannesburg	of Councilor	Pikitup	Barnato Park School	Others	
1 <sup>st</sup> Legae La Rona South Steering Committee 28/10/08	Present (1) Apologies (1)	1	Apology (1)	1	Present (1) Apology (3)	Apology (1)					
2 <sup>nd</sup> Legae La Rona Steering Committee Meeting 28/10/08	Present (1) Apology (1)	1		1	1	Present (1) Apology (1)	Apology (1)	1	1	3	
3 <sup>rd</sup> Legae La Rona South Steering Committee 24/11/08	2	1	1	1	4	1					

Source: Fieldwork survey (2008), Note: the presentation of number of attendants may be confused<sup>3</sup>.

<sup>3</sup> Note: The presentation of the meeting attendants relied on the minutes and observations. People attending the meetings already know each other so they do not introduce themselves. The meeting minutes presented in every meeting are of the previous meeting, hence, I have used some minutes of meeting that I did not attend and did not get the minutes of the Legae La Rona (central) meeting of the 28th of October as I was prevented at the following meeting.

B1 (2008, interviewee) stated that Ithemba Property Trust is the “majority property owner in Legae La Rona with 401 flats which are all high-rise, while the whole area of Legae La Rona has 2500 flats”. As initiators of Legae La Rona, they intended to include more property companies to generate income. Johannesburg Housing Company has also a majority property ownership in Legae La Rona. According to (B3, 2009, interviewee) the Johannesburg Housing Company has one big flat building in Legae La Rona and has “5 flats buildings in Berea which thrive to achieve safety for their tenants as they are participating” says BM1 who is a building manager dealing with queries, managing the employees for example people rendering service and manages the building.

Legae La Rona area is dominated by big property owners, so is the decision-making structure. “We have more blocks of flats here, there are more big property owners than house owners, in percentage maybe is 60/40 or 70/30 is better” (B1, 2008, interviewee). House owners and other space users like the tenant representative and the community representatives in Berea are blatantly absent from the steering committee meetings. Barnato School is actively participating in Legae La Rona especially around issues of crime in consideration to school pupils. Both the City of Johannesburg and the Councilor are invited to the steering committee meetings but they show lack of commitment as their attendance is irregular, however the public utility like PIKITUP is also participating in the meetings as a service provider running under the city council.

As obvious in the table above, there is a massive presence of the Central Johannesburg Partnership which is the administrative service provider of Legae La Rona. The CJP is a ‘non profit business organization’ created by business people concerned about the fate of inner City Johannesburg, who have created and are running the Kagiso Urban Management company (KUM), a private company (for profit) which manages the CIDs in Johannesburg. As promoters of the CIDs in Johannesburg, the CJP is a “private non-profit organization focusing on serving business-their primary client” (Benit-Gbaffou, 2007: p9). If business is the primary client of CJP, then CJP mean business.

Additional to this dominated process in Berea, the CPF meeting revealed that there are conflicts between the community residing in Berea and the property owners. Legae La Rona representatives were not present at the CPF meetings and according to them; their absence is due

to the fact that problems reported to the relevant departments at this meeting are never responded to. Previously, the Director of Legae La Rona (who is also the owner of Ithemba Property Trust) was initially chairing the CPF meetings and was dismissed by the ward councilor under the reason that he is not residing in the area (BM, 2008, interviewee). This may have been due to the predictable domination from the councilor's view.

### C) ISSUES AND DEBATES IN LEGAE LA RONA MEETINGS

The meeting discussions, meeting minutes and some general discourse from interviews, the discussions were structured around the topics of security, cleaning the streets, and cleaning or closing alley ways. Security concerns are that there are already street security guards around the CID area and the drivers of Legae La Rona intend to put CCTV cameras in the near future. There are problems that the Legae La Rona street guards are not armed, however, in support to the broken windows "theory", Legae La Rona steering committee sees their visibility far more worthy than having no one by the streets. Also, the time at which these guards are at work (which is between seven in the morning to seven in the evening) is discussed and will need to be changed as they have been complaints by the residents that crime occurs more intensely outside these times. Regarding cleaning, there seem to be a good progress on clean streets and the drivers of Legae La Rona are happy by the City's response at providing street bins as well as progressive work by PIKITUP. However, cleaning alley ways and closing them is still a challenge as they experience recurring problems of untidiness. They also need the municipality (by the JDA) to either close some alley ways or grant them control over those alleys so that the CID takes full responsibility to clean and control such spaces. Lastly on refurbishing buildings, there is a need by property owners to renovate bad buildings, rent them out and enforce strict control.

The main debates were around issues of hijacked buildings, crime, informal trading and the Berea community. These big property owners are determined to push the municipality to act or delegate power to them concerning hijacked buildings. They buy the property and renovate it, however they still have problems of some buildings where owners are not known or cannot be traced by the municipality as well as that some of the bad buildings are under the municipality. In this regard, there is constant criticism of the municipality by the drivers of Legae La Rona and as a result there

has been a take-over of some of the municipality responsibilities, for instance collecting the CID levy is now done by the CID board (B3, 2009, interviewee), however as a legal requirement by the Gauteng CID Act, the municipality should collect the CID levy.

With regard to crime, the South African Police Service and the Metro Police are invited to the steering committee meetings but they do not attend. Legae La Rona relies on Bad Boys reports which is the security company hired by the CID to manage Legae La Rona street security guards. In the views of the CID members, informal trading is criminalized particularly as it is equated to drug dealing. Drivers of Legae La Rona are concerned with pushing the Metro Police to remove informal traders by the streets and there are reports from the Metro Police that some actions have been already done even if the problem is recurring and there are problems of police corruption.

Moreover, the CID contributors were engaged with the debate on whether a zero rate for pensioners should be implemented as it was proposed in a letter sent to the steering committee by one house owner, however the decision was not made. The steering committee debated on having to respond to the issue before presenting it at the AGM in order to avoid floods of people propagating the same idea.

Tackling these issues or making decisions, the attendants to the steering committee meetings vote for any decision to be taken, for instance whether a certain alley way needs to be closed, the chair person asks the members to vote for or against and therefore the decision will be made based on the majority rule. That is, only within those who attend the steering committee meetings, everyone makes decisions but based on the number of votes.

Evidently from the above discussion on issues and debates in Legae La Rona is that big property owners being led or supported by the CJP seek to gain control over the area. This is illustrated by their willingness to buy buildings, collect the CID levy as well as equating informal trading to crime. There is also a general discourse by property owners driving Legae La Rona discarding the City Councilor and advocating for delegation of governance to private sector as well as an apparent lack of coordination between the City and the CID.

#### D) RESISTANCE WITHIN LEGAE LA RONA

The voting power that is proportional to ratable property value accentuated by the Gauteng CID Act of 1997 become an obstacle for decisions against the interests of the actors involved in establishing a CID, creating privileged oligarchies as Rhodes (1996) contends. Using the debtor analysis document of 27 October 2008, the researcher found that these commercial landlords running Legae La Rona have challenges within their own business. Not every property owner in Legae La Rona agrees to pay CID levies. Out of 49 property owners with accounts in the debt analysis document, 9 property owners are not interested in paying the CID levy within which 3 of them cannot afford to pay. There are only 13 property owners who have paid up to date, with others, 15 under late payment, 8 reminded by a reminder and demand letter, and with others either not interested or still out of reach. The outstanding amount by the 17<sup>th</sup> day of October 2008 was R184 566 00 out of R630 564 00 payable levies per annum and R52 547 00 payable levies per month. The Legae La Rona CID has managed to collect 71% of the levies with the outstanding of 29% including late payments and levies payable by those who are not interested.

Indisputably, if the CID decision-making processes involved all stakeholders and all agreed, there would not be an outstanding balance of R184 566 00. Late payment, being reminded and not interested, shows a state of reluctance by property owners and one can rest assured that people may not vote to establish a service providing scheme and get reluctant in paying for it.

There are two main resistances coming from house owners of Legae La Rona. House owners are more aware of the scheme than the tenants who have been just informed about rental increases as well as that the tenants are neither organised nor resisting to the CID. To further illustrate how skewed is the decision-making process within a CID, the text below presents the perception of one house owner within Legae La Rona. The respondent participated in the study through email as time constrained him to meet and have a proper face to face interview. Underlined is the subject of the email and the whole email reads:

<u>A rip-off...scandalous crookery [sic]</u>
--

11/26/08

In response to your request for my "thoughts and sentiments" on The Lega [sic] La Rona scheme. You are saying that you'd appreciate my input towards your university thesis on this SCHEME, as set up by certain "privateer" commercial landlords of the area.

The Lega La Rona scheme in certain parts of Berea has been instituted by commercial landlords who have illegally chosen to IMPOSE themselves on me and my neighbours. This they have done by using the "Act 21" in a fraudulent manner. They have not adhered to all the pre-requisites as laid out in the very loosely worded Act 21 and the various pre-requisites as laid out in the municipalities Act.

The act 21 is very loose indeed, and is a gross violation of my democtatic [sic] and constitutional rights. It does not specify the services or goods which the scheme is supposed to supply, neither does it have any checks and balances or methods whereby such a scheme, once instituted, can be checked upon.

I've been very opposed to this scheme right from the very outset. I have given my reasons for being opposed, in writing, to the municipality as well as the Lega La Rona board etc.

I have subsequently also given a seventeen-page-opposition-document to the mayors office as well as opening a case against it at the office of the "Public Protector."

My next step will be to open a case of fraud against the board of Lega La Rona with the SAPS's fraud department.

The Lega La Rona scheme has been "Illegally" instituted. The people who instituted the scheme might very well have gained what they deem to be legal status by getting the scheme "gazetted". However, the methods used in gaining this "gazetting" was **grossly flawed** in that, the proper and correct procedures were not fully adhered to.

They are thus fraudulently charging the people in the Lega La Rona demarcated area a fee (levy) which they are not supposed to be legally charging.

It's much the same as me sending you an account every month for something you've never agreed to or wanted to buy from me. There is ABSOLUTELY no difference.

I'm a professional commercial photographer, I practice aerial photography as a livelihood. How'd you like me to take aerial photographs of your house every month and to send you an account for taking those photographs, eventhough, at no time had you asked me to do such pictures. Or in fact, you'd given me writtin [sic] reasons for NOT wanting to have such pictures taken ?

My initial arguemment [sic] against the scheme is that I pay rates and taxes to the municipality for the rendering the services which this scheme is now supposedly duplicating.



It should be realized that more recently, attempts have been made to institute such schemes in the Northern areas of Johannesburg. But it's my understanding that such attempts have failed, in that the homeowners in those more affluent areas are not as easily "hoodwinked" into believing that such a scheme can be of any benefit to them. The "Northern people" are not as gullible into doling out their hard earned money towards such fraudulent schemes. I'd like to suggest that the more affluent people are not "taken-in" by the "scheeming" ways of the big-business-privateers. The northern area's homeowners can't be as easily hoodwinked and FORCED into believing that the "schemers" are legally within their rights to be charging them this levy. The "Northener's" are aware that the Act is not adhering [sic] to their democratic and constitutional rights.

**In roundup:**

- 1) Loosly [sic] worded Act 21...only there to benefit big business and municipality, not the residents (ratepayers).
  - 2) Big business and municipality in cahoots in defrauding the ratepayers. Why did municipality not ensure that correct procedures were followed in obtaining "gazetting?"
  - 3) People within municipality largely to blame for such gazetting getting "through."
- In an area of "flatland" like Berea...the residents of flats being ruled "roughshod" by the big business commercial landlords. They instituted the levy long before the so called gazetting was even obtained. The Lega la Rona levy being "simply" added to the tenants rent & light and water account.
- 4) The tenants in a take it or leave it situation, being **FORCED** to pay this levy.

This house owner (H2) is current suing Legae La Rona. In his contestation against Legae La Rona, his main argument is that why should there be a double pay to service delivery with no clear illustration whether it is public or private service. H2 blames the whole scheme that it started its operation before it went through gazetting. This indicates the opacity of the process of establishing a CID, which happens without every stakeholder engagement and agreement. H2 also argues that the Act is biased and it benefits the commercial landlords and the municipality. It is evident that only big property owners have driven the CID from its onset without or with limited participation from other stakeholders.

Another house owner, writing on the 3<sup>rd</sup> of October 2008, requests a "zero rate" for pensioners. This house owner (H1) is a pensioner on electronic oxygen supplier. He supports the CID on the basis that it raises his property value on one hand and supports street trading on the other but his main argument is that he cannot afford an extra R50 every month. He stated that:

"It's destitute; I only get about R900, 00 from the government which is not enough to cover all my expenses. The CID to some extent is cleaning the streets and providing security, but will create the same space as apartheid did, where there were clean parks which no one used. The CID urges the Council and the policing out. It is sad that there is no restriction on the capitalist greediness in South Africa. The landlords manipulate the policy and the Council". (H1, 2008, interviewee).

In support to street trading, he further argued that the municipal by-laws prohibiting street trading are contradicting the constitution. The constitution remains a mere vision because there is no money.

"The Metro police chase away pavement traders even if they are within the property, they call health inspectors and make it a health issue, there should be places accommodating the poor, there are street traders in places like London and other global cities, why not here. Yes people do drugs but do not mean that you should close all illegal establishments. I don't want to go to Pick' n Pay instead of going down to the street corner to buy tomatoes for my supper stew" (H1, 2008, interviewee).

The main concern by this pensioner is that the CID impoverishes the already poor members of the Berea community. Except for arguing for his rights as a pensioner to be exempted from other service charges according to the council's rules, he has no other mechanisms to use as a weapon against this whole process. He only states that at the establishment of the Legae La Rona, he raised his concern but by then the charge was not yet apportioned and agreed for. He also highlights that there is nothing wrong with property companies to maximize the profit as it is their duty by law in terms of the Companies Act. However, argues that there possibly be a remedy by employing the poor to reinstate the city and he gave the example of Europe that "it was totally destroyed in 1945 but between 1948 and 1952, people did make it work" not necessary by the use of the private investors but by the government using constrained resources effectively and employing the poor.

Both these contestants reveal that the support for a CID in Berea relied on a certain group of property owners (big property companies) not necessarily an agreement representing all property owners. B3 (2009) stated that "it is how democracy works, the majority rule. It does not matter whether you like what the ANC is doing as a ruling party but you just have to follow it, to some people it may seem as big property owners controlling the CID but it is in terms of the law".

Furthermore, there is no clear date of the establishment of Legae La Rona. B1 (2008) said that Legae La Rona has been:

"going on for 3 years, actually 2 and half years because there has been a lot of paper work, it started at the end of 2005 or you can say 2006, but it was only approved in June 2008 because of the bad service by the council, we submitted the application and in four months the papers were lost, we submitted again another paper after six months" and H2 write that "I attended and supported the foundation of Legae La Rona CID in 2007.

The inconsistency in the dates of the commencement and the approval of Legae La Rona has acted as a blockade to objections of a residential CID by other unwilling stakeholders. H1 was only aware of the Legae La Rona CID in 2007. H2 confirms that the scheme was on operation long before it was legalized while B2 stated that the Legae La Rona CID has been working since the end of 2004. The date of approval and the date of Legae La Rona's first operation or its known operation prove to be different. This supports the argument by H2 that the scheme operated long before all the procedures to its establishment have been fulfilled. Only big property owners knew about Legae La Rona. Additionally, both these participants (H1 and H2) are house owners, with little or no say in the establishment of Legae La Rona as their votes are not viable compared to those of big property owners owning blocks of flats. In addition, tenants were not part of the establishment process; they were only informed after big property owners' decision. "People have been informed in a period of 5 months before the establishment of Legae La Rona" (B1, 2008, interviewee). This simply means that people were not aware of the scheme. The confusion of the process is more damaging to meaningful participation and may mean that poor residents of Berea are busy finding ways of surviving and that they have limited time or resources to deal or involve themselves in such big schemes.

Pant (2006: p109) points that “when any of the citizenship rights and entitlements is inhibited, withheld or violated, people become marginalized”. The processes of establishing a CID is captured by big property owners. The steering committee makes decisions in absolute autonomy, of which the outcome of these decisions may affect everyone living in Berea, therefore, Legae La Rona violates the rights of people living in this urban environment because it does not involve them in the management of their space and they are marginalized. The case of Berea urban dwellers is just another case similar to the Nomads case of India where Mohanty and Tandon (2006: p85) express that they are faced with hardships as “without any immovable property such as land, settled lifestyle remains merely a wish”. That is, Berea tenants without property ownership or with small property, live in an environment on condition that they fulfill all the needs of other people (big property owners driving the CID) not on their will. It is apparent that the idea of establishing Legae La Rona surged downwards from elite big property owners to small property owners, thus, limiting other citizen's participation in space management in urban environment. Power has been stripped away from the democratic process and slipped sideways to the big property owners influencing the decision-making process (Putnam, 1977).

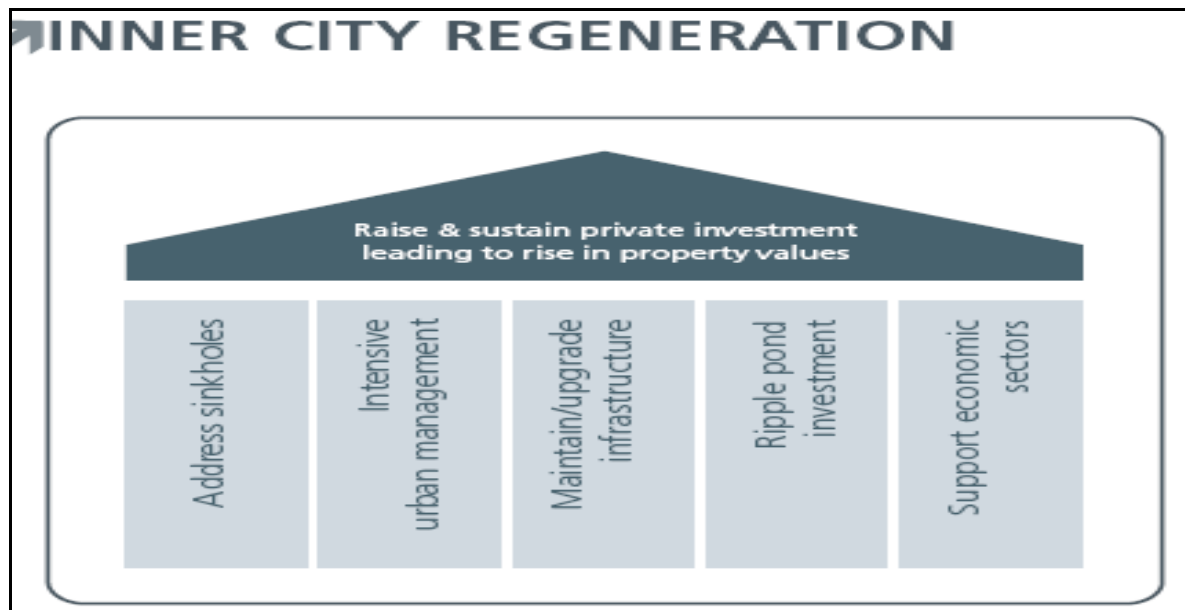
#### 4.2 SHARING OBJECTIVES AND SUPPORT BY THE CITY: BUT CIDS ARE RUN AND IMPLEMENTED BY THE PRIVATE SECTOR

##### A) INDIRECT SUPPORT

The City of Johannesburg has identified similar challenges in the inner city that the CID is seemingly attending to. These include high crime rates, inadequate enforcement of municipal by-laws, unmanaged informal trading as well as the poor conditions of some buildings. There are similar discourses around informality, crime, street control and zero tolerance. Indeed, Figure 11 below shows that the CIDs are not only benefiting the big property owners but they are used by the municipality to complement the municipality's initial ideas under the Inner City Regeneration Strategy which has some objectives to put up some major new projects and interventions directed at improving property values.

Moreover, under the part B structure of the Johannesburg Inner City Regeneration Charter, there is willingness for support to CIDs in residential areas as a non-governmental-sector approach to public environmental management.

Figure 11. Inner City Regeneration Strategy



Source: <http://www.joburg-archive.co.za>.

In search for greater efficiency and effectiveness in public service delivery, the Johannesburg city municipality uses CIDs as the third parties to deliver services acting in the name of the state (for example CID working with the JMPD) or joint provision of the service for the public. B1 (2008, interviewee) said that the CID was established because the city council does not or cannot sufficiently provide services like security. Rhodes (1996: p661) indicates that governance may consist of "privatization and limiting the scope and forms of public intervention and the loss of functions by central and local government departments to alternative delivery systems". On the same connotation, the Gauteng legal framework of the CIDs exceptionally limits public intervention to CIDs by granting freedom to self-appointment of the CID board, CID area and its boundaries being defined by the property owners and stating that the CID has to provide supplementary service to those provided by the municipality but no restrictions to which ones and how exactly. For

instance, security provision is suppose to be under local policing by the SAPS official, but with the use of street security guards, policing service is undermined to some extent. Therefore, one would say the state is voluntary and deliberately giving control to private business to manage urban environments by the use of CIDs and that means poor people losing space as well.

## B) DIRECT SUPPORT

After having identified similar problems in the inner city, the City of Johannesburg implements the projects such as the one shown in Figure 12. This scene is at Legae La Rona South. Such projects highly suit the objectives of the CID as they are challenged by informal trading and intend to push municipal by-law enforcement through zero tolerance of informal trading within the CID. Therefore, the City practically supports the CID initiative by clearing informal street vending.

Figure 12. Informal stands removals in Berea



Source: Mungoshi (2009).

In the protest against evictions in the past years, The Anti Privatisation Forum wrote:

"This offensive against inner city residents is part of a broader campaign to bleach away the poor. Landlords that have neglected their properties are being coaxed back into the city with lures of profitability...While the city authorities cushion the landing for property developers and businesses; the unsightly and unviable poor are being squeezed out. Rents arbitrarily high... the eviction orders contrarily declare the residents are to blame... The poors' presence in the inner city has been made criminally liable. Hawkers are being targeted, their goods and only means of survival confiscated by the Johannesburg Metro police who troop about town to also issue fines as high as R500 to people least able to afford it" (Anti Privatisation Forum, 2002).

Evidently, Region F has approved to spend R130 000 towards the CID establishment of Legae La Rona South (Legae La Rona South meeting minutes, 2008). However, as this is not yet a registered CID, it is currently more challenged because this area has lots of sectional title ownership.

The Legae La Rona CID is accompanied by important public investments for the upgrading of public space for instant street paving indicated on Figure 13. The City sees it as advantageous to get the area upgraded and approve CIDs as a means of maintenance for these inner city developments. These two processes reciprocally complement each other. The CID requires new pavement to go along with renovated buildings and street cleaning while the development agency paving the streets requires someone to remain in charge for maintenance after they are done. Therefore, it is not a simple one way process, but it seems that the city needs these private investors more due to its financial constraints.

Figure 13. Pavement upgrading



Source: Faith Dube (2008).

Therefore, the researcher's estimation is that the Johannesburg municipality supports this form of governance due to the awareness that it is not effective and does not sufficiently provide services. As argued by Benit-Gbaffou *et al.* (2007: p20) stating that "in the long run however, there might be a risk that these "partnerships" become *de facto* private and politically unaccountable governments, especially if public authorities abdicate their responsibilities in the partnership. The City of Johannesburg openly acknowledges that it seldom participates in the central CID's management board; the next step could be that public authorities withdraw from their daily intervention in such spaces" as well as Benit-Gbaffou (2008: p1947) contesting that "CIDs therefore act as a "shadow municipal agency", with its own jurisdiction, compulsory levy and staff, but with no democratic accountability to residents" one can say that the use of CIDs are a means of running away of its responsibility regarding democratic accountability. Poor people are no longer a responsibility of the local authority but customers to the services of security and cleaning of which they get the service



only if they afford or they may be relocated. This is also supported by the opinion of one participant:

"It is the kind of apartheid era which suits the council perfectly in terms of economic interest where there is reduced cost of services and help in relocation for 2010" (H1, 2008, interviewee).

The establishment of CIDs in residential areas favours the local municipality by providing service on its behalf and act on its behalf to dealing with the development challenges in the inner city. Perhaps it is the only means possible for the City to drive its goals besides being caught in the struggle of community-municipal disputes, again, as a means to evade and shift the blame to the private sector subsequently. Beall *et al.* (2002) stress that empowering private property owners will mean reduced governmental ability to define an active social and economic agenda as it undermines state-driven investment and service provision. However, in case of Legae La Rona in Berea, empowering the private sector is seemingly a complement to the City's objectives.

### C) CURRENT DEBATE AT THE CITY COUNCIL – ALLOWING ALL RESIDENTIAL CIDS?

Currently, there is a lot of pressure from suburban communities to establish residential CIDs. The Johannesburg City has created the CID Act for specific areas where decay is evident and where there are elements showing a likelihood of decay in the future, for that reason, it disapproves suburban applications for CIDs in residential areas (Mathang, 2008, personal communication). Since the legal establishment of Legae La Rona in Berea, the City has received a number of applications for CIDs accompanied by serious objections by some community members as shown below.

In response to the application for a residential CID, resident of the Oaklands/Orchards on the 27 February 2008 wrote to Councillor Mathang of the Johannesburg city and another letter of 06 March 2008 respectively state that:

"an aggressive sectarian organisation called CAP...is attempting to evoke the CID legislation by talking of taking over local urban maintenance...they are circulating "voting forms", and apparently intend to keep peddling these until they think they have their majority vote (a 51% majority for a financial obligation such as this is ridiculous but that's the present legislation apparently)...can you imagine forcing through Council a bill doubling everybody's rates..." (A letter to the City Councillor, 2008)

"paying for the services the City should be providing anyway i.e. cleaning and maintenance" (Letter to the City Councillor, 2008).

Writing about the issues raised at the City Council, Visser (2008) stated that the main concerns are regarding increased financial burden to low-income property owners as property rates have gone up substantially since the new Property Rates Policy came into effect in July 2008. This new policy rates properties on the value of land and all improvements, therefore, leading to unaffordable raise to the levies (Ibid). Visser (2008) further states that there is a problem with the Gauteng CID Act in a sense that it does not prescribe how levies should be determined. This makes it difficult to maintain or to charge normal levies to everyone as the levies are currently charged in terms of the value and size of the property. The CID fees become high to the extent of doubling the price of other services provided by the municipality, for instance, proposed CID levies in Glenhazel, go up as much as R400 per household per month (Ibid).

Subsequent to above concerns, the City has set up an advisory panel on the matter which met at the Metro Centre. The first meeting was on the 22/08/08, the second meeting on the 10/09/08 which was followed by a telephonic conference on the 19/09/08 (Charlton, 2009, personal communication). After discussions that happened within this period of about a month, the advisory panel submitted the report on the 23/24 of September which raised the financial (unaffordable levies), legal (the Gauteng CID Act is for business CIDs not residential CIDs), spatial (recreating the apartheid city) and ethical (conceptualisation and infringement of people's rights) concerns about establishing residential CIDs (Visser, 2008; Charlton, 2008, personal communication).

Similarly to the issues that led to the closure of the Cape Town CIDs, Johannesburg CIDs also raise some alarming predictions that residential CIDs may be just “another form of apartheid serving one interest group, another form of a gated community, fostering exclusivity and segregation” (Visser, 2008). Supporting the predictions and emphasizing on a closer look to these allegations, the president of the South African Planning Institute (Ashraf Adams) had agreed that some of the opinions raised against the establishment of the residential CIDs are undeniable (Ibid).

Based on the fact that only few property owners with big higher value properties drive the process of the establishment of a CID, I think the above contestations hold particularly true in the case of Berea’s Legae La Rona residential CID due to the specificities of Legae La Rona CID (big housing companies running and managing the CID). For instance, H1 expressed his view that he thinks chasing people like street hawkers is the recreation of the apartheid system as streets will be clean but not used for trading similarly to clean parks during apartheid which no one used. The Berea case also illustrates the issue of unaffordable levies using the case of the pensioner or double paid services argued by another house owner. The financial concern appears to be more evident in Berea as also tenants of the Legae La Rona CID mentioned their concern about the imposed extra levy. Sadly, this matter leads to the legal concern questioning how the levies are apportioned as well as power issues in terms of who has the votes, of which in this case it lays with the property owners not the tenants according to the Act.

Moreover, the City has currently approved the recommendations made by the advisory panel (City of Johannesburg, 2009). The key recommendations approved are that the votes should be increased to 75% including all owners of rateable property (including sectional title owners), a residential CID be effective for three years with application for extension after, as well as become subject to an independent evaluation and that the proposals for residential CIDs should provide a detailed breakdown of all costs relating to its establishment and maintenance (City of Johannesburg, 2009).

After these changes, Legae La Rona South is faced with challenges of sectional title buildings which are more in the area (required to be equally represented in votes) than the big blocks of flats with one vote and it challenges the City on these changes.

B3 (2009, interviewee) stated that:

“since last year, two significant things have happened: the status of the sectional title buildings, as before they had one vote from the body cooperate, now each and every sectional title has a separate vote which has been changed by the national piece of legislation in the 1st of July 2008 for municipal evaluation and a recent increase of 75% for required vote for application. We now have a problem in terms of funds in order to get each and every sectional title owner for votes as their properties are effectively hijacked and it takes time to track down the owner to get their votes, we are challenging the City Council on this”

These debates happening before the changes that will effect from the recommendations by the advisory panel and the contests against the changes [which will manifest on the new detailed CID policy framework which the City intends to finalise by mid 2009 (City of Johannesburg, 2009)] at the City illustrate that the nature at which residential CID are established is not yet compelling. Different stakeholders have different opinion. Thus the City of Johannesburg will have to deal with these issues deliberately or continued complexities associated with establishment of CIDs in residential areas will result.

#### 4.3 EXCLUSIONARY TENDENCY TOWARD THE URBAN POOR

##### A) SPATIAL AND SOCIAL MAKEOVER

The eKhaya Neighbourhood community organiser stated that:

“CIDs will definitely mean gentrification; however, there is no need for developers to stop developing and reinventing the buildings to provide for those people who are getting opportunities to enter into formal housing, people who have been lucky to enter the affording class. Surely the results may be absurd but we cannot let down the other group that can afford or not cater for them because of the

negative impacts to those who cannot afford. You cannot blame the property owners for that but our democratic government failed the poor people of this country in terms of resources”.

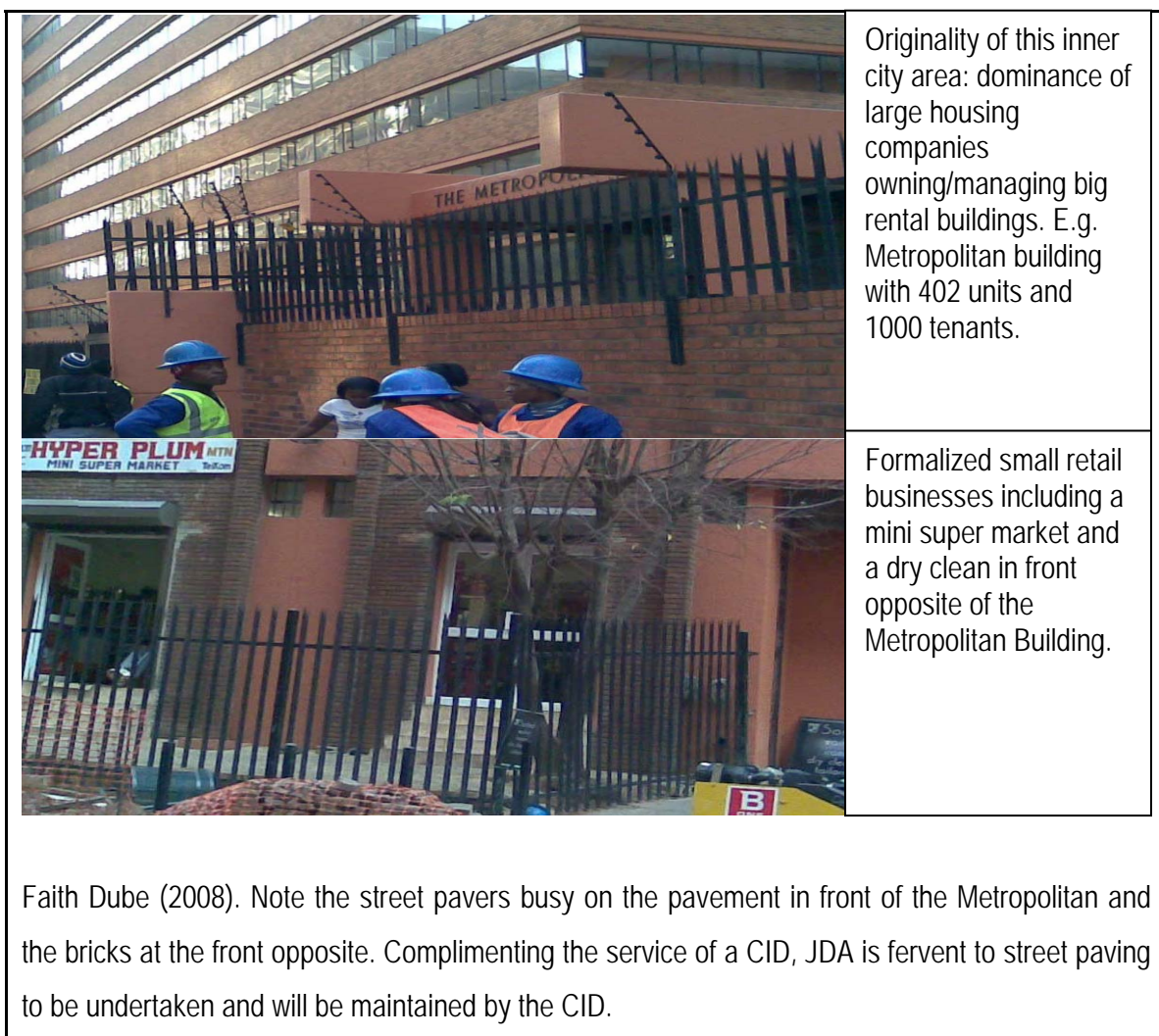
On the same connotation, Smith (1979) have given the definition of gentrification as a process which does not only involve reinvestment in the built environment but also involve population transition from lower to higher class residents. The Metropolitan building and the opposite formalized retail shop on Alexandra Street surrounded by electric fence shown in Figure 14 may be a clear indication of a well organized environment resulting from Legae La Rona's 'desired places' in terms of safety, security, formality and order. The Metropolitan is a large residential block owned by IThemba Property Trust where Legae La Rona offices are based. It has 402 units, with 1 000 tenant, spotless, with 24-hour security and a fingerprint system of entry ensuring entry by tenants only” (Davie, 2008). As Davie (2008) stressed that the Metropolitan building has a “strict requirement that only three people are allowed to rent each flat with rental ranging from R1 500 to R3 000 by 2007 and thorough profile checks are done on prospective tenants, one may see that this form of renovation will not provide clean environment to everyone but only those who can afford. At the time of writing in 2009, the rents maybe ranging from R1 800 to R3 600 because one property owner said:

“Since the establishment of Legae La Rona, there is a 10% increase for rents every year for it to be easy for us to manage the area and the buildings, it is expensive to run a CID” (Interview by Aurelien Vincent, 2009).

Legae La Rona is supposed to provide security as one of its key targets, however the cost are beard by the renting community. Observers like Benit-Gbaffou (2006) and Loader and Sparks (2002) point out that security has moved from being police business to including everyone else and this is evident in Berea. The legacy of transference of security to private actors has been observed as early as the 1970s as the national police focused on political objectives leaving numerous societal protection matters to private companies (Carrier, 1999 cited in Benit-Gbaffou, 2006). Since Johannesburg, like any other city in the world have suffered from crime during transition, and the scarcity of resources endured by the South African government to provide all social services, it is of the essence to agree that security had to be transferred to private providers, however, one

needs to question whether within a CID area, where there is a CID levy paid by residents and rental increases to run the CID, is security really provided by the private sector or people provide their own security. Moreover, these increases may force poor people to relocate as their rentals increases yearly plus an extra charge for the CID levy. The cost of establishing and managing a CID should be incurred by property owners, but in this case it is charged on the residents. Thus, poor people may only stay in this area if they can afford these extra charges.

Figure 14. Revitalized building and formalised retail shop



Regarding crime, the Berea CID is said to have reduced crime. Beal *et al.* (2002) state that crime statistics can be ambiguous, yet, Brian Miller in (Davie, 2008) claims that due to the changes

brought by the Legae La Rona CID, crime in Berea has dropped between 70 and 80 percent since mid-2006. According to him, the Legae La Rona CID has adopted a process of total access control which successfully improved access control by 100% and overcrowding decreased by 90% (Ibid). Nonetheless, these figures may not necessary mean that such challenges of crime and overcrowding are reduced. As Morange and Didier (2006) observed the displacement of poverty and crime in the Cape Town community CID, the Berea CID may be representing similar outcomes.

CIDs are a new urban space management tool in the globalizing world. For cities all over the world, globalization means "business as usual" (Bernstein, 1996). It is evident from the rules, rentals and the regulations of the Metropolitan Building that refurbishing of the buildings is not only about creating beauty scenery and clean environment for residents and as a means of creating safety but it is also anticipated for profit-making. Hence, one would argue that the initial drive to refurbish these buildings is for profit as people may be attracted to such buildings regardless of high rentals.

The above argument supports the supposition of both the broken window and defensible space suppositions that social order and watchfulness, respectively, reduce crime. The order here is believed to have occurred most on the control of overcrowding. Surprisingly, B1 (2008) stated that people are now coming back to Berea! If Berea suffered from overcrowding, it means there are many people in this neighbourhood without accommodation. Hence one needs to question that if the place has been recently overcrowded, but its state of decay have chased people away, who are the people? Thus, the CID drivers are targeting a certain group of people instead and this means that the current or the previous occupiers are not welcomed.

## B) ERADICATING THE INFORMAL

Incongruent to what is visible and claimed, the main aim is to 'regain control' over the buildings and streets by getting rid of the poor and informal activities happening freely by the street pavements (Figure. 15). Street traders are the poor residents of Berea. Criminalization of street trading is the criminalization of poverty and means to eradicate it. Informal business is operating out of necessity

rather than choice (Tomlinson *et al.*, 2003); however, drivers of the CID justified their acts by claiming that:

"In South Africa, there are many users of *dagga* compared to anywhere else in the world, there is no person who can seat at a table with four sweets and a packet of cigarettes and claim that they making a living over that, that person will be selling drugs"(B1, 2008, interviewee).

Figure 15. Formalising the Informal



Source: Faith Dube (2008).

From what tenants have said responding to the questions in (Appendix B), they were not included in the formulation process, but were informed about the extra levy additional to their rents. The image shown in Figure 16 is in the Barnato Park, one of the main parks in Berea where Legae La Rona is devoted to revamp and ensure a safe and secure use of the public space by all age groups



of the community. The phrase “for a better Berea” then needs to be questioned as to how will it be better and for whom it is better if the residents complain of an extra fee and the street dwellers and hawkers are forced away. On Yeovue News, January 2009, observers like Claire Benit-Gbaffou pointed out that it is not necessary that people violate the city by-laws because they do not know about them, they have no urban culture or they have dislike for the law but because of the daily struggles to survive. Understanding of the root cause of the problems in the inner city may be a way to find real solution rather than chasing the problem away by trying to maltreat the so called perpetrators. Nevertheless, this was about representing the foreign national in South Africa as they are excluded from most of the decisions in the inner city.

Considering that the property ownership in Berea is under white people and that tenants are black people, and the history of racial discrimination in South African cities, the process of establishing a CID leads or promotes the low-grading of poor black people as they are put on a “take it or leave it situation” (H2, 2008, interviewee).

“In an area of “flatland” like Berea...the residents of flats being ruled “roughshod” by the big business commercial landlords...The Legae La Rona levy being “simply” added to the tenants rent & light and water account. The tenants are in a take it or leave it situation, being FORCED to pay this levy.”(Email response, 2008).

In response to whether the Berea community views the area as better now that the CID has been operating and whether “Legae La Rona, our place” is a common feeling by the people, property owners expressed that there is a problem of transient community in this area. Thus, it is an entry point for all migrants who leave to other places as soon as they settle in the city. There is a general belief that creating a community in the inner city is difficult because there are lots of people coming from other African Countries and they are perceived as problem causers, “there is peace in these inner city flats- inspite of the fact that more and more Africans from other counties are living there” (Onverwacht, 2009). However, according to Andrew Schaefer (managing director of national property managers, Trafalger), South Africans tend to dominate best buildings in Berea and Hillbrow constituting 54% while Zimbabweans at 35% dominate the lower rental buildings in the CBD with Congolese at 7%, Nigerians at 1.6% and Malawians at 1%. These values contradict the

statement that there are more foreigners in the inner city than South African nationals. Nonetheless, perhaps it is the nature of this neighbourhood, that it is an entry point and has more foreigners than anywhere else in Johannesburg, which makes the property owners to see it as an opportunity to exploit this community without having to face resistants or conflicts.

Figure 16. Legae La Rona logo



Source: Faith Dube (2008), Fife Street. The Poster of Legae La Rona in Barnato Park, at the east side entrance with a small table for a sweets, snacks and cigarettes informal street purveyor.

Additional to cleaning the streets and removing posted papers for traditional healers, B1 (2008) stated that:

“We need to find these prophets that stick their advertisements on our street bins, the fact that our securities and cleaners are going around removing these posters does not help us as you will find same notices the following day<sup>4</sup>, the only way is to call the number on the poster, pretend like someone who needs help, get the directions, go there and when you

<sup>4</sup> Such as “Prophet Sibanda from Venda, cell number 0821111111” (an artificial example of the poster contents made by the writer).

get that person get them arrested, but first we need to alert them that we will sue them for their mess”.

Ligthelm (2005) states that “in South Africa, in many respects home-based enterprises are an important and yet neglected aspect of the small and medium enterprises (SMME) economy. He further clarifies these home based enterprises in terms of activities that they engage in, “firstly as a group of service oriented home-based enterprises such as hair salons, traditional healers and shebeens. A second group of home-based enterprises are retail oriented and would encompass the activities of spaza shops and frozen food retailers.” Considering the inclusion of traditional healers in this differentiation of home based enterprises as a service oriented, the above statement support how negligent developers are in terms of supporting and recognising services rendered by prophets or traditional healers as well as their economic role.

To sustain the theoretical underpinnings of ideologies like the defensive space, developers in Legae La Rona have created physical environment which is designed and managed in a way that promotes a clean and safe environment by putting physical barriers like the electrical fence (Figure 17) and symbolising control by limiting access and increasing security. Legae La Rona has achieved mostly excellently in increasing property values, good in security provision and cleaning as number three (B1, 2008). Nonetheless, increase in property values does not guarantee any value to space users in Berea but extremely good for developer's financial interests. This statement is supported by the fact that one of property owners driving Legae La Rona mentioned that the establishment of the CID has worked positively complimenting to their position with the financial institutions.

“We moved in to Berea 6 years ago. People said ‘you are crazy’ for buying property in Berea but since we established Legae La Rona, our property values have risen and we have no more problems when approaching banks for business loans like before. Now banks knock in my door and say don’t you want money to buy more property?” (B1, 2008, interviewee).

Figure 17. Installation of an electric fence in a building in Berea



Faith Dube (2008), Alexandra Street: An electrician hired by the building owner to intensify security and safety by electrical fencing surrounding the building opposite the Metropolitan building, and bricks for street paving by the Johannesburg Development Agency.

Additional to the security problems discussed in the meetings, Legae La Rona street guards were also discussed. The problem observed was that they are not doing what they are supposed to do effectively. For instance both B1 and B3 stated that when they are driving around Legae La Rona, they normally find the street guards walking or standing by twos or not even at their positions. This has been supported by the fact that they are not always visible in their sites of operation and that they walk in twos while only one guard is allocated to a particular area. As the discussion was proceeding that the security managers should ensure that the guards are working, B3 asked that:

*“Qui gère les gestionnaires, meaning who manages the managers?”*

With a similar idea, the question that came into my mind was that who manages you, 'you' referring to the steering committee members or Legae La Rona as a whole. Looking at the fact that Legae La Rona is registered under section 21 companies, which B1 said they have similar powers as the City Council, one needs to question their accountability. However, the researcher was not able to access the constitution regulating Legae La Rona as B1 said that "it is kept by the lawyers of Legae La Rona" hence the analysis on what exactly is Legae La Rona supposed to do, whether is doing what is supposed to be done according to their constitution, is limited as well as what are the binding rules and regulations regulating the operation of a CID under these commercial landlords. It remains elusive how Legae La Rona is managed since there is so much to be hidden to the extent of hiding the core document stipulating the rules and regulations.

To some extent, Legae La Rona has helped deal with some problems of building decay and dirty streets even though there is still a lot to be done. However, Tomlinson (1998) points that the need for social control through regaining control of the streets become a dominant issue sidelining the issues of economic inclusion. Therefore, this form of governance becomes a tool of exclusion than promotion of local ownership by residents in residential areas.

Based on the broken windows ideology's supposition that signs of abandoned and decaying physical environment encourage criminal activities, by renovating buildings around Legae La Rona neighbourhood, the property owners have served the community in terms of security and safety. Additionally, the broken windows ideology declares that the presence and visibility of the street guards increase informal social control and lessens fear (Greene and Taylor, 1988). The steering committee of Legae La Rona supports the idea that the presence of security guards will bear much more than having no one visible on the street. The visibility of these street guards is all that they rely on to provide security on the streets as these guards are not armed. On the same connotation, Felson and Cohen (1980) stress that routine activities theory advocate that direct criminal acts happen on the absence of guardians, hence the provision of street guards in Legae La Rona plays an important role in reduced crime rates. However, using critics to such suppositions as stipulated in the literature review chapter, the presence of street guards has not been tested adequately to conclude that it reduces crime.

As pessimists suggest that CIDs are a danger to democratic accountability (Hoyt 2005) and literature on governance demonstrates reduced governmental accountability, Legae La Rona becomes a hindrance to South Africans or citizens of Berea to possibly force the municipality to account to any service delivery problems. Wealth-based inequities are formed in service delivery as those who cannot afford may be forced out of the neighbourhood and only the rich left and attracted to the area. While public departments and officials are possibly accountable to the public for all features of their work, accountability within the private sphere gyrates around parties within the relationship not the public. However, the creation of CIDs may mean increased efficiency and effectiveness of public services provision as the service providers are in business for profit. Though, granting autonomy to private property companies (with our resource constrained government possibly incurring difficulties in coordinating and monitoring) may be problematic as they are for-profit organizations and citizens have rights to services while they cannot afford. The accountability of private service providers to the public is questionable as private property companies may not be as accountable to the public as public departmental officials, hence, a trade-off of accountability and efficiency.

The processes of establishing a CID lead to a multi-dimensional exclusion that ranges from limited ability to use urban public space, barred to attend meetings and engage in decision-making, excluded to put up your voice on how you see things or how you wish things should be on the formulation process and limited ability to practice your democratic rights to participation as stipulated by the South African constitution. "Without equality of opportunity, equality of rights remains an unrealisable goal for a large number of people who have unequally resources and capacities" (Mohanty and Tandon, 2006: p14).

It is not only exclusion resulting from the lack of awareness and inability to make statements in the face of dominant groups of these big "commercial landlords" that results in the decision-making processes within a CID but subordination of small property owners by the big property owners. Mohanty and Tandon (2006) state that "democracy assumes an unrestricted public sphere where equality and freedom can be exercised by people, accommodative of plurality and diversity and where people can gather as equals and create a public will or consensus" and see equality "as the defining criteria of the public sphere". The ideas and main objectives of Legae La Rona CID to keep

the area clean and safe are clearly served as there are security officers visible (for safety), cleaners (for a clean environment) by the streets and refurbished buildings (newly painted and surrounded by electric fence), but beyond and behind that there is a persuasion of certain ideas that are pursued by specific interest groups. Some of these ideas revealed through the interviews and meetings are:

1. Elevate property values.
2. Eliminate any informal activities by the streets, warranted through 'municipal by-laws enforcement'.
3. Control of who lives and uses the space and for what?
4. Eradication of problematic or not affording tenants and accommodating those entering the middle class in terms of financial status.

It is likely that embracing the private sector to the provision of services mean out-sourcing of services and the services become for profit, therefore seriously excluding those who cannot afford. The effects of Legae La Rona CID have not yet been measured directly on this paper but one can conclude from statements as below by B1 that the poor may be displaced in a long-run. Unquestionably, if money determines who you are and what you may do, those without money are inferior on that setting. Mohanty and Tandon (2006: p15) question "how people can compete as equals or carve out a course of action between the powerful and the powerless".

"If you want a Volkswagen (VW), you pay for a Volkswagen and if you want a Rolls-Royce you pay for a Rolls-Royce. People did not know of a clean accommodation before, now they have seen it happening in our interventions and they want clean places, but if you want good accommodation, you pay for it" (B1 2009, interviewee).

Despite the fact that this study has not made a direct survey on tenants, street traders or street dwellers, discourses of property owners and spatial expressions show that social transition is underway. Residents of Legae La Rona have no power on how the CID operates. Legae La Rona CID is based on what suits the big property owners and pursue hidden agendas of commercial landlords. As contended by the residents of the Orchards area who stated that the slogan of CAP, after having identified "the most beneficial ethnic demographics, is "we are taking back our streets"-

it should read “we are taking over your streets”, it is possible that Legae La Rona is a meaningless name to the Berea community.

#### 4.4 SUMMARY OF THE CHAPTER

The influence of visible solutions by CID implementation in response to the long and widely known problems of the city centre of Johannesburg is disturbing. It prevents a far-reaching analysis of other variables to the causes of decline in crime rates as well as possible remedy for root causes of crime, grime and informal street vending. Also, the international experience of community CIDs has given South African rich communities the opportunity to use the inconsistencies of a rapidly written and vague local legal framework, to their personal interest, that was initially meant for business improvement district not specifically for community improvement districts at the expense of the poor members of the community. Morange and Didier (2006) argue that this form of urban governance may contribute to “the emergence of an “authoritarian” state, leading to an “unstable form of governance that re-enforces fragmentation and tension in civil society”. In support to this, the findings of this study (elements of exclusion, one sided control by big property owners and the contestation by small property owners in Legae La Rona including debates at the local municipality) show that the CID in a residential area is not as good as one may need to believe. Additionally, the complexity of urban public space management, nonetheless, tends to militate against CID operation. Visibility of street guards has not reduced domestic crimes or in-house crime or drug dealing for example, neither the cleaning of the streets have sent away street vendors. However, additional levies to rentals mean that the poor societies struggle as they are changed to be customers, making the poor poorer and the rich richer (Weekes, 1999; Benjamin, 2005).

To every action there is an equal and opposite reaction. CIDs, to an extent, on one hand have positive outcomes for example clean streets, renovated buildings, good city image, increased law enforcement and service provision etc. On the other hand CIDs are heaving with all what an ordinary South African does not want to hear of (after all, South Africa is a democratic country) and anyone who is not part and perpetrator of South African history would not wish to be in an area recognized as a residential CID. Perhaps it is only the law of action that anything done will have



some wrong in it, that is, however much good a CID can encompass some members will reap the most evil. Mabin and Smit (1997) stress that during 1880s to 1890s; the South African government has been faced with the uncoordinated and socially costly results of private development. One needs to question whether the establishment of CIDs in residential areas propagates the similar aspect of capital seeking investment other than any social benefit for all. The following chapter summarizes the study, set down recommendations and concludes the study.

## CHAPTER FIVE: CONCLUSION AND IMPLICATION

### INTRODUCTION

This chapter presents the summary of the study, the conclusion of the study and recommendations subsequently.

This paper has shown that the residential CID is not as good as one may need to believe – in Berea it is captured by big property companies and is not about *residents* regaining control over their environment. From a researchers point of view, a truly 'residential CID' would mean engagement of all stakeholders as argued by communicative planning theory. In this sense it would ensure a feeling of residents and/or community ownership of urban regeneration processes (following the literal meaning of Legae La Rona: 'Our Place').

Legae La Rona is actually working like a Business Improvement District. This is demonstrated by the presence and domination of big property companies in the decision-making structure. Overall, this research has found that:

Legae La Rona decision-making structures are opaque;

- they are exclusionary;
- voting power is according to wealth (property value);
- there is no real oversight by the city;
- no real partnership;
- no democratic control; while
- it is a successful tool from the City's point of view by pursuing urban regeneration;
- and it is a space management tool leading to exclusion of the poorest (tenants / hawkers).

### 5.1 SUMMARY OF THE STUDY

This study questions the decision-making processes of a new space management tool in Berea, neighbourhood of Johannesburg. It is based on the hypothesis that residential CIDs may mean big housing property owners run a CID without any engagement with small house owners and other

stakeholders like tenants within the area. The qualitative research method by the tools of interviews, attending meetings and observations around Legae La Rona CID area used to collect primary data and literature for secondary data have offered rich and informative findings. The findings of this research have revealed that the problems associated with the decision-making processes within a CID are far more complex and nuanced. The deviations are barely at community landscape where only tenants and property owners have jagged interest but also involve small /house owners as well as serves as a determination of the social makeover of this area.

To be further scrutinized is a critical question on the impacts of a residential CID to the poor and that to what extent the CID operates autonomously or is steered by the state. Property owners solely demarcate and register an area as a CID, set their objectives, means and intended outcomes and draft a business plan. To achieve such objectives, the CID accomplishes its mission alone through implementing and managing the processes without any external evaluator. This raises the question of who does it account to and also a query that what legal framework is there for the public to question its direction. However, one would agree that any model adopted to rectify the past problems does not go free of its own problems, thus there are both positive and negative impacts of establishing a CID in a residential neighbourhood.

## 5.2 CONCLUSION OF THE STUDY

The study demonstrates the investigated and presents findings subsequently. Based on the findings of this study the researcher may conclude by reflecting that big business has seized all the power to control the space in Legae La Rona CID using the opportunity rendered by the city authority under the Gauteng City Improvement District Act of 1997. The “commercial landlords” have captured the power through the use of the flawed or incomplete Act; however, as part of the benefiting spectators, the municipality had turned a blind eye after calculating its profit from the CID yields.

The operation of Legae La Rona without complete community support erodes the efficacy claimed by advocates of *residential* CIDs as the interest of big property owners, house owners and the residents appear to differ, and the CID Act only provides a mechanism to avoid debates between those conflicting interests, at the expense of the less powerful. On the long-run, activities of a

*residential* CID enforce gentrification and that gentrification promotes population transformation (from poor and middle class to medium-high class residents), therefore the likelihood that the Berea *residential* CID is “for a better Berea” is questionable. Currently, the Berea inhabitants does not show any characteristics that predict any possibility of opposition, however, if the community structure will shift from poor to well furnished with technical powers and financial resources, residents of that nature may be more aware and even willing to contest such ways of space management. Thus, both the developers and the local authority need to do it right from now forth in order to avoid the ongoing opposition.

There are elements of exclusion that result from the process of establishing a CID. The process of the establishment of the Legae La Rona shows no existence of any community engagement, thus, the poor community is excluded by big property owners. Therefore, one can contests the fact that it is truly a ‘*residential*’ CID. People’s views are not represented within the process of establishing a CID. This may be due to that there seem to be no community representatives in Berea, but even if they were there, the Gauteng CID Act presents no way for all stakeholders to independently insert their own priorities on how their living environments needs to be managed and maintained. Without the provision of procedures championing the interest of everyone (those involved and those affected) within a residential CID area, it will be hard to facilitate all stakeholders’ engagement in the *residential* CID debate.

Other stakeholders were only informed about the levy that ought to be paid every month. Community participation is a widely contended term with many definitions and happening at different levels, therefore one cannot claim that there has been or not been any participation. However, it is evident from the study that the poor had no voice in the establishment of Legae La Rona CID. This could be queried in future research as to how the process of establishing a CID can negatively impact on the very society that the tool seeks to help and create a better place for. The practical analysis of this study has indicated that the challenge is not so much whether participation is happening on the decision-making process within a CID, but rather whether there is any possibility that poorer members of our urban societies can be involved in public place management. Further to that, if they may be involved, to what extent and how is involving all stakeholders understood by developers. Looking at the current resources available and the main

sources of funds or ideas of a CID, one needs to question whether there is a relatively viable approach to implement effective participation.

The Gauteng CID Act was established only relying on the familiarity and the theoretical underpinnings of American models of inner-city management and development. Observers like Tomlinson (1998) have seen that South African policymakers have been blinded and lost sense of self in the mist of comparisons to the USA cities with potentials that are totally different to our local ones. The dominating role of the *residential* CID in Berea to urban maintenance, service delivery as well as policy implementation without any critical evaluation may mean shaped oligarchies uncontrollable by the local government at a later stage.

Generally, socio-economic imbalances within communities designate that the rectification of current ills of society will be a process so intricate and exhausting requiring utmost association between property owners, local residents and the local municipality. "Where the deliverers of development depend upon the same group to speak for the community at the design, implementation and assessment phases of development, there are real threats to democracy" (Beall *et al.*, 2002: p149). Legae La Rona (our place)? A name or place that has been created through a "big-bang mediation" instead, Healey (1998) contends that the gist of place can only become common if it is jointly created and articulated. Thus, engagement of all stakeholders in decision-making processes and structures within Legae La Rona CID may ensure a feeling of ownership by stakeholders and necessitate responsibility thereafter. Other than that, CIDs in residential areas may have desirable contribution if appropriately formulated and implemented. How to 'appropriately' formulate and implement a residential CID is the object of the following reflections.

### 5.3 RECOMMENDATIONS OF THE STUDY

A) Representatives of all stakeholders should be nominated at the first CID general meeting. These representatives should be assigned to be on the CID board, attend all meetings and provide reports to the local municipality.

B) The interest of big housing companies may differ from that of the house owners, renters, street hawkers and street dwellers; nevertheless, appropriate developments around such areas are prominent in order to realize inclusiveness, or else residential CIDs may simple become a tool for suppression of the poor by the wealthier property owners. In this case, it is only the state that can try and guarantee a balance between such conflicting interests. The city council should ensure that its policies are formulated in a way that is suitable for public interest and monitor its implementation. In this way, though they may be hidden agendas in the establishment of a CID, the public interest will be met to some extent if it is emphasized by the Act. To achieve this, participation from decision-making to implementation by all affected should be a crucial part in order to promote evidently communicated problems, processes and outcomes which may ensure a sense of empowerment and ownership advocated by the drivers of CIDs without which Berea would not be perceived as a better place by its residents except from the views of the drivers of Legae La Rona CID. Time and financial resources may play very burly inhibitors to the incorporation of the majority of the urban population. The society as heterogeneous and unequal like the one in Berea need more than simple street guards and street sweepers to respect public spaces and public infrastructure and help through its maintenance. Nonetheless being involved in decision-making may increase social integration and responsibility as well as cater for the marginalized as their presence will mean their voice is put forward and the challenge is dealt with instead of being pushed away. Educating the Berea population about this tool will ensure awareness; the local authority should effectively distribute information about the CID before its establishment through use of ward councilors, community developers, media, and schools as well as at CPF meetings.

C) There need to be existing regulations sufficient to deter property owners from violating people's democratic rights (as is the case under the name of the Gauteng City Improvement District Act of 1997). This Act discriminates people in terms of property ownership (voting rights are proportional to property ownership) whereby tenants and other space users have no voting right within a CID. The Gauteng CID Act has to explain how CIDs in residential areas should operate. It should specify responsibilities of CIDs to the communities and put mechanisms in place to enforce compliance to the constitution of a specific CID. These procedures should be made available and known by the residents within the CID or else big property owners will manipulate the legislation and the poor with no property may suffer. The act should state how the operation of residential

CIDs should be monitored. The City Council needs to impose conditions to every approved residential CID on what to do and not to do. There should be specific objectives, verifiable means as well as indicators to targeted goals to show the level of achievement in the establishment of a CID. This may be done through reports by CID board (maybe at a period of six months: stipulating the progress of interventions and challenges within a CID) to the city which will inform the city in order for the city to track changes, identify problems and come up with possible solutions. The City should actively monitor the operation of a CID by engaging with these reports which will also help on the evaluation process after three years as recommended by the advisory panel. Fortunately the efforts of some residents (the affected Berea house owner and the concerned residents of the Orchards) against CID acknowledge irregularity or the fuzzy nature of the Act itself on use under residential areas and that the advisory panel has recommended an increase in the percentage of consent by landowners (from 51% to 75%). But this change is only affecting the decision to set up a CID, not touching on the challenges pertaining to its medium and longer term management. Furthermore, a three year evaluation does not respond to the day to day problems regarding management of a CID, therefore there need to be procedures put into practice during the course of the three year period of operation where all stakeholder representatives seat and discuss the changes, progress and challenges within the scheme. These should be done at the steering committee meetings as it manages the day to day operations.

D) It is evident at the city that the CID concern has made the city engage with the public as it has been calling for public opinion and the use of the advisory panel. However, the means to engage with the public have to be accessible to all. For example, how has the city called for public opinion on the CID issue, does it mean that all Johannesburg citizens knew about this, or there are specific people where the information had reached and other never knew about these processes? Policies should result after thorough consultation, deliberative process and clearly state where they should and should not be used. Additionally, the CID Act should stipulate the procedure that should be followed by the residents or the affected community in case something is flawed within a CID. For instance, during the first meeting of the establishment of each residential CID where property owners vote for a steering committee, the residents should also vote for their representatives. The Act should afford these representatives to have direct contact with both the CID board and the City in order to discuss matters, raise concerns etc.

E) While it is beyond the scope of this study to directly address the failures of our democratic government, it makes a significant contribution to the CID debate to show that support offered to the poor by the drivers of Legae La Rona CID in Berea and the government is insufficient to people like hawkers, street dwellers etc. Therefore, our government needs to focus in facilitating and improving the provision of free services in particular to people living partly or fully in informality and more importantly consider the pros and cons of its policies to the poor people. There should be support and appropriate regulations in a way that is relevant to the specific nature of heterogeneity in the Berea population for instance street hawkers and the contributions they make to the local economy and community. For instance, the local municipality should make sure that there is a defined space in Berea for street trading. It is not for everyone's interest that the area for such trade is currently in the next neighbourhood (Hillbrow). This area may not accommodate all street traders and may be not that helpful to Berea residents who have to walk to another area for tomatoes, cigarettes or snacks etc. Groups like street hawkers require to be recognized as real and participants of the community. Their survivalist strategies as the unemployed should be encouraged and promoted as they hold the potential for growing small enterprises.

Additionally, throughout this investigation it was evident that there is a need to explore more on the impacts of residential CIDs. The literature has shown that there are business improvement district studies done in a variety of places internationally, with few in South Africa, thus there is a lack of knowledge regarding the outcomes of the processes of establishing and managing a CID in residential areas. Therefore, this study highlights that there's a need for research to examine CIDs deeply at all angles.

#### 5.4 SUMMARY OF THE CHAPTER

This chapter has summarized the study, presented the conclusion and recommendations of the study. The findings of this study depict that small property owners/ house owners are subordinated by big property owners, the Johannesburg city municipality supports the CID but does not oversee it and that there is non representativeness of all stakeholders derived from the decision-making processes and structures as well as predictable exclusion consequential from the spatial and social make-over of the area. Finally, the recommendations in this chapter have discussed how a CID



can be appropriately invented and implemented in order to rectify the aforementioned issues and it has also responded to the main aim of the study that questions the representativeness of all stakeholders in decision-making process.

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## Appendix A

### Property Management Questionnaire

1. Which property company do you fall under?
2. Who participate? How many people are involved? Who are they? How often do you meet?

3. How are the decisions taken, does everyone vote, do big property owners have the same voice as the smaller ones?
4. Who had the initial idea of establishing Legae, how did you get to know about it? Did you immediately agree?
5. How was Legae La Rona established? What are Legae's main objectives?
6. What are the main issues discussed at Legae meetings, What are the debates?
7. What are the main challenges you are faced with?
8. What is the city's role in the CID?
9. Would you say all the stakeholders have the same power?
10. How the boundaries of Legae were established, were there any debates about them?

## **Appendix B**

### **Tenants Questionnaire**

1. How long have you been living in Berea?
2. Do you know about Legae La Rona?
3. What role did you play on its establishment?
4. Is there any significant difference you have experienced since Legae La Rona's establishment?

### **List of Interviews**

Andries Dewaal: Ithemba Property Trust, Johannesburg, 03 May 2008.

G. Stenhouse Stewart: House owner, Johannesburg, 18 November 2008.

John Ntuli: Johannesburg Housing Company, Johannesburg, 20 June 2008.

Josie Adler: Coordinator of eKhaya Neighbourhood, Johannesburg, 23 October 2008.

Keith Page: House owner, Johannesburg, 24 November 2008.

Kgomotso, House tenant Johannesburg, 14 October 2008.

Mrs Ngubane: House tenant, Johannesburg, 25 November 2008.

Rose Langa: Flat tenant, Johannesburg, 18 November 2008.

Ruben Papenfuss: Ithemba Property Trust, Johannesburg, 25 April 2008 and 06 October 2008.

Sandy Barnes, Johannesburg Housing Company, Johannesburg, 16 March 2009.

Sarah Charlton - a senior lecturer in architecture at the University of the Witwatersrand, 16 October 2008.

Simphiwe Dladla, Flat tenant, Johannesburg, 14 October 2008.

#### **List of meetings attended**

1. Berea Community Policing Forum (CPF) meeting-11 June 2008.
2. Trafalgar Property Launch meeting (present eKhaya Neighbourhood)-15-October 2008.
3. Legae La Rona South Proposed CID steering committee meeting-28 October 2008/ 14h00
4. Legae La Rona steering committee meeting-28 October 2008/ 15h00.
5. Legae La Rona south steering committee meeting-25 November 2008/ 14h00.

