

An Irreconcilable Policy Problem? A Study of Local Government Responses to Street Homelessness

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ABSTRACT

Homelessness is a pervasive socio-economic phenomenon that has occurred across the world for centuries. Though a universal definition is difficult to settle on, it is largely agreed that homelessness occurs as the result of the dynamic interplay between economic hardship, social dislocation and various institutional determinants. Although homelessness affects all countries, regardless of their level of development, South Africa's complex history of racial discrimination, geographical and economic exclusion, and inheritance of deep, structural inequalities, has given rise to a unique form of homelessness, most commonly seen on the streets of the country's metropolitan municipalities. South African street homeless populations are highly fragmented and are extremely vulnerable members of the population. They experience intense marginalisation and exclusion from public places and are mostly incapable of supporting themselves. Although homelessness is largely viewed as a public nuisance and threat which the state must regulate, policy responses also see the state as having a social responsibility to provide support to the homeless. Thus, this study investigates how metropolitan municipalities manage the irreconcilable tension between policing and supporting the street homeless, using the City of Cape Town as a case study. Baillergeau's (2014) conflicting rationalities framework was used to analyse the City's response to street homelessness. Semi-structured, key informant interviews were conducted with city officials and representatives of non-governmental organisations. It was found that, as a result of inadequate national and provincial government frameworks for addressing street homelessness, municipalities in urban areas have struggled to balance the conflicting demands of maintaining the safety and integrity of public spaces, with the provision of social and economic support for those living rough on the street. Due to the compounding effect of chronic homelessness, guidance from the outdated Street People Policy (2013), the strict enforcement of city by-laws and insufficient institutional capacity and resources, the City has been unable to effectively balance the pressure of criminalising homelessness, with the provision of psycho-social and material support for these groups. This research concludes that although the City has been criticised for the manner in which it has historically responded to the street homeless, it has in recent years, been proactive in revising its strategy to manage the vulnerabilities which the street homeless face in a more humane way, whilst retaining its broader responsibility towards the protection of public spaces.

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CHAPTER 1: INTRODUCTION

1.1. Understanding Homelessness

Homelessness is an inextricable feature of modern urban landscapes, particularly on the streets of the world's major urban centres. The increased visibility of the homeless in urban centres is not surprising, as around 55 percent of the global population is concentrated in these areas (Chamie, 2020). Homelessness looks different in each country for a variety of reasons. Firstly, there is no universally agreed upon definition of homelessness, which affects any capacity to meaningfully compare the phenomenon across countries. It is estimated that the number of homeless individuals around the world falls within the range of 100 million and 1 billion people (Tipple & Speak, 2005:337). Differences in understanding, methodology and strategy arise from the varying definitions of homelessness, which are essentially culturally determined (Chamie, 2020). Resultantly, the precise number of homeless individuals may never end up being determined. Secondly, many governments face constrained access to the resources and commitment that are required to measure and capture the dynamic and complex phenomenon. Documenting and projecting accurate trends of homelessness is an extremely difficult undertaking, especially due to the high mobility of the population (Chamie, 2020). Thirdly, homelessness has largely been viewed as a social problem that both government and civil society have had a responsibility to prevent/solve (Cross et al., 2010:9; Chamie, 2020). While it is difficult to establish exact figures on homelessness, governments tend to understate the extent of the problem in order to avoid acknowledging institutional limitations and/or confronting imminent societal backlash (Chamie, 2020). Lastly, many homeless individuals fear the loss of autonomy if committed to an institution. This prompts individuals to remain undocumented or unenumerated so as to avoid being arrested, placed into custody and transferred to an institution for rehabilitation, confinement, shelter, or medical treatment¹ (Chamie, 2020). Homelessness and living on the street do not only present consequences for the homeless individuals themselves, but for society at large (Hopkins et al., 2021:5). Therefore, it has become increasingly important that the phenomenon is sufficiently defined and thus, understood, in order to reduce the impact of its global occurrence.

¹ For substance abuse or mental health issues (Chamie, 2020).

Homelessness is often subjectively defined by the individual who is in a state of being “homeless”. Homelessness is largely characterised as “not having a place to stay”, however, most homeless individuals would not agree with this representation (Sanchez, 2010:102). According to Sanchez (2010:102) most homeless individuals consider themselves homeless regardless of whether they have a place to stay or not, opting to qualify their definitions by: 1) the quality of the place that they have to stay in, or 2) the standard of living that they have access to. Similarly, De Beer and Vally (2021b:4) make mention of the “transitionally” housed, i.e. those individuals who live in overcrowded buildings, or with friends/family in a temporary accommodation. Thus, having a roof over one’s head does not necessarily constitute “homefulness” (De Beer & Vally, 2021b:4). Some scholars have defined homelessness in terms of the social-psychological realities that are faced by the homeless, referring to the phenomenon as “a condition of detachment from society characterised by the absence or attenuation of the affiliative bonds that link settled persons to a network of interconnected social structures” (Du Toit, 2010:112). Though this definition does not account for the actual housing aspect of homelessness, it does attempt to explain the condition of social and societal detachment that the individual experiences once they have become homeless.

The importance of prioritising homeless individuals at a policy-level cannot be understated. The homeless have been identified as some of the most vulnerable members of society. These groups are regularly faced with a multitude of different challenges such as, substance abuse, hunger and malnutrition, illiteracy, inadequate access to shelter and safe spaces, insecurity, sexual and criminal exploitation (City of Cape Town [COCT], 2013a:5). Resultantly, governments and policymakers are faced with the enormous task of managing and mitigating the negative externalities that are associated with a steadily expanding population and the mass migration of this population into urban spaces (Kriel, 2017:399).

1.2. Homelessness within an International Context

While the collection of concrete data on homelessness in the developing world is a notable challenge, according to statistics collected by the United Nations, it is estimated that approximately 1.1 billion people, across the world, are considered homeless², with the overwhelming majority, living in developing countries (Speak, 2019:1). The number of

² Referring to the inadequately housed and street sleepers (Speak, 2019:1).

individuals experiencing homelessness is expected to increase in the foreseeable future, particularly in the wake of global events like climate change, on-going conflict and civil unrest, rapid economic changes (Speak, 2019:1).

It is important to note however, that homelessness is not an issue that is localised to developing countries. Countries that are comparatively wealthier and more industrialised, like the US, Canada, Japan, Australia, and others in Europe, are still faced with the problem of homelessness, even with the provision of comprehensive social safety nets³ (Cross et al., 2010:7; Kriel, 2017:399-400). Over the last decade, there has been a gradual increase in reports of the rising homeless populations all over Europe and North America, citing global crises like the 2008 economic crisis and the on-going refugee crisis in Europe, as notable contributors (Kriel, 2017:399-400). Additionally, the homeless in these countries are not necessarily poor, they often come from the middle class and the cause of their homelessness is due to economic/social displacement and downward social mobility (Cross et al., 2010:16).

1.3. Homelessness within the South African Context

Once Apartheid was abolished in 1994, all South Africans were given fair and equal access to the social, political and economic opportunities that were originally reserved for the country's white minority; this represented the promise of a brighter future for those who were previously disadvantaged (Dellacroce et al., 2019:3). Although the country went through a radical and historic transformation, the legacy of Apartheid is prevalent in contemporary South Africa. Many South Africans are faced with the prolonged exposure to severe socio-economic obstacles, like poverty, unemployment, low levels of education/skills development and homelessness; the combination of these factors has allowed continued oppression, injustice, and underdevelopment amongst citizens to thrive (Dellacroce et al., 2019:3).

Within South Africa's metropolitan context, three groups have been identified inside of the country's broader homeless population: detached homeless persons, temporary overnight sleepers, and informal settlement dwellers (Du Toit, 2010:113). The first two groups are collectively classified as the "street homeless" and are distinguishable from the last group, i.e.

³ E.g. social services, retirement and pension benefits, unemployment compensation, free compulsory education (Cross et al., 2010:9).

informal settlement dwellers (Du Toit, 2010:113). Often, there is a conflation between the street homeless and the shack-dwelling populations, particularly since members of both populations occupy and reside in urban centres (Cross & Seager, 2010:150-151). The street homeless predominantly live on municipal streets, whilst shack dwellers live in both urban and surrounding or fringe areas (Du Toit, 2010:113; Mashau, 2017:414). When it comes to the allocation of housing, informal settlement dwellers are given first preference over the street homeless (Cross & Seager, 2010:144). The authors assert that informal settlement dwellers are in a relatively better position to extract the benefits that come from the safety net, as these groups are comparatively more active and capacitated than the street homeless, which in turn increases their connectivity to society.

Currently, the extreme income and educational inequality present between socio-economic groups leaves many South Africans vulnerable to the risk factors that cause street homelessness (Dellacroce, 2019:4). Furthermore, after the end of Apartheid, the country saw a rapid increase in the rate of rural-urban migration, which has ultimately contributed towards the increased levels of street homelessness in South Africa over the last few decades (Dellacroce et al., 2019:3; De Beer & Vally, 2021a:xxix). It has become nearly impossible to ignore the reality and the visibility of the street homeless, particularly within the South African urban environment, i.e. suburbs, city centres and transport hubs, where the concentration of the street homeless is comparatively higher than other areas (De Beer & Vally, 2021a:xxx; COCT, 2013a:5). Thus, given the above categorisation within the broader South African homeless population, the “street homeless” group will be the primary focus of this research and will hereafter be referred to interchangeably as the “homeless” or “street homeless”.

1.4. Homelessness in Cape Town

The City of Cape Town⁴ is praised for its immensely rich history, wide variety of natural sights, and for being a popular tourist destination. Nevertheless, much like the rest of South Africa, the City still faces extensive social, political and economic problems, mainly the fear of violent crime, racism, high unemployment, socio-economic and spatial segregation and street homelessness (Dellacroce et al., 2019:1; COCT, 2022a:15). Even though South Africa has made the transition into democracy, Cape Town remains an increasingly “diverse and divided

⁴ The City of Cape Town will hereafter be referred to as “the City” for ease of reference.

city”, with many citizens still experiencing the aftermath of Apartheid policy (Dellacroce et al., 2019:1). Cape Town has a significantly large homeless population. According to an official City-led count of the homeless population in Cape Town conducted in 2018, it has been determined that there are over 6000 people living on the City’s streets, with nearly 900 homeless individuals living in the Cape Town City Centre, Foreshore and Zonnebloem (COCT, 2018:14-15). The count observed the activities and locations of the homeless population all around Cape Town, the most popular being open spaces, pavements and bridges, while the most observed activities were sitting, skarreling⁵, sleeping and strolling (COCT, 2018:18). Street people tend to seek out assistance from non-profit shelters, non-governmental organisations (NGOs) and faith-based organisations (FBOs) for shelter, food and access to sanitation and laundry facilities (Dellacroce et al., 2019:1).

1.5. Research Aims and Objectives

Given how uniquely complex and multifaceted street homelessness is, it is clear that there is an inevitable tension that is created by the government’s response to the problem. The street homeless are an extremely vulnerable group that are almost entirely dependent on the assistance of others for survival; conversely, they are viewed as a public nuisance and serve only to perpetuate the cycle of urban degradation and decay. Furthermore, mobilised groups of citizens and business owners that are concerned with the perceived increase in vagrancy, crime, begging and littering, puts considerable pressure on law enforcement agencies to enforce city by-laws and municipal legislation in an attempt to control and regulate the presence of the homeless (COCT, 2013a:9; De Beer & Vally, 2021b:9-10). In response, metropolitan local governments are torn between attempting to support the vulnerable street homeless, whilst upholding their mandate to enforce city by-laws: which entails regulating conduct and activities within public spaces. Based on the framing of the by-laws, it appears that, a “law-and-order” approach is prioritised, however based on the framing of the Street People Policy (2013), a caring and more sensitive approach is emphasised. Once again, the tension is clear between the two approaches. Thus, the aim of this study is to unpack the oftentimes contradictory local government (City of Cape Town), responses to the street homeless, based on the make-up of the City’s by-laws. Based on the above, the following research question is proposed: *How do*

⁵ “Skarreling” is as a colloquial term used to describe an informal method of income creation, e.g. begging; providing services for washing and parking cars; scouring bins/collecting refuse items to sell or recycle in exchange for cash (COCT, 2018:2).

metropolitan municipalities manage the tension between policing and supporting the street homeless? A case study of the City of Cape Town.

1.5.1. Aim of Study

The aim of this study is to investigate how municipal government officials coordinate the City of Cape Town's response to street homelessness (a cross-cutting policy issue) with the response from external, non-governmental stakeholders. For the purposes of this study, qualitative data was collected and analysed. This entailed the collection and interpretation of primary data collected by the researcher, as well as the analysis of secondary/existing data that had already been collected and published by other researchers.

1.5.2. Research Design

Upon determining that street homelessness was the subject of focus for my research project, I began narrowing down the scope of my study. As a South African, born in Cape Town, I have witnessed how the problem of street homelessness in the City has grown over the years. It has become nearly impossible to ignore the countless individuals that roam the streets, stand outside shopfronts and traffic lights, and those that sleep on pavements, in parks and under bridges, even in the coldest winters. In recent years, particularly, news outlets, advocacy organisations and various civil society groups have called attention to the issue, highlighting its unique complexity and significance, whilst remaining quite critical of how the local government (The City of Cape Town) has handled the problem. A cursory glance at the issue reveals that there are a variety of perspectives, opinions and proposed solutions coming from all corners of society, which in turn, adds to the complexity of solving the problem. Considering these aforementioned factors, and in addition to the findings from the research process, a "one-size fits all" solution is not suitable for an ever-evolving problem like street homelessness.

In my research, I opted to use the case study method. According to Salmons (2021), case studies allow "examples, or settings where the problem or phenomenon can be examined". An important part of the case study method is the establishment of boundaries, called "bounding the case" (Salmons, 2021). These boundaries allow the researcher to specify which information is included in the study, and what is left out (Salmons, 2021). South Africa is a large country, comprised of seven provinces, each with their own developmental objectives, challenges and

views on issues, like street homelessness. The scope of examining street homelessness at the national, or even provincial level, was too expansive for the purposes of this study. The case study method stood out particularly, as the aim of my research is to understand the complexities associated with a municipal-level response to the multifaceted problem of street homelessness. In selecting this method, I was able to sharpen the focus of a problem that is seen not just across the country, but the rest of the world too. Looking at a single, municipal case has allowed for an in-depth examination of 1) the relevant legislation and policy that influences the response, along with its limitations; and 2) the resulting institutional and stakeholder views on, and subsequent responses to the problem.

1.5.3. Description of Data Collection Methods

I had chosen to undertake the primary data collection method of conducting one-on-one interviews with non-governmental stakeholders and government officials, who are involved in the responding to street homelessness. I had established that these kinds of participants were likely to be the most informed about how the City conducts and coordinates its response to the problem. It was determined that non-governmental organisations play an instrumental role in the delivery of services⁶ aimed at the street homeless. Thus, the criteria that I had used to select non-governmental stakeholder participants, included those from organisations who predominantly provided shelter accommodation, work with the street homeless through social development programmes and are notably linked to the City through established partnerships. Only four participants out of the six NGOs that were identified and approached, were available to participate in the interview process. Contrastingly, the process of securing interviews with municipal officials was far more complex than simply selecting NGO participants from a self-determined criteria. Before conducting any interviews for the purposes of this research, I was required to obtain ethical clearance from my University Department⁷. Once ethical clearance was obtained, I interviewed the participants from the selected NGOs first. Similarly, in order to interview City officials, researchers are required to submit a research request at least one month prior to the commencement of any interviews. The research request requirements entailed that I: 1) describe my research, as well as the aims and objectives; 2) specified the exact departments that I aimed to interview; 3) the content of my questions; 4) the timeframe

⁶ Service delivery in terms of food, water, shelter and various related social services.

⁷ Appendix A: University of Cape Town (UCT) Department of Political Studies Ethical Clearance

that I would conduct the interviews within; and 5) the ethical clearance from my University Department. My research request was reviewed and accepted, however, the City had only granted access to interview two officials, working within the same department.

By the end of the data collection period, six key participants were interviewed. Two of the participants were from the City of Cape Town Community Arts and Culture Development (CACD) Department⁸. Both respondents confirmed that the CACD engages frequently with NGOs and other relevant stakeholders on the issue of street homelessness. The two participants will hereafter be referred to as CCT1 and CCT2. The remaining four participants were from three non-profit organisations operating in the City of Cape Town's NGO sector. The first participant, referred to as NGO1, was from an advocacy organisation focused on housing rights and issues of land access. The second participant, referred to as NGO2, was from an organisation focused on helping individuals overcome homelessness by improving their agency through skills development. The final two participants, referred to as NGO3 and NGO4 respectively, were both from an organisation focused on ending chronic homelessness through a "work-first" model. Each of the respondents confirmed that their respective organisations engage with the City of Cape Town on a regular basis.

Before my research request was approved, I set out to interview officials from different municipal departments, each tasked with responding to an aspect of street homelessness. I specified that I wanted to interview participants that worked in law enforcement, social development, public housing and city health. However, once the request was approved, the City had only granted permission to interview two officials, that worked for the same department, the CACD. The Department is guided primarily by the City's Integrated Development Plan⁹, and aims to improve the quality of life of vulnerable groups, such as children, homeless individuals, substance abusers, among others, through targeted developmental programmes and services (COCT, 2025a). The information that the participants shared was on one hand, quite insightful, as they each worked for different divisions within the CACD. On the other hand, however, the perspectives and experiences that were shared, were not a substitute for the insights that could only have been shared by those whom I did not get

⁸ formerly known as the Social Development and Early Childhood Development (SDECD) Department.

⁹ The IDP will be expounded upon later in the research.

the opportunity to interview. In other words, the CACD participants could only provide a limited picture on the law enforcement and public health responses.

The interviews were semi-structured¹⁰, which allowed more room for a conversational discussion of the participant's answers to the prompts. The duration of the interviews ranged between 35 – 50 minutes, depending on how much information the participants were willing to share. The respondents were given the choice to determine the manner in which the interview was conducted, i.e. in-person, over the phone or via video conferencing. NGO1 was the only participant who elected to proceed with an in-person interview, the rest chose to participate via video conferencing (via a Microsoft Teams Meeting). With consent from each respondent, the interviews were recorded and transcribed, with any and all personally identifying information redacted upon request.

Regarding the use of secondary/existing data in my research, I had utilised several online search engines, e.g. Google, Google Scholar, JSTOR, physical and online university library resources, e.g. UCT Libraries, UCT Primo, OpenUCT¹¹. I made frequent use of the City of Cape Town's official website and its document repository to access information about municipal legislation, past and amended by-laws and City policies.

1.5.4. Description of Analysis Method

Once the data collection period had ended, I began the process of analysis by separating all the interview transcripts into two groups, i.e. non-governmental stakeholder responses and government official responses. Within each group, the main themes and patterns that emerged from each individual respondent, were identified and arranged under corresponding sub-headings. Although the interviews followed a semi-structured format and the respondents' answers took on a more conversational tone, it was relatively easy to categorise their responses under the aforementioned sub-headings. The next step of analysis included collating the non-governmental and governmental responses. However, it should be noted that while the major themes and patterns identified for each group were not the same, part of the analysis entailed creating a dialectic between the different groups' aggregate responses. Initially, I planned to

¹⁰ Appendix C: Local Government Representative Research Questionnaire; Appendix D: Non-Governmental Stakeholder Research Questionnaire

¹¹ Used to access previously submitted and published UCT Masters' and PhD theses.

keep the results and the discussion of results, as separate chapters. However, upon further consideration, I decided that the results could not be presented in isolation from the discussion, and thus the two sections were combined into one chapter.

1.5.5. Justification and Explanation of Methodology Chosen

I selected a blend of primary and secondary data collection methods because I believe this combination, allowed me to explore different aspects of existing knowledge bases on the subject. Through the secondary data collection phase, I was able to determine a baseline understanding of how the City of Cape Town responds, as well as aims to respond, to a problem like street homelessness. Through the primary data collection phase, I was able to speak to key informants who work for, partner and engage with the City on the issue, on a regular basis. By conducting one-on-one interviews, there was a diversity in experiences that were shared from the different actors involved. This not only increased my existing level of insight (gained from the secondary data collection phase) but improved my understanding of the nuances and challenges associated with coordinating the various department and stakeholder responses to an already complex problem like street homelessness.

It was determined that one-on-one, semi-structured interviews, was the most suitable choice of format for the primary data collection phase. The participants were given a prepared set of questions, however, there was space for unplanned questions, as well as further discussion of the main question. By leaving room for additional discussion, majority of the interviews took on a largely conversational tone, which allowed the participants to respond less rigidly to the interview prompts. In other words, the interview setting was less formal, which allowed respondents to open up and elaborate on their answers. Although interviewing NGO stakeholders and government officials provided much needed insight into the City's coordination of responses to street homelessness, the participants were not able to provide more information beyond what was asked during the interview timeframe. Thus, the application of secondary data became crucial, as it filled in the gaps in information that was not shared during the interviews.

The most apparent limitation of employing the case study method relates to “bounding the case”, as discussed above. Since the City of Cape Town was selected as the case, the boundaries of analysis were confined to the City's (and the other respondents based in the city) responses

to street homelessness. While this does not appear to be a limitation, the results and findings of the study are not generalisable to other municipalities in the Western Cape, or even in other provinces (Bartlett & Vavrus, 2018:4). The unique history and contextual development of the City's policies and legislation has impacted the manner in which municipal departments respond to street homelessness, which does not necessarily translate to other large municipalities like the City of Johannesburg, Tshwane or eThekweni (Bartlett & Vavrus, 2018:4). However, it should be noted that although the case has defined boundaries, it does not mean that lessons and recommendations cannot be extracted.

Two further limitations of the study were identified during the data collection phase. Firstly, the selection of City representatives that I was granted access to interview was quite limiting – this will be expanded upon shortly. While the CACD representatives were able to provide crucial insights and information about the City's work in the Social Development sphere, they were only able to provide fragments of information about the work of other departments of the research interest, i.e. City Health, Law Enforcement, Legal Services, City Parks. Secondly, the information that was shared by some of the participants, was not publicly available. Often, the government respondents provided (extremely limited) information about the City's current response to street homelessness that could not be verified through any City-generated documentation. For example, both CCT1 and CCT2 mention a "forum" in their interviews, however, I could not find any information on the existence of these forums to confirm whether the participants were actually referring to the same one. Another example involves respondents referring to Departments, e.g. Social Security Department, without elaborating on where the department is situated, or even its broader role in the response to street homelessness. This occurred on several occasions during the interviews, which again, resulted in the formation of incomplete conclusions about City procedure.

1.6. Overview of Structure

This research is comprised of four main chapters. The literature review chapter begins by defining homelessness to flesh out current conceptualisations of the phenomenon, as well as the factors behind its occurrence in major urban centres around the world. Additionally, the literature review examines the insights from Baillergeau's (2014) application of the "conflicting rationalities" framework on Montreal's management of homelessness. The next

chapter, the policy overview, examines street homelessness within the context of South Africa. Specifically, the scope of research has been narrowed from a national and provincial perspective, to focus primarily on a local government perspective on, and response to the problem. The City of Cape Town has been selected as the case study for this research. The results and discussion chapter presents and interprets the findings of the interviews conducted with key governmental and NGO informants. Additionally, the chapter will review lessons from Baillergeau's (2014) Montreal case study, contextualising them with the findings from the City of Cape Town case. The study will be concluded by the final chapter, which includes a summary of and reflections on the key findings of the study, as well as a section on policy implications and recommendations for further research.

CHAPTER 2: LITERATURE REVIEW

The literature review chapter surveys the literature on how major urban centres around the world have experienced and responded to the issue of street homelessness. It will also examine the policy and institutional barriers that cities have experienced in responding to an issue which is driven by complex and dynamic contextual factors.

2.1. Finding a Working Definition of Homelessness

The Office of the High Commissioner for Human Rights [OHCHR] (2023) defines homelessness as the lack of stable, safe and adequate housing, coupled with the lack of means/ability to obtain it. UN-Habitat¹² has revised its definition of homelessness to include more global and diverse perspectives on the issue, extending beyond Europe, North America and Oceania (Tipple & Speak, 2005:338). The European Federation of Organisations Working on Homelessness (FEANTSA)¹³ has developed a common typology of homelessness called ETHOS¹⁴, which is a framework that facilitates a common language on homelessness across different countries (Bainbridge & Carrizales, 2017:71-72; Organisation for Economic Co-operation and Development [OECD], 2020:4). The ETHOS categories are: 1) rooflessness or “sleeping rough”; 2) living in temporary accommodation; 3) living in insecure housing; and 4) living in inferior or substandard housing (Bainbridge & Carrizales, 2017:72; Tipple & Speak, 2005:338). Although the ETHOS framework was developed at the European level, many non-European countries use the typology to define homelessness within their own contexts (Bainbridge & Carrizales, 2017:72).

While the OHCHR (2023) acknowledges that the experience of homelessness goes beyond simply the lack of access to physical shelter, countries like the United States, Mexico, Chile and OECD countries in Asia, prefer to utilise a narrower conceptualisation of the issue in their official estimates (Bainbridge & Carrizales, 2017:74). Narrow definitions of homelessness exclude the “precariously housed”, which are individuals who live in insecure tenancies, such as with friends and family or under the threat of eviction (Bainbridge & Carrizales, 2017:74;

¹² Previously United Nations Centre for Human Settlements (Tipple & Speak, 2005:338).

¹³ Fédération Européenne D’Associations Nationales Travaillant avec les Sans-Abri. FEANTSA works to prevent and alleviate the impact of poverty and social exclusion experienced by the homeless (Bainbridge & Carrizales, 2017:71-72).

¹⁴ European Typology of Homelessness and Housing Exclusion.

De Beer & Vally, 2021b:4). Comparatively, most European countries, as well as Australia, New Zealand and Canada, make use of a broader definition which includes the precariously housed and prefer to frame the issue as more than “a lack of housing” problem (Bainbridge & Carrizales, 2017:74). Despite the varying conceptualisations of homelessness, most countries acknowledge that unsheltered and street homeless populations form the bottom-line of their definitions (Bainbridge & Carrizales, 2017:75).

It is estimated that the number of homeless individuals around the world falls within the range of 100 million and 1 billion people (Tipple & Speak, 2005:337). Differences in understanding, methodology and strategy arise from the varying definitions of homelessness, which are essentially culturally determined (Chamie, 2020). Resultantly, the precise number of homeless individuals may never end up being determined. Second, many governments face constrained access to the resources and commitment that are required to measure and capture the dynamic and complex phenomenon. Documenting and projecting accurate trends of homelessness is an extremely difficult undertaking, especially due to the high mobility of the population (Chamie, 2020). Third, homelessness has largely been viewed as a social problem that both government and civil society have had a responsibility to prevent/solve (Cross et al., 2010:9; Chamie, 2020). While it is difficult to establish exact figures on homelessness, governments tend to understate the extent of the problem in order to avoid acknowledging institutional limitations and/or confronting imminent societal backlash (Chamie, 2020). Lastly, many homeless individuals fear the loss of autonomy if committed to an institution. This prompts individuals to remain undocumented or unenumerated so as to avoid being arrested, placed into custody and transferred to an institution for rehabilitation, confinement, shelter, or medical treatment¹⁵ (Chamie, 2020). Homelessness and living on the street do not only present consequences for the homeless individuals themselves, but for society at large (Hopkins et al., 2021:5). Therefore, it has become increasingly important that the phenomenon is sufficiently defined and thus, understood, in order to reduce the impact of its global occurrence.

2.2. Contextual Drivers of Street Homelessness

Like the definition of homelessness, the causes of the phenomenon are increasingly diverse and can vary greatly across countries. De Beer and Vally (2021a:xxix) argue that street

¹⁵ For substance abuse or mental health issues (Chamie, 2020).

homelessness occurs as the result of a combinatory effect of societal, systemic and institutional failures. Though the drivers of street homelessness differ significantly across the developed and developing world, they are mainly structural in nature (Speak, 2019:2). There are some recurring factors however, that have contributed towards the endurance of homelessness around the world, such as the lack of affordable housing, unemployment, prolonged exposure to poverty, the privatisation of social services, rapid urbanisation, and the breakdown of social and community networks (Chamie, 2020; Institute of Global Homelessness, 2019:3). In recent years, it has become clear that the lack of necessary services and facilities to support those who are suffering from mental health issues, substance abuse, and displacement due to conflicts and natural disasters have also contributed to the increase in street homelessness (Chamie, 2020; Moiz, 2022).

By the year 2050, it is expected that the global human population will reach 9.6 billion, with approximately 70 percent of the population living in urban areas (Kriel, 2017:399). Alongside the natural growth of the population, the rate of urbanisation is also expected to increase rapidly (Kriel, 2017:399; Adetokunbo & Emeka, 2015:15). Urbanisation refers to the process of mass migration of rural populations into urban areas (Kuddus et al., 2020:1). For most countries, the city represents the centre of technological innovation, economic growth and developmental¹⁶ opportunity, however, in the same breath, it is also the location of pervasive inequality, poverty, pollution and health and environmental hazards (Kuddus et al., 2020:1; United Nations Centre for Human Settlements [UNCHR], 1996:xxv-xxvi). If the influx of rural populations into urban areas is controlled and managed effectively, then urbanisation has the potential to play both a positive and transformative role in the development of many nations' economic systems, as well as improve the standard of living experienced by citizens (UNCHR, 1996:xxv-xxvi).

Although there are a variety of motivations behind urban migration, the most notable reasons include the opportunity to diversify and increase income earning potential, as well as to mitigate the impacts of negative shocks¹⁷ that may greatly affect earning capacity (Marta et al., 2020:119-120). Economic prospects such as these, incentivises urban migration amongst individuals from surrounding regions like rural areas and neighbouring countries. It should be noted that, despite how attractive these opportunities may seem, when urbanisation is not

¹⁶ Educational, cultural, artistic, etc... (UNCHR, 1996:xxv-xxvi).

¹⁷ e.g. an agricultural shock or natural disaster (Marta et al., 2020:119).

controlled or planned effectively, the mass movement of populations into cities often “outpaces” the available infrastructure, systems and services (Adetokunbo & Emeka, 2015:15). When cities become densely populated, the rate of poverty, crime and inequality rises, city infrastructure is overburdened, and the competition for access to public services increases (Adetokunbo & Emeka, 2015:15; United Nations Department of Economic and Social Affairs [UN DESA], 2020). Typically, in larger cities, rapid urbanisation prevents already vulnerable groups, like lower income households and the homeless, from experiencing their share of the benefits that are associated with growing cities (Adetokunbo & Emeka, 2015:18).

The uncontrolled growth of cities is an unavoidable consequence of poverty and is one of the leading causes of homelessness seen in both the developing and developed world (Jasni et al., 2022:205; UN DESA, 2020). Higher levels of poverty means that lower income households are unable to afford housing in urban centres, which leaves little option but to turn to “self-help” solutions, like living on the street, squatting or erecting informal settlements (Adetokunbo & Emeka, 2015:18; Cross et al., 2010:13). In recent years, the rising the cost of living and accommodation in popular urban centres like London and Paris, has led to a significantly higher concentration, and thus visibility of street homelessness (Moiz, 2022). Interestingly, in Kuala Lumpur, many homeless individuals opt to sleep on city streets even while they have jobs. The simple reason is that they do not earn enough money to rent places of accommodation, so once the day has ended, the city’s public spaces, streets, parks and five-foot ways, are turned into a home for the night (Ghee & Omar, 2015:27). As a consequence of rising urban poverty, vulnerable groups turn to begging and panhandling for survival. In Indonesia, homelessness is closely associated with begging, whereby individuals congregate in various metropolitan areas and public spaces like traffic lights, storefronts, universities and residential neighbourhoods in order to beg (Jasni et al., 2022:211). Begging and vagrancy are quite closely connected, as the former refers to the act of asking for something, usually money or food, and the latter refers to a transient individual who does not have access to a settled home, regular work and survives primarily by begging (Ghee & Omar, 2015:28). In the Indonesian case, begging incentivises migration into cities.

In 2015, well over 1.3 million asylum seekers entered the European Union (EU) as the result of forcible displacement from their home nations (Baptista et al., 2016:8). Countries like Greece, Hungary and Italy experienced an influx of immigrants that were passing through their territories in order to gain access to countries in North-western Europe, like Germany and

Sweden (Baptista et al., 2016:8). European countries in this region attracted immigrants due to their relatively open (at the time) border policies. The resources required to process asylum seeker applications at this scale were increasingly constrained and despite the existence of systems to document asylum seekers, many EU Member States were inundated with the volumes of people requiring processing (Baptista et al., 2016:8). Lack of coordination, varying policy responses and processing backlogs have contributed towards the growing number of undocumented migrants and failed asylum seekers appearing inside existing homeless populations across Europe (Pleace, 2010:144). Although access to housing improves if one is granted refugee status, acquiring housing can still be affected by affordability, unemployment, general discrimination and prejudice (Baptista et al., 2016:9; Moiz, 2022). Existing structural inequalities prevent many migrants from accessing the same social benefits as regular citizens, thereby increasing their risk of experiencing homelessness (Pleace, 2010:144). Though it is clear that industrialising and industrialised cities alike present attractive socio-economic opportunity, when there are insufficient resources available in these cities to accommodate mass movement into the urban environment, higher urban poverty and thus homelessness occurs (Jasni et al., 2022:213).

The street homeless have been identified as some of the most vulnerable members of society. By living on the street, these groups are routinely faced with a multitude of different challenges such as substance abuse, hunger and malnutrition, inadequate access to shelter and safe spaces, insecurity, sexual and criminal exploitation (COCT, 2013a:5; Hopkins et al., 2021:3). Sleeping rough on the street for extended periods of time is extremely demanding on an individual, both physically and emotionally. Communicable diseases, e.g. tuberculosis, influenza, respiratory illness, poor hygiene and diet, threats of physical violence and harsh weather conditions, all work towards increasing the already precarious nature of life on the street (Baillergeau, 2014:358; National Health Care for the Homeless Council [NHCHC], 2019:1; Sleet & Francescutti, 2021:1). Behavioural health and mental conditions like depression and substance abuse, also tend to worsen the longer an individual is faced with these kinds of circumstances and environmental challenges (NHCHC, 2019:1-2).

Doherty et al. (2002:292) posit that human beings require private and secure locations in order to conduct necessary, day-to-day activities like washing, sleeping, reproducing and socialising. In advanced, industrial democracies, access to housing gives citizens the space to be able to carry out these basic human activities (Doherty et al., 2002:292). Tipple and Speak (2005:337)

contend that “home is a very rich concept”, which means that “home” represents more than just a shelter, home represents a sense of security, comfort, belonging and identity. In a home, dwellers are able to relax, experience happiness, warmth, homeliness and stability, while the homeless experience the converse: instability, coldness, misery, discomfort and alienation (Tippel & Speak, 2005:338). Furthermore, any form of shelter¹⁸ while living on the street is *temporary*, i.e. at some point in the future, the individual will need to move on and find *another* form of temporary accommodation. Since the street homeless do not have the same access to the private facilities that their “housed” counterparts have, they are left with no other alternative but to spend their time occupying and making use of publicly available spaces (Doherty et al., 2002:292). However, Tosi (2007:227-228) suggests that paradoxically, public spaces for the homeless, are locations in which they are able to congregate and interact with others, establish a degree of personal comfort and “feel safe and somehow protected”. Consequently, the streets¹⁹ become the only available location for their basic human functioning, which further contributes towards the increased visibility of the homeless.

2.3. Conflicting Rationalities: A Framework for Analysing Responses to Homelessness?

Rationality is usually defined as the quality or state of being rational. Being rational is further defined as being reasonable²⁰. What constitutes reasonability is subjective and can vary widely across both space and time (Smit et al., 2021:32). Scholars, De Satgé and Watson (2018:26) define the concept of rationality as a type of view or perspective on the world, an argument or position that belongs to actors in a particular set of circumstances. The authors have aligned their definition with the Foucauldian interpretation of rationality, which emphasises the role that power plays in determining what is actually constituted as “rational” (De Satgé & Watson, 2018:26). According to Foucault, rationality is context-dependent and shaped by power relations (De Satgé & Watson, 2018:26). Power extends legitimacy to knowledge, which means that those who wield power, have the ability to decide what counts as “technical” or “expert” knowledge on a topic/subject (De Satgé & Watson, 2018:26). This is clearly evinced within the field of urban planning, whereby the struggle for power amongst various actors involved in planning processes, influences the way in which urban policy is formulated. Conflicts during

¹⁸ Regardless of how formal or informal the shelter may be.

¹⁹ As well as other public spaces, e.g. parks, sidewalks, shopfronts, etc.

²⁰ i.e. agreeable to reason.

the policy formulation stage of urban planning are common as there are many competing interests and opposing views/perspectives on what “rational” planning ought to look like (De Satgé & Watson, 2018:26).

The concept of “conflicting rationalities” aptly captures this reality. The concept was developed by scholars like Watson (2003) and appears quite frequently within Southern (urban and city) planning scholarship. Specifically, conflicting rationalities describes the clash in the seemingly irreconcilable perspectives of different actors that are involved in complex development processes (Ngwenya & Cirolia, 2020:691; Watson, 2003:395-396). The literature on conflicting rationalities focuses predominantly on the interface between the rationalities of urban actors, mainly those belonging to the state and grassroots communities (De Satgé & Watson, 2018:29). The relationship between the two groups is typically framed as one fraught with conflicting interests and intents (Smit et al., 2021:32; Ngwenya & Cirolia, 2020:691). In Cousins’ (2022:12) discussion of the concept of conflicting rationalities, the author cites the conflict in government stakeholder interests, in combination with constrained resources, as having an impact on urban governance. Several authors have used conflicting rationalities to demonstrate that the clash in rationalities between the state and grassroots communities is not solely confined to these two groups, but can occur between different levels of government, within communities and amongst other actors/stakeholders involved in urban planning processes (Smit et al., 2021:32).

In recent decades, there has been an increasingly common trend in many Western cities to regulate and police the use of public spaces and inner-city areas to not only enhance the quality and conditions of these areas, but also increase the commercial viability thereof (Baillergeau, 2014:355). Apart from improving the environmental aesthetics of public spaces, the gentrification of cityscapes also tends to involve a variety of regulatory measures that are mainly aimed at upholding public law and order (Baillergeau, 2014:355). Over time, the list of activities and transgressions occurring within public spheres has evolved to include behaviours that are on one hand, less offensive and dangerous, but on the other, are undesirable, potentially bothersome or annoying (Baillergeau, 2014:355). Behaviours of this nature are mostly deemed public “nuisances”, which infringe upon the lives of other public space users like regular citizens, residents, property owners and businesses (Baillergeau, 2014:355). Since the dominant perspective on “infringing” behaviours tends to be one of public safety concern, the policing of and punitive action taken against perpetrators of these nuisances is widely

sanctioned by most city governments (Baillergeau, 2014:355). The literature on “nuisance policing” suggests that the main targets of this kind of policing appear to be marginalised societal groups, like young street people, older homeless people and undocumented migrants, who are by virtue of their circumstances, frequent users of public spaces (Baillergeau, 2014:355).

Wacquant (2009:xxi) posits that “contemporary societies” have access to three main strategies aimed at managing conditions and behaviours that are deemed “undesirable, offensive and threatening” to broader society. These three strategies typically involve a process of socialisation, medicalisation and penalisation of the aforementioned conditions and behaviours (Wacquant, 2009:xxi). Although cities tend to adopt a “public order” rationality towards dealing with perpetrators of public nuisances, it is clear that it is not the only rationality that exists within the context of public space regulation. There have been various instances across a few Western country cases in which alternative perspectives on (and responses) to the issue have been adopted. In these instances, cities have chosen not to view the solution to the problem through a punitive lens but rather electing to be guided by other important factors like public health concerns and social justice considerations (Baillergeau, 2014:355). Ultimately, the major concern for policymakers, implementers and stakeholders is whether these alternative rationalities are able to coexist alongside the public order rationality without producing too much conflict for all stakeholders and actors involved.

It should be noted that there are alternative rationalities that can be employed for understanding homelessness. For instance, Cousins (2022) applies the conflicting rationalities framework to understand homelessness, as well as the motivations behind the activities and experiences of the homeless, through a rationality of survival. However, for the purposes of this research, the public order, public health and social justice rationalities on homelessness will be used as the framework for examining the City of Cape Town’s response to the problem.

2.3.1. Public Order: The Street Homeless as a Blight on the Urban Landscape?

While the attitudes towards the homeless have changed significantly over time, it appears that there is still heavy societal stigmatisation surrounding life on the street (De Beer & Vally, 2021b:9). The homeless are viewed as lazy, poor, aimless, mentally ill, dangerous or have substance abuse issues (Schmidt & Robaina, 2017:95-96; Seager & Tamasane, 2010:63). These

negative perceptions have helped create the “urban other”, which refers to a person/group that is not entitled to the same treatment as “regular” citizens (Schmidt & Robaina, 2017:96). While the constitutional rights of the homeless are often overlooked, it has become a forgotten fact that the homeless are legally entitled to the same human rights and responsibilities that their fellow, homed citizens have access to (COCT, 2013a:8). Consequently, many consider the homeless as less than themselves, potentially leading to a de-prioritisation of the whole group at a policy level (De Beer & Vally, 2021b:4).

2.3.1.1. The Street Homeless as a Public Nuisance

Though the management and reduction of crime remains a permanent fixture of public policy agendas of cities across the world, the popularity of the “broken window theory” has influenced the *view* of crime and subsequently, the scope of what is constituted as legally punishable within the context of public space (Baillergeau, 2014:356-357). According to the broken window theory, minor offenses like vandalism, loitering, squeegeeing²¹ and panhandling are likely precursory offenses to committing more severe criminal activities (Baillergeau, 2014:356-357). The theory’s impacts have mainly been reported in Western countries, whereby the criminalisation of these offenses, along with other anti-social behaviours like, public drinking, rough sleeping, excessive noise levels, has been incorporated into existing legislation and policies pertaining to criminal punishment (Baillergeau, 2014:357). By framing these activities as nuisances, cities are able to determine the criteria for access to public spaces. There are a variety of responses to the contravention of public space legislation, ranging from confiscating personal property²², outlawing informal income collection, sharing food with street people, to the employment of more severe measures like issuing fines, detainment and criminal processing (resulting in a criminal record) or displacing the homeless from their places of daily functioning (National Coalition for the Homeless [NCH], 2023; Goodison et al., 2020:11-12; Baillergeau, 2014:357-358). Although these measures are rationalised as deterrents for perpetrators of public nuisances, the NCH (2023) asserts that reintegration into society is made infinitely more complex once an individual acquires a criminal record. Resultantly, it is increasingly more difficult to secure employment, qualify for housing or even access certain services. Furthermore, the NCH (2023) claims that by criminalising the behaviours and

²¹ The informal income collection method of washing car windows in exchange for money.

²² Personal property can include tents, bedding and clothing (NCH, 2023).

activities exhibited by the homeless, only the visibility of homelessness is reduced, leaving the underlying causes and factors that perpetuate the problem, unaddressed.

As mentioned earlier, plans to redevelop, reinvigorate and improve inner city areas and public spaces is done primarily with the motivation of making these spaces more popular amongst tourists and tax-paying residents, as well as more commercially attractive to investors (Baillergeau, 2014:357-358). Thus, it is unsurprising that alongside the plans to enhance the conditions of urban areas and city centres, there has been a corresponding increase in nuisance policing (Baillergeau, 2014:357-358). Street homeless populations who occupy and utilise public spaces to sleep, conduct informal methods of income collection, and simply exist, are considered perpetrators of public nuisances and contraveners of the public order, and therefore ought to be dealt with punitively.

2.3.1.2. The Street Homeless in Rapidly Industrialising Cities

Due to accelerated urbanisation, Indonesia's capital city, Jakarta, has become one of the most densely populated cities in the world (Mo, 2021). Though the city has experienced widespread development in terms of infrastructure and population size, extensive urbanisation has also resulted in the surge of street homelessness and the establishment of alternative forms of accommodation like informal settlements (Mo, 2021). As mentioned earlier, accelerated or uncontrolled urbanisation in growing cities inadvertently creates deep inequalities amongst the citizenry by driving up the cost of living and the competition for limited resources. Although these are credible and complex challenges for any government to confront, the Indonesian government has taken a largely adversarial stance against its homeless population. The government has gone so far as to utilise the country's Criminal Code²³ to dole out punishments of up to six months in prison, for committing "homeless offences" (Mo, 2021). It should be noted that the criminalisation of homelessness may reduce the visibility of the problem in the short run, but by punishing an already vulnerable and marginalised group for their circumstances, it may create complications for the government to respond to in the future (Mo, 2021). Despite the hard stance that the Indonesian government has taken on the matter, there are still services and support available for those who are/at risk of becoming homeless (Mo, 2021; Jasni et al., 2022:213). NGO-government-run rehabilitation centres are an example of a

²³ The Indonesian Criminal Code (Mo, 2021).

response to alleviating homelessness and begging (Mo, 2021; Jasni et al., 2022:213). In these rehabilitation centres, individuals are able to access essential services to meet basic needs and learn important skills that are intended to help them survive outside the centre (Mo, 2021; Jasni et al., 2022:213). However, many centres only allow stays for up to six months at a time, which incentivises many individuals to simply move from one centre to the next, once their stay expires (Jasni et al., 2022:213). This means that, the problem is just transferred without being resolved.

In Rio de Janeiro, another extensively urbanising city, homeless populations tend to steer clear of homeless shelters due to the accompanying rigid rules and regulations, and deteriorating conditions²⁴ of the facilities (“Rio faces worst...”, 2017). The City has acknowledged the unacceptable conditions of many of these shelters and has launched an initiative to enhance the state of the accommodations. The reinvigoration of the shelters aimed to persuade the homeless to make use of the facilities instead of occupying public spaces (“Rio faces worst”, 2017). Shelters and rehabilitation centres play a significant role in the reduction of homeless, even if it is temporary. Although there are existing support structures aimed at reducing the extent of homelessness in urbanising cities, the explicit lack of political support and care (in the Indonesian case) and the state of the facilities (in the Rio de Janeiro case) greatly affects the mitigation of the problem (Jasni et al., 2022:213).

Kuala Lumpur’s homeless population is predominantly comprised of individuals who have no regular access to shelter and other essential amenities and are faced with no other option but to live on the streets and in public places (Ghee & Omar, 2015:26). Many of these individuals experience homelessness for reasons beyond their control and find themselves on the streets for indefinite periods at a time (Ghee & Omar, 2015:26). A large proportion of the Malaysian homeless population tend to avoid seeking assistance from government or state-run programmes, in fear of being turned away, or being robbed of their autonomy (Ghee & Omar, 2015:27). Since homelessness in Malaysia is not officially, nor clearly defined, coupled with the fact that there are no accurate figures of the population, there has been a homogenisation of the homeless with other marginalised groups (Ghee & Omar, 2015:26-27). The key agencies

²⁴ It is reported that these facilities are overrun with bug infestations and filthy bathrooms (“Rio faces worst”, 2017).

involved in the affairs of the homeless in Malaysia²⁵, each have their own conception of what homelessness is defined as and constituted by (Ghee & Omar, 2015:28). The MWFC and DBD do not view homelessness in the same manner as the DSW. The MWFC and DBD view the homeless as being destitute, i.e. are beggars and vagrants, which are groups that are provided for by the Destitute Persons Act of 1977. On the other hand, the DSW views the homeless as a public nuisance and ought to be dealt with by law enforcement (Ghee & Omar, 2015:28). Although many NGOs have played an important role in collecting data on the demographics of the homeless population, filling some of the existing gaps in knowledge about these individuals and groups, Ghee and Omar (2015:27-28) argue that homelessness remains a pervasive issue for Malaysia due to the fact that the country's public office lacks a full awareness and understanding of what homelessness actually means or what it is constituted by. Creating a policy that will be comprehensive enough to address the different aspects of homelessness in Malaysia is a difficult task, especially given that there is no unilateral definition and understanding of homelessness (Ghee & Omar, 2015:28).

2.3.2. Public Health: Alleviating the Condition of Street Homelessness

Many street populations suffer from deteriorating physical and mental conditions, which are exacerbated by (over) exposure to harsh weather and the lack of adequate access to food, water and sanitation facilities (NHCHC, 2019:1; Sleet & Francescutti, 2021:1). In spite of these devastating complexities, most street people tend to avoid or delay seeking out assistance from healthcare professionals, which in turn, results in the worsening of existing conditions (Baillergeau, 2014:358-359). In response to this challenge, it is common practice for public sector agencies and outreach organisations to collaborate and introduce programmes aimed at improving the accessibility of healthcare services to the street homeless (Baillergeau, 2014:359). It is argued that by reducing the barriers to accessing adequate healthcare, the conditions of the homeless can be improved and perhaps more realistically, *alleviated* (Baillergeau, 2014:359).

While it is clear that there is a strong relationship between health and homelessness, it is often a neglected part of the broader discussions of the problem of homelessness (NHCHC, 2019:1-

²⁵ Such as the Ministry of Women, Family and Community Development (MWFC), the Department of Social Welfare (DSW) and Desa Bina Diri (DBD) rehabilitation centre (Ghee & Omar, 2015:26).

2). Sleet and Francescutti (2021:2) describe the revolving door response of the healthcare sector to the homeless: once the homeless have received emergency treatment for ailments and illnesses, there seems to be no other recourse but for them to return to the street until they require further treatment. This kind of response only focuses on the short-term need to treat emergency conditions of an extremely vulnerable demographic. However, the response is unsustainable in the long run, as the already constrained resources that are available to healthcare facilities, need to be stretched further to accommodate for the indefinite return and release of homeless patients (Sleet & Francescutti, 2021:2). Ultimately, this leads back to the main issue at hand, that of investigating and addressing the underlying factors that lead to and perpetuate homelessness.

Returning to Wacquant's (2009:xxi) "medicalisation of homelessness" strategy, homelessness is viewed as a condition requiring specialised medical treatment by healthcare professionals (Baillergeau, 2014:539). Wacquant describes the condition that homelessness presents itself as, as either an issue of addiction, or deficiency (Baillergeau, 2014:359). Responding to addiction and deficiency involves targeted interventions, aimed at reducing/controlling symptoms, helping patients rebuild their autonomy, and regain control over their lives (Baillergeau, 2014:359). These interventions centre around the individual's recovery journey, which can either be interpreted as an end result, or a process (Baillergeau, 2014:359). Viewing homelessness from a health professional/practitioner's perspective, "recovery" is the main solution. Despite the limitations presented, the public health sector and its various actors and stakeholders do play a crucial part of homelessness prevention and alleviation. Emphasising the importance of the collaboration between different public health actors and stakeholders has contributed towards conceptualising and addressing homelessness through a 'public health rationality' (Sleet & Francescutti, 2021:2; Baillergeau, 2014:358-539). By shifting the view of homelessness as a 'public order problem' towards homelessness as a 'public health concern', the response to and treatment of the homeless noticeably changes. The homeless are now no longer considered public nuisances to be dealt with punitively, but rather individuals who require urgent medical attention to reduce the severity of their declining conditions that result from prolonged life on the street.

2.3.3. Social Justice: The Street Homeless as a Victim of the Urban Landscape?

Advocacy and interest groups emphasise the presence and intricate needs of marginalised and disadvantaged groups within the urban environment, framing their circumstances as not one of personal choice, but rather as the result of a combination of different socio-economic, historical and structural factors (Baillergeau, 2014:360-361; De Beer & Vally, 2021b:7). Advocates assert that the homeless are not burdensome or undesirable features of the urban landscape, but rather are individuals who require social assistance and support in order to empower themselves enough to change their circumstances (Baillergeau, 2014:360). De Beer and Vally (2021b:10) argue that the vulnerability of the homeless persists without concerted collaboration between other civil society actors, effective group organisation, and adequate access to welfare services, infrastructure and shelter.

Since the homeless spend majority of their available time and energy simply trying to survive, it is unsurprising that the wider street homeless population is not as organised as the rest of civil society (De Beer & Vally, 2021b:7). As a consequence, exercising political rights and organising social movements is less of a priority for these groups as it is for housed citizens (De Beer & Vally, 2021b:7). Additionally, the precarious nature of life on the street is further exacerbated by the constrained access to constitutional rights and responsibilities, which only serves to increase the level of dependency on the assistance of other actors in society (De Beer & Vally, 2021b:8). It is difficult to organise an increasingly fragmented population like the street homeless, which means that social movements aimed at improving access to land, housing, sanitation, basic welfare, and healthcare, are in turn, difficult to arrange and subsequently sustain (De Beer & Vally, 2021b:7). Although the barrier to organising an increasingly fragmented population like the street homeless is high, it does not mean that organised homeless groups do not exist. However, it does appear that much of the social awareness and advocacy that is done for the homeless, is done on their behalf by civil society actors, like FBOs, NGOs, shelters, and citizen-led groups (De Beer & Vally, 2021b:7).

2.3.3.1. The Role of Government and NGOs

The manner in which governments respond to homelessness is greatly influenced by the scale and extent of the problem, the availability of resources and infrastructure, and the degree of political commitment to addressing the problem (Fitzpatrick et al., 2022:19). Though there is

no “one-size fits all” approach to solving homelessness, it has been determined that a diversified provision of services is a crucial step towards alleviating much of the hardship and difficulties experienced by the homeless (OECD, 2020:6). In Europe, the proposed governmental response to addressing the problem of homelessness, involves the adoption of the “Housing First” principle, which champions the provision of unconditional housing for the homeless (Moiz, 2022). Usually, before an individual qualifies for public housing, they must satisfy certain criteria outlined by government, however, in the case of the “Housing First” principle, the goal is to provide accommodation to the homeless with no conditions attached (Moiz, 2022). There is considerable variation in the implementation of the Housing First model and its strategies across OECD countries. Thirteen²⁶ OECD countries report using Housing First strategies at the national level, while at least six²⁷ OECD countries report using these strategies at regional and/or municipal level (OECD, 2020:7-8).

Finland is frequently cited as one of the most successful countries to have adopted the Housing First approach to ending long-term homelessness. Homelessness in Finland had decreased by 39% over a period of eight years (2010-2018) (OECD, 2020:8). The success of Finland’s implementation of Housing First strategies is largely attributed to the sustained coordination and political commitment across the different levels of government (OECD, 2020:8). In France, the central government has stated its commitment to mobilise and support local governments across the country in the implementation of Housing First principles over a five-year period from 2018-2022 (OECD, 2020:8). The French government has acknowledged that through concerted co-operation and governance amongst the various public and non-public actors involved in the affairs of the homeless, the overall response to the problem of homelessness can be improved (OECD, 2020:8). Receiving logistical and financial support from the central government has assisted many local and regional governments to move away from the pilot phase of their programmes/projects aimed at addressing homelessness, towards the introduction of more permanent, structural reforms that are informed by Housing First Principles (OECD, 2020:8). The UK government has also followed suit and introduced pilot programmes informed by the “Housing First” principle in regions like Manchester and Merseyside (Moiz, 2022). Although the adoption of “Housing First” is a credible step towards

²⁶ Canada, Chile, Czech Republic, Denmark, Finland, France, Ireland, Japan, Luxembourg, Norway, New Zealand, Poland and the US (OECD, 2020:7).

²⁷ Australia, Austria, Germany, Iceland, Sweden and the UK (England) (OECD, 2020:7-8).

solving the problem of homelessness, the attitudes towards homelessness vary across different developed countries, which ultimately affects their response to the issue.

The popular movement towards decentralising state power and responsibility has increased the autonomy of local authorities, allowing municipalities to take more of an active role in the strategic planning and coordination of local community affairs than ever before (Busch-Geertsema et al., 2010:42). In most European countries²⁸, municipal authorities are mainly responsible for the funding and provision of services for homeless populations (Busch-Geertsema et al., 2010:42). NGOs, FBOs and volunteers play an important auxiliary role to municipalities when it comes to the provision of services for the homeless (Moiz, 2022). Recently, municipalities have even started contracting out services from NGOs in order to help address the problem of homelessness more comprehensively (Busch-Geertsema et al., 2010:42). These types of organisations partner with the government to provide crucial social services and resources like food; sanitation and laundry facilities; temporary accommodation; legal advice and counselling; and skills development and employment programmes (Baillergeau, 2014:360; De Beer & Vally, 2021b:7). Essentially, the public health rationality and the social justice rationality allows local authorities, policy implementers and stakeholders to engage with and design more creative and innovative strategies and solutions to deal with the issue, without continuing to marginalise and punish the homeless for their individual circumstances (Sleet & Francescutti, 2021:2).

2.4. Distilling lessons from Baillergeau's (2014) Montreal Case Study

Using Montreal as a case study, Baillergeau (2014:356) makes the argument that public order, public health and social justice approaches do not simply exist alongside one another, but rather, are intricately connected. In order to demonstrate their connectivity, Baillergeau (2014:356) proposes that the “trio” should be referred to as a “triad” instead. Despite the connection between these three approaches, there is not always harmony between them. It is argued that nuisance policing, which is essentially the criminalisation of “light deviant behaviour”, actually helps to reinforce widely held beliefs that marginalised groups, like the street homeless, are in fact a nuisance to society. The stigmatisation of the street homeless ends up impacting the efficacy of social justice and/or public health-driven interventions. Moreover,

²⁸ Austria, Finland, Germany, Netherlands and Poland, etc... (Busch-Geertsema et al., 2010:42).

many of the street homeless have started to view these interventions with increasing suspicion, which in turn, affects their willingness to participate in rehabilitation or reintegration programmes run by the government and even those run by NGOs. Consequently, nuisance policing alienates the homeless, and ultimately deters them from accessing essential social services, aimed at improving their livelihoods (Baillergeau, 2014:364-365).

While the approaches can end up in conflict with one another, it does not mean that they are inherently contradictory (Baillergeau, 2014:363). Baillergeau (2014:365) suggests that deliberate collaboration presents the opportunity for agencies to improve the impact of the interventions on offer. Montreal's municipal police partnership with the local Agency for Health and Social Service, called "EMRII", illustrates that there has been a credible movement towards combining certain aspects of the public order, public health and social justice rationalities on homelessness (Baillergeau, 2014:365). The EMRII team, consisting of five municipal police officials and four professionals from the local authority for health and social services, utilises a hybrid, collaborative approach to address the complexity of the circumstances faced by those who are targeted frequently by the police (Baillergeau, 2014:365-366). Regular, patrolling police²⁹ refer repeat "offenders" to the EMRII for assessment. Through the pooling of resources, the team is able to access critical information, e.g. police and healthcare system records, which is used to formulate the best plan of action for the individual (Baillergeau, 2014:266). Interagency collaboration is important when assessing referral cases, starting with determining whether the person is considered dangerous, or whether (or not) they are considered vulnerable³⁰. If the person is considered vulnerable, then a recovery or rehabilitation plan would be formulated to ensure that the person does not return to the streets, thereby remaining a target of nuisance policing (Baillergeau, 2014:367). However, if the person is considered a danger³¹ to themselves and to the greater public, then incarceration or institutionalisation, may be the best solutions to begin the individual's rehabilitation process (Baillergeau (2014:367). A firmer approach, in this case, a law enforcement approach, may in fact be necessary, when used in tandem with a supportive approach to achieve the desired outcome of getting people off of the street (Baillergeau, 2014:363). The EMRII team's emphasis on referral and intervention, means that the homeless

²⁹ Whose responsibilities do not form part of the EMRII's ambit (Baillergeau, 2014:266).

³⁰ Vulnerable in terms of physical health, mental health, substance abuse issues and loss of autonomy (Baillergeau, 2014:367).

³¹ The degree of danger must be considered.

are not simply punished for being a “nuisance”, but rather, are being supported and guided towards services that may assist in the long-term project of reintegrating them back into society (Baillergeau, 2014:366). Thus, through collaboration, the hybrid team has found a balance between considering what is best, not just for the public, but for the homeless themselves, by carefully assessing and discussing the details of the referral cases (Baillergeau, 2014:366-367).

2.5. Conclusion

This chapter began by defining homelessness as a starting point for understanding the phenomenon across different countries. By surveying the literature on homelessness, it was determined that there are numerous, interlinked factors that have given rise to different conceptualisations of what it means to be “homeless”. In turn, these different conceptualisations have led to the creation of multiple definitions, which, depending on the definition, have each influenced the type of response that is employed. Urbanisation and poverty were identified as factors that have contributed significantly towards the increase in homelessness seen in both developing and developed countries. These factors have contributed towards the increased competition for resources and accommodation, resulting in the corresponding increase in homelessness in cities. The chapter examined the “conflicting rationalities” framework that Baillergeau (2014) applies to a case study on Montreal’s management of homelessness. While the concept of conflicting rationalities has its roots in urban planning scholarship, Baillergeau utilises the framework to analyse the mostly conflictual perspectives on homelessness that come from law enforcement, social development and healthcare agencies. For the purposes of this research, Baillergeau’s application of the conflicting rationalities framework, and the resulting insights from the Montreal case, will be used to analyse the City of Cape Town’s response to street homelessness.

CHAPTER 3: POLICY OVERVIEW

Based on the current regulatory and legislative context, the policy overview chapter examines the national, provincial and local level responses to street homelessness, with a specific focus on the latter level's responses. For the purposes of this research, the City of Cape Town was selected as a case study.

3.1. Addressing the Problem of Street Homelessness

Globally, the issues of poverty, displacement, migration, housing shortages and homelessness are inextricably linked (Kriel, 2017:408). The countries that have addressed these various interconnected issues using strategic national policies appear to have been more successful in their endeavours to reduce their cumulative impacts (Kriel, 2017:408). Kriel (2017:408) argues that these efforts prove more fruitful when the strategies and national policy responses account for the intricacies found at regional and local levels, especially since all kinds of actors, stakeholders and role players are involved. It is important to note that the way in which governments³² end up addressing or responding to homelessness is typically dictated by the framing of the issue. A substantial portion of the literature on homelessness frames the issue as either the result of a housing crisis or prolonged poverty (Cross et al., 2010:6). Thus, in view of international policy recommendations, the most popular homelessness interventions include the administration of social welfare and the provision of housing or alternative forms of accommodation (Cross & Seager, 2010:143-144).

3.1.1. Street Homelessness in South Africa

In 2022, South Africa's population had grown to just under 60 million people (The World Bank, 2024). Alongside the country's total population growth, the number of vulnerable people has also increased. The South African government currently provides one of the most comprehensive social safety nets to support its citizens, especially when compared to other advanced and industrialised democracies (Cross & Seager, 2010:144). Social safety nets, as the name suggests, play a critical role in securing a level of welfare for those who cannot maintain a sustainable level for themselves.

³² As well as actors from civil society.

While the social safety net is relatively expansive in its scope, and offers income and housing support to a range of qualifying demographics, resource scarcity affects the way in which the available resources are distributed (Cross & Seager, 2010:144). Resultantly, the government is forced to make difficult decisions about how resources end up being allocated. Although the homeless are able to access the same kinds of resources afforded to other vulnerable groups, their needs are not typically prioritised in the provision of these support services (Cross & Seager, 2010:146; SA Gov, 2024a). The street homeless are, by nature of their circumstances, a highly fragmented, isolated and less resourced population, which intensifies the detachment that they experience from society.

3.1.2. National and Provincial Government Responses to Street Homelessness

The South African government has recognised the devastating effects that Apartheid has had on the population, and as a result, has been tasked with improving the welfare for all citizens, regardless of their level of vulnerability. In particular, the street homeless face a unique set of challenges, and depending on the definition applied, the most popular governmental responses to the problem involve the provision of shelter and social services.

Currently, there is no national policy that addresses homelessness directly in South Africa, which has several implications. Firstly, when there is no clear guidance from the national government on how to address an issue like street homelessness, this leaves a policy vacuum in provincial and local governments across the country on how to design, formulate and execute their own policies relating to the management of this issue (De Beer & Vally, 2021b:21; Desmond et al., 2017:2). As a result, the governmental response is not uniform and can be highly variable over different regional jurisdictions. Secondly, the absence of a national policy means that there is no structured budget that is disseminated across the different levels of government, which greatly affects their respective capacities to make cost-effective budgeting decisions (Kriel, 2017:408). Lastly, given that there is no dedicated policy at the national level, it signals that solving the broader problem of homelessness is not a high enough priority on the country's policy agenda (De Beer & Vally, 2021b:21).

Although there is no national policy dealing with street homelessness specifically, the problem is indirectly addressed through an array of legislation (Naidoo, 2010:132). As per Section 26 of the Bill of Rights, all South African citizens have the right to access adequate housing

(Republic of South Africa [RSA], 1996). This provision reflects the government's responsibility to ensure that all citizens, especially the street homeless, are entitled to access shelter that is both safe and sustainable (SA Gov, 2024b; RSA, 1996). The 1994 White Paper on a New Housing and Policy Strategy for South Africa (Department of Housing [DoH], 1994) outlines the government's role in the prevention of promoting or causing homelessness. To this end, the government has attempted to improve the access to adequate housing, instead of directly dealing with homelessness (Naidoo, 2010:134).

The Department of Housing (DoH)³³ works with provinces and municipalities to ensure that all South Africans are able to realise their right to access adequate housing (SA Gov, 2024b). Since 1994, the Department has targeted the inadequately housed through a variety of interventions like social housing projects, investment in the refurbishment of informal settlements, and even the inclusion of a "special needs housing" provision in the 1994 White Paper (Naidoo, 2010:134; DoH, 1994:16). The Department has also recognised, that aside from increasing access to adequate housing, attempts to improve the quality of housing on offer should also be made (Naidoo, 2010:134). As a result, a transitional housing scheme was introduced, whereby shelters were upgraded to accommodate those seeking more permanent places to stay (Naidoo, 2010:134). The DoH confirmed that provincial governments, notably KwaZulu-Natal and Gauteng, were the largest driving forces behind the implementation of the transitional housing scheme (Naidoo, 2010:134-135). Lund et al. (2004) observe, using Gauteng and KwaZulu-Natal's transitional housing implementation experiences, that although this type of housing provides some relief from living on the streets, it is only a temporary solution. In combination, as a result of inadequate provincial policies³⁴, individuals making use of transitional housing would likely end up on the streets again (Naidoo, 2010:135).

While the definitions of street homelessness tend to focus on the lack of shelter, the challenges that the street homeless experience, extend beyond just the absence of shelter (Naidoo, 2010:132). Section 27 of the Constitution (RSA, 1996) states that all South Africans have the right to access the following basic rights, such as healthcare services, sufficient food and water, social security and assistance (Naidoo, 2010:132-133). The Department of Social Development (DSD) is the main governmental department responsible for the provision of social protection

³³ Now known as the Department of Human Settlements (DHS).

³⁴ The policies likely did not accommodate those requiring longer-term stays, and did not provide adequate developmental assistance (Naidoo, 2010:135).

services and grants to a broad network of vulnerable groups³⁵ such that they can become fully capacitated and active members in society (SA Gov, 2024a). Naidoo (2010:137) emphasises that the DoH's response to street homelessness is limited in its ability to comprehensively address the complex circumstances of those living on the streets.

The 1997 White Paper for Social Welfare identifies various groups, including the street homeless, who are particularly vulnerable, and require welfare and social support services (Department of Welfare [DoW], 1997). The 1997 White Paper mandates that the Department of Welfare, now the Department of Social Development, would be required to coordinate its actions with other government departments³⁶ and municipalities, in order to address the needs of the street homeless (Naidoo, 2010:137). Shelters are the main conduit for the provision of social services to the street homeless. Additionally, as a preventative measure, the government sends out social workers, who provide targeted support, i.e. reunification and developmental interventions, to assist the street homeless (Naidoo, 2010:138). However, due to pervasive capacity and resource constraints, the sustainable provision of necessary social services for vulnerable groups, like the street homeless, is adversely affected (Naidoo, 2010:138).

Cross and Seager (2010:143-144) report that access to housing, while providing considerable relief from sleeping rough, is not itself a sufficient solution to the problem. Some of the street homeless population remain on the streets despite having access to these options. Similarly, social grants are used as a mechanism to alleviate poverty, however, the sole provision of social grants, like the sole provision of shelter, do not present a holistic solution to the challenges that the street homeless face (Cross & Seager, 2010:144).

3.1.3. Urban Local Government Responses to Street Homelessness

Homelessness has become an unavoidable part of life in South Africa, with the problem being more prevalent on the streets of the country's metropolitan municipalities (Du Toit, 2010:111). Large municipalities, with comparatively stronger performing economies like Cape Town, Johannesburg, Tshwane and eThekweni, have significantly large populations of people living on their streets (Du Toit, 2010:111). Public spaces in the inner cities like parks, under bridges,

³⁵ Such as women, children, the elderly and disabled (SA Gov, 2024a).

³⁶ i.e. the DoH and the Department of Public of Public Works (Naidoo, 2010:137).

pavements, vacant plots of land and even cemeteries, are places of refuge for the homeless (Charlton & Rubin, 2021:33-34). In addition, contributing to the visibility of the urban poor on South African streets, the establishment of informal structures have become an increasingly popular, “self-help” housing solution for many impoverished people. Shack housing and informal structures are fairly accessible alternatives to more formal types of housing and are erected predominantly within zones of economic activity, like the urban core and surrounding areas like suburbs (Cross et al., 2010:6). While shacks and informal structures are widely considered inadequate for sustained habitation, these kinds of structures do provide relief, even if only marginally, from absolute “rooflessness” and destitution (Cross et al., 2010:6). In response to the gradual rise in informal settlement establishment, there has been a corresponding rise in the regulation of public space usage.

The role that the law plays is crucial when it comes to understanding how street homelessness is dealt with at the city level. Previously, South African municipalities were not able to freely legislate in their locales and were only permitted to adopt by-laws that complemented national legislation (Killander, 2019:79). The Constitutional era expanded the powers of municipalities, mainly by increasing their autonomy to legislate. Specifically, Chapter 7 of the Constitution (RSA, 1996) provides a detailed breakdown of the functions, powers and objectives of municipalities in relation to the national and provincial spheres of government. Municipalities are responsible for fostering a democratic, accountable, safe and secure environment for citizens, such that they are able to realise their constitutional rights (RSA, 1996). Presently, municipalities now have the ability to make and administer by-laws within their respective jurisdictions, provided that these by-laws do not conflict with provincial or national legislation (Killander, 2019:78; RSA, 1996). By-laws are an integral, regulatory mechanism of community life, prioritising public order and safety for all citizens (Sabinet, 2023). Local governments use by-laws as their legal framework for governing specific areas, covering noise control, zoning, waste management, building regulations and importantly, public space use (Sabinet, 2023; De Beer & Vally, 2021b:18). The Johannesburg Public Open Spaces By-laws, the Tshwane By-laws relating to Public Amenities, the eThekweni By-law governing Nuisance and Behaviour in Public Places, and the City of Cape Town By-law relating to Streets, Public Places and Prevention of Noise Nuisances, are examples of municipal by-laws that prohibit many of the daily activities of the street homeless (Killander, 2019:80-81). Prohibited activities include, but are not limited to begging, starting fires, sleeping on public amenities, erecting informal shelters, and wandering/loitering in public spaces (Killander, 2019:80-81). Metro police are the

main law enforcers in cities, and their responses to homelessness typically involve fielding complaints from the public, enforcing by-laws and if necessary, displacing the homeless (Du Toit, 2010:120). In recent years, the aforementioned by-laws have been used to legitimise the often, unconstitutional treatment of the street homeless. Metro police and law enforcement agencies use the law to target the street homeless, sanctioning the eviction of these groups from urban areas (De Beer & Vally, 2021b:18; Killander, 2019:79). In Tshwane, shelter operators claimed that the metro police occasionally employ all sorts of unreasonable tactics in response to the problem, like unnecessarily displacing the homeless, continually harassing and even stealing from them (Du Toit, 2010:120). When the City of Cape Town introduced its “By-law Relating to Streets, Public Places and the Prevention of Noise Nuisances (2007)”, there was an emphasis placed on the need for metro police to undergo sensitivity training when dealing with the street homeless (Du Toit, 2010:120).

3.2. The City of Cape Town

The City of Cape Town³⁷, also known as “The Mother City” is a metropolitan municipality located along the southern peninsula of the Western Cape Province. Cape Town has a unique blend of natural and built environments, famous landmarks, rich biodiversity and is home to an incredibly diverse population, with people from many different cultures, ethnicities, religions and races (COCT, 2022a:22). The City is the provincial capital of the Western Cape and the legislative capital of South Africa. Additionally, the City is the second largest economic centre, as well as the second most-populated city in the country (Municipalities of South Africa, 2024).

Although Apartheid policies are no longer institutionalised, and the transition to democracy has ushered in a new era of freedom and equality, the remnants of the regime are still apparent and continue to affect citizens to this day. The racially motivated spatial and economic segregation of Apartheid has had far reaching implications for non-white populations all over South Africa. In Cape Town, wealth is extremely unevenly distributed, and this is most evident in the areas furthest out from the city centre (Dellacroce et al., 2019:4). These surrounding areas are still predominantly occupied by black and coloured citizens, who also disproportionately experience the effects of poverty, unemployment and homelessness

³⁷ Hereafter referred to as ‘the City’.

(Dellacroce et al., 2019:3-4). Lack of education, income inequality and proximity to economic opportunity are some of the largest factors that perpetuate the existing racial and socio-economic divide in the population (Dellacroce et al., 2019:4).

3.2.1. Key Policy and Legislation

3.2.1.1. The Street People Policy (2013)

The Street People Policy (SPP) was first introduced by the City in 2004. The policy's primary objective was to develop a comprehensive and integrated framework that could address the challenges associated with the growing street people population in Cape Town (COCT, 2004:7). Although the policy was amended in 2013, its aims and objectives remained relatively unchanged. Both versions of the document sought to outline the following: 1) the question of street people in the city, 2) the City's vision and scope of the policy, 3) the national and municipal legislation guiding the policy, 4) the policy mission, aims and objectives, and 5) the identification of all stakeholders – as well as defining their roles and responsibilities. The 2013 iteration departs from the original by including sections on specific policy directives, implementation programmes, several, new guiding strategies and legislation, as well as provisions for monitoring, evaluation and review. Additionally, the amendment better contextualises the street people situation in Cape Town, further underscoring the purpose behind the policy's introduction.

The amended Policy is aligned with three strategic documents: the Integrated Development Plan (IDP), the City Development Strategy and the Social Development Strategy (SDS) (COCT, 2013a:6). The IDP is a strategic framework that outlines the City's various policies, programmes and budgeting priorities for a period of five years (COCT, 2024a). The Policy provisions for street people were in alignment with the 2012-2017 IDP's "Caring City" vision, which is the third strategic focus area³⁸ of the framework (COCT, 2013a:6; COCT, 2016/2017:3). The City Development Strategy is a long-term planning tool that aims to guide and support the growth and change of the City, over a 30-year period, such that citizens, and vulnerable groups, in particular, are able to access a higher quality and standard of life (COCT,

³⁸ The five strategic focus areas (pillars) of the 2012-2017 IDP: 1) the Opportunity City, 2) the Safe City, 3) the Caring City, 4) the Inclusive City, and 5) the Well-Run City (COCT, 2016/2017:3).

2012:7; COCT, 2013a:6). Much like the City Development Strategy, the SDS acknowledges the complex sets of circumstances that vulnerable communities are faced with and thus aims to support these groups by increasing their access to resources, economic opportunities and facilitating social integration (Dellacroce et al., 2019:6). The SDS makes mention of providing specialised attention and assistance to street people, as they have been identified as a uniquely vulnerable population with needs that can only be addressed through a collaborative efforts between relevant stakeholders (COCT, 2013b:23).

The regulatory context of each version differs extensively, indicating the municipality's evolving strategic priorities and objectives. The 2004 version was broadly guided by the following national legislation: the Constitution of the Republic of South Africa, Reconstructive and Development Programme (RDP), White Paper on Local Government, Social Welfare White Paper, United Nations Convention on the Rights of the Child (1989) and the Habitat Agenda – the Global Action Plan of Action³⁹ (COCT, 2004:7-8). The amended policy is guided specifically by four pieces of legislation: the Constitution of the Republic of South Africa, Act No. 108 of 1996; the Social Assistance Act, Act No. 59 of 1992 as amended 2008; The Implementation Protocol Agreement between Provincial Government Western Cape and the City of Cape Town; and the By-law relating to Streets, Public Places and the Prevention of Noise Nuisances, 2007 (COCT, 2013a:8). Unlike the original, the amended version focuses on all street people living within the City and does not make specific provisions for street children. When street children are concerned, the Street People Programme will work collaboratively with the Early Childhood Development Programme and the Western Cape Provincial Government to determine the best course of action (COCT, 2013a:6).

The Social Development and ECD (SDECD) Directorate, the Displaced People's Unit (DPU) found in the Safety and Security Directorate⁴⁰ and other relevant internal and external stakeholders⁴¹, have each been identified as a key role-player in the implementation of the Street People Policy (COCT, 2013a:7). The policy establishes that the SDECD Directorate will be the main collaborator with the other stakeholders and role-players, defining notable partnerships with the Health Directorate, Human Settlements Directorate, the DPU, law

³⁹ Habitat II, the Second United Nations Conference on Human Settlements.

⁴⁰ The Safety and Security Directorate is a body responsible for the enforcement of city by-laws (COCT, 2013a:7).

⁴¹ Internal stakeholders like the Human Settlements Directorate, Health Directorate and Expanded Public Works Programme (EPWP) Unit and external stakeholders like NGOs, CBOs, FBOs, the Provincial Department for Social Development and the South African Policy Service (COCT, 2013a:7-8).

enforcement agencies and the EPWP Unit (COCT, 2013a:7; COCT, 2013b:23). These strategic partnerships aim to address the issues that street people and the street homeless face, by focusing on the provision of important services like healthcare, employment opportunities, temporary accommodation, such that reintegration into their communities and society becomes a possibility (COCT, 2013a:7; COCT, 2013b:23). In addition to the logistical support, i.e. facilitating the enumeration, accommodation and rehabilitation of street people, that the DPU provides the SDECD with, the Unit is expected to provide the SDECD with assistance in addressing anti-social behaviours, if observed, in street people (COCT, 2013a:7).

The Policy includes various directives for the identification, assessment, and transportation of the street homeless to temporary accommodation and secondary accommodation points, so that they can begin rehabilitation processes (COCT, 2013a:9-10). Typically, these services are carried out by NGOs and CBOs, as the City is not always fully capacitated to deal with street people comprehensively (COCT, 2013b:23). Dellacroce et al. (2019:6) suggest that majority of the burden to coordinate and manage the collaborations between stakeholders regarding the street people question is placed squarely on the SDECD.

3.2.1.2. Strategy to Reduce Rough Sleeping (2024)

In 2020, several conditions⁴² incited the SDECD's (now CACD) re-evaluation of the Street People Policy. The City acknowledged the limitations of the Policy, citing that it was outdated, and provided inadequate guidance for responses to the ever-evolving problem. Thus, the SDECD began developing the City of Cape Town Strategy to Reduce Rough Sleeping (2024)⁴³. It is the most recently compiled document that outlines the City's approach to addressing street homelessness, and more specifically, rough sleeping.

The Strategy begins by defining homelessness in general, then proceeds to go into significant detail, defining and classifying the various categories of "rough sleepers", the primary targets of the policy. The Strategy makes a concerted effort to clarify that the term "rough sleepers", which does not simply refer to a single, homogenous group of individuals, but rather disparate groups, with different circumstances and needs (COCT, 2024b:6). In this way, the City

⁴² Such as the COVID-19 pandemic and the subsequent nationwide lockdown, which resulted in pervasive job losses, a rise in housing and food insecurity (COCT, 2024b:2).

⁴³ Hereafter referred to as "The Strategy" for ease of reference.

acknowledges that these internal, differences between groups of rough sleepers makes it difficult to formulate a coherent and effective policy response to reducing the increasing incidence of rough sleeping in Cape Town. Like the Street People Policy (2013), the Strategy starts by contextualising the problem of street homelessness by identifying the various interlinked factors that lead people to sleep rough on the street. The City acknowledges that rough sleeping is not solely the cause of insufficient housing, but rather the convergence of factors like poverty, substance abuse, mental health issues and breakdown of social support networks (COCT, 2024b:27-28). The Strategy goes into greater detail about how exactly these factors complicate the ultimate resolution of the problem (COCT, 2024b:7-8).

The Strategy emphasises the central role that the Constitution (RSA, 1996) plays in informing all other legislation and policy that relates to a problem like street homelessness (COCT, 2024b:16). The Strategy is guided by the following national instruments: the Constitution of the Republic of South Africa, 1996; Municipal Structures Act, 1998 (Act 117 of 1998); Municipal Systems Act, 2000 (Act 32 of 2000); Housing Act, 1997 (Act 107 of 1997)⁴⁴ (COCT, 2024b:17-19). Further, the Strategy is guided by the following Western Cape Governmental instruments: Western Cape Department of Social Development, Street People policy, 2004; Western Cape Department of Social Development, Norms and Standards for Shelters for Homeless Adults, 2015; and Western Cape Department of Social Development, Service Delivery Charter, 2020-2025⁴⁵ (COCT, 2024b:19-20). Lastly, the Strategy guided by the following City of Cape Town by-laws: Streets, Public Places and the Prevention of Noise Nuisances By-law, 2021; Integrated Waste Management By-law, 2009; and Public Parks By-law, 2010; Unlawful Occupation By-law, 2021⁴⁶ (COCT, 2024b:20-21).

Like the Street People Policy (2013), the Strategy is aligned with the City's IDP. The broad vision for the 2022-2027 IDP is for Cape Town to become a "City of Hope for all" (COCT,

⁴⁴ Other relevant national Acts and instruments: Children's Act, 2005 (Act 38 of 2005); National Health Act, 2003 (Act 61 of 2003); Prevention and Treatment for Substance Abuse Act, 2008 (Act 70 of 2008); Prevention of Illegal Eviction from Unlawful Occupation of Land Act, 1998 (Act 19 of 1998); Social Assistance Act, 2004 (Act 13 of 2004); Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013); Older Persons Act, 2006 (Act 13 of 2006); White Paper for Social Welfare, 1997; National Child Care and Protection Policy, 2019; and National Youth Policy, 2020-2030 (COCT, 2024b:19).

⁴⁵ Other relevant provincial Acts and instruments: Constitution of the Western Cape, 1998 (Act 1 of 1998); Western Cape Land Use Planning Act, 2014 (Act 3 of 2014); and Western Cape Department of Social Development Standard Operating Procedure for the Removal of Street Children to a Place of Safety and Subsequent Processes, 2015 (COCT, 2024b:20).

⁴⁶ Other relevant By-laws and instruments: City of Cape Town Municipal Planning By-law, 2015; Human Settlements Strategy, 2021; and Social Development Strategy, 2013 (COCT, 2024b:21).

2024b:22). In order to realise this vision, the City has set out 16 strategic objectives, 4 of which, the Strategy has aligned with. These are, OBJ 1: Increased jobs and investment in the city's economy; OBJ 2: Improved access to quality and reliable basic services; OBJ 15: a more spatially integrated and inclusive city; and OBJ 16: a capable and collaborative City government (COCT, 2024b:22). The Strategy's main aim, to reduce rough sleeping, is made clear. When comparing the aims and objectives of the Strategy and the Street People Policy respectively, the former's are outlined in greater detail than the latter's. A notable difference between the two documents, is the Strategy's inclusion of three Strategic Focus Areas (SFA): prevention, intervention and collaboration and partnerships. Considering the main aim of the Strategy, each of these focus areas grapples with different aspects of tackling the reduction of rough sleeping. Further, the Strategy systematically addresses the policy gaps and limitations that arose during the years following the publishing of the Street People Policy.

Historically, there has been a lack of strategic direction, resulting in poor institutional alignment when it comes to addressing street homelessness (COCT, 2024b:26). Specifically, the Strategy seeks to overcome this challenge by: providing clarity on policy, such that coordination between City departments and other spheres of government is improved; defining the roles and responsibilities of stakeholders; investigating and addressing the factors that contribute to the perpetuation of rough sleeping; improving the methods used to collect data on the street homeless; and importantly, examining the funding and resource constraints that affect the roll-out of planned interventions and initiatives (COCT, 2024b:26-27). Interestingly, the Strategy emphasises the City's broader approach to addressing street homelessness and rough sleeping, is informed by public health considerations, specifically, the "social determinants of health" (COCT, 2024b:27).

The Strategy recognises the sizeable contributions of FBOs, CBOs and NGOs, the main responders, when dealing with the homeless (COCT, 2024b:10). These organisations employ an assortment of strategies and approaches to the problem, the most common response being the provision of temporary shelter (COCT, 2024b:10). Although these kinds of organisations are largely responsible for running shelters, the City has recently established its own set of transitional accommodations called, "Safe Spaces" that are run by not-for-profit companies and operate alongside existing NGO-run shelters in Cape Town (COCT, 2024b:11). The Strategy states the Safe Spaces aim to provide rough sleepers with a secure place to sleep, storage facilities for their personal belongings, as well as a centre to access important healthcare and

social services, rehabilitation programmes and even employment opportunities (COCT, 2024b:11).

From an institutional perspective, the Strategy utilises the three aforementioned SFAs to identify key role players and implementers. SFA1: Prevention, names the following departments who play a role in the prevention of rough sleeping: SDECD, City Health, Planning, Development and PMO, Resilience Department, Revenue Department, Informal Settlements, Public Housing, Area Economic Development, Cleansing, Public Empowerment and Development, Urban Regeneration, and Disaster Risk Management (COCT, 2024b:31-32). Although the Strategy clearly provides the names of these Departments, the City's official website does not provide the same Departmental information (COCT, 2025b). SFA2: Intervention, names the following departments who play a role in responding to rough sleepers: Law Enforcement, Urban Waste Management, City Health, Recreation and Parks, Water and Sanitation, Economic Growth; Library and Information Services, Property Management, and Human Settlements (COCT, 2024b:37-38). SFA3: Collaboration, focuses on the long-term planning surrounding the reduction of street homelessness and rough sleeping. SFA3 identifies the departments that ought to be involved in the development of future interventions, and overarching advocacy surrounding the problem: Western Cape Department of Social Development, Western Cape Department of Health, Western Cape Education Department, Western Cape Department of Economic Development and Tourism, Western Cape Human Settlements, National Department of Justice and Constitutional Development, National Department of Correctional Services, State-owned Enterprises and Private Land Owners (COCT, 2024b:43-44).

3.2.1.3. By-law relating to Streets, Public Places and the Prevention of Noise Nuisances (2007)

The By-law Relating to Streets, Public Places and the Prevention of Noise Nuisances (2007) serves to regulate and manage the use of public spaces by all citizens, regardless of their housing status (COCT, 2007; COCT, 2022b:6). The aforementioned by-law aims to protect citizens⁴⁷ from any negative externality that may result from the actions of others, such as starting fires, public displays of anti-social behaviour, public urination/defecation, obstruction

⁴⁷ Within the context of public spaces.

to roads (COCT, 2007; COCT, 2022b:6). The City maintains that the by-law will only be applied once the SDECD staff have completed the assessment of the individual's circumstances and offered social assistance and/or temporary accommodation (COCT, 2022b:3). If the assistance or offer of shelter is continuously declined, the provisions of the Street People Policy allow the SDECD staff to team up with law enforcement to offer the assistance again until compliance is achieved. However, if the individual does not comply, often formal warnings are the next course of action, such as the issuance of a written notice to appear in court, or even a warrant of arrest (COCT, 2022b:3). The constitutionality of this by-law has been challenged by housing advocacy organisation, Ndifuna Ukwazi (Damons, 2021). The organisation argues that, through the by-laws, the City criminalises the life-sustaining activities conducted by those living on the street (Damons, 2021).

3.2.1.4. Integrated Waste Management (2009)

In order to protect public and environmental health, the Integrated Waste Management By-law (2009) serves to regulate the production, collection, cleaning, and disposal of waste in the city (COCT, 2009:1602). Among its many provisions, the by-law outlines the different categories of waste, the management plan for waste in the city, littering and dumping, and relevant offences and penalties (COCT, 2009:1602). Given that many street homeless individuals do not have access to private storage facilities, they are forced to keep their personal belongings and property with them, in public (Damons, 2021). While the by-law explicitly defines littering and dumping, the street homeless are often targeted for contravening this provision when conducting their daily "life-sustaining" activities (Damons, 2021). According to the experience of a previously homeless individual, she was flagged by law enforcement while she was in the process of moving a few of her belongings. She claims that the officer fined her for littering and dumping, and previously, even had most of her property confiscated by law enforcement while she was living on the city streets (Damons, 2021). It appears that the by-law allows law enforcement to determine whether a homeless person's belongings are considered waste and thus, require removal or confiscation. The City counters these claims, emphasising that its by-laws are intended to protect the public, are applicable to all citizens and that law enforcement officers have a duty to enforce the law, equally (Damons, 2021).

3.2.1.5. Unlawful Occupations By-law (2021)

The Unlawful Occupations By-law (2021) serves to guide the City's management and prevention of unlawful occupation of land and buildings in Cape Town (Shepherd, 2021). The two main aims emphasised by this by-law include the management of settlements and responding to and preventing unlawful occupation on city-owned or controlled land (COCT, 2021:2). In addition, this by-law is intended to reduce the risk that the City, private landowners and other relevant stakeholders incur as the result of illegally occupied land (Shepherd, 2021). If a person is found to be contravening this by-law, the provisions allow the City to impound building materials, personal possessions or vehicles, as well as confers the authority to conduct a search and seizure in accordance with the terms outlined in the by-law (COCT, 2021:13-14). The introduction of this by-law had generated significant backlash from housing rights and advocacy organisations like Ndifuna Ukwazi and Reclaim the City (Shepherd, 2021; Human, 2021). These organisations argue that the by-law is unconstitutional, as it actively contradicts the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act (PIE Act), which as the title suggests, protects the rights of those being unlawfully evicted (Human, 2021). According to the City, the PIE Act has several gaps in its provisions, which motivated the passing of the Unlawful Occupations by-law. Furthermore, the City maintains that the by-law does not set out to expand the powers of law enforcement, but rather, it clarifies the role that enforcers play in protecting the city and private landowners from unlawful occupations (Human, 2021). Housing and advocacy organisations disagree with the City's reasoning behind the implementation of the by-law, as many individuals end up unlawfully occupying land due to factors that are beyond their control, like rising rent and housing costs, overcrowding in homes, the aftermath of the COVID-19 pandemic and rising unemployment (Human, 2021). Jeewa and Nxumalo (2024) assert that although the wording of the by-law is neutral, the terms of the by-law allow for the confiscation and impounding of a homeless person's property, e.g. tents, which often exposes them to conditions that may end up disadvantaging them further. Opponents of the by-law believe that its introduction punishes those who do not own land and property, or live in informal settlements (Human, 2021).

3.3. Conclusion

This chapter determined that, among the unique and complex challenges that the South African government faces, street homelessness is a persistent one, especially in urban areas across the

country. Currently, no coherent national framework exists for addressing street homelessness, which has several implications, the most notable being the lack of coordination across the different levels of government, inaccurate budgeting allocations and variable responses to the problem at all levels. In spite of this, homelessness is indirectly addressed through multiple legislations, which make provision for temporary shelter options and essential social services. However, it was determined that, the provision of shelter and social services/grants alone, do not present an all-encompassing solution to the circumstances of the homeless. From a local government perspective, the prevalence of street homelessness has put municipalities under considerable pressure to respond to and regulate the problem. As a consequence of the rise in street homelessness and establishment of informal structures in urban spaces, local governments have employed a combination of policies and city by-laws to reduce the impact of the problem on the rest of society. This chapter focused on the City of Cape Town as a case study, examining its response to street homelessness through key policies and legislations: The Street People Policy (2013), Strategy to Reduce Rough Sleeping (2024), By-law relating to Streets, Public Places and the Prevention of Noise Nuisances (2007), Integrated Waste Management (2009) and the Unlawful Occupations By-law (2021).

CHAPTER 4: RESULTS AND DISCUSSION

From Baillergeau's (2014) Montreal case study, it was determined that through intentional collaboration between agencies with differing mandates, an innovative response to an intricate problem like street homelessness can be achieved. Thus, using the City of Cape Town as a case study, this chapter discusses the results from the data collection phase of the research and applies lessons from the Montreal case study to interpret the findings.

4.1. Contextual Barriers to Responding to Street Homelessness

This study found that local government is placed under significant pressure to formulate and implement a coherent and practicable approach to street homelessness, while simultaneously facing numerous, complex conditions like the lack of national and provincial government support, insufficient capacity and resources, as well as swiftly changing political pressures⁴⁸.

4.1.1. The Policy Vacuum related to Street Homelessness

Respondents indicated that the absence of a national policy on street homelessness had adversely affected their ability to respond to the problem at a local level. Notably, CCT1 comments that this has led to uncertainty as to which level of government is actually responsible for formulating and coordinating the response to the problem. In addition to the mandate confusion, CCT1 asserts that due to the absence of a national policy framework on street homelessness, the three spheres of government end up working in isolation from one another:

It is because all spheres of government are saying, "It's provincial government's mandate", "No, it's not ours", "It's local government's mandate". So we've taken on the role, and therefore, developed a policy in 2014 to just provide guidance and implementation to our programme (CCT1, 2024).

I think a policy from national government would inform provincial implementation and then also, scaling further down to local. Without that, we are operating in silos... (CCT1, 2024).

⁴⁸ This list is not exhaustive.

However, CCT2 mentions the existence of an intergovernmental forum, that is chaired by the Provincial Department of Social Development (DSD), on which all Western Cape municipalities sit, to discuss homelessness:

Okay, so with this Strategy, and remember now these are all actions that still need to be fleshed out as soon as the Strategy is approved, but currently, there is an intergovernmental forum that is chaired by provincial DSD. So they have all the of the municipalities within the Western Cape on this forum to discuss the homelessness issue in particular, and then there are specific working groups that have to deal with certain issues. So that gets brought to the forum and then they look at how certain issues can be addressed. That's at the provincial level (CCT2, 2024).

According to CCT2, the COVID-19 pandemic increased the visibility of the problem on the city's streets, highlighting the existence of the "hidden homeless" inside the larger street homeless demographic. CCT2 also mentions the growing issue of undocumented, foreign nationals that are sleeping rough in the city. The participant explains that, although these individuals fall within the "rough sleepers" category, it is not yet clear which level of government is responsible for dealing with this group. Although the City of Cape Town has published several, official documents stating its commitment to managing street homelessness, CCT2 confirmed that the provincial government is in fact constitutionally mandated to respond to the issue, and not local government:

The mandate doesn't sit with the City of Cape Town, however, we had a policy in place that we developed so that we can...as a municipality, address homelessness at some level, but made it completely difficult for us to...respond to a challenge of that nature, because there was nothing in place at provincial or national... (CCT2, 2024).

Nevertheless, given the prevalence of homelessness on the city's streets, local government is still placed under considerable pressure to respond to the problem. CCT2 acknowledges that the City's Arts and Culture Department does not have the capacity to comprehensively address the needs of the street homeless. However, the department (and by extension, the City) avoids leaving the street homeless completely destitute, by partnering with NGOs to provide essential services to these vulnerable members of the community. CCT2 states:

...the primary department that dealt with homelessness was our department. And so... we were primarily responsible, and as we know that the situation is so dynamic

and complex, that we are not able to provide all the support and services required by the homeless situation by the homeless people (CCT2, 2024).

Local government and NGOs alike, are constrained by their responses due to the absence of clear political direction from the national level, persistent funding, and general lack of resources. The results showed that the scale of the problem greatly outpaces the available resources and capacities of responders, intensifying the aforementioned constraints. Both CCT1 and CCT2 acknowledge that the limited access to funding and capacity, greatly affects local governments' ability to comprehensively address street homelessness. The results confirm that a significant proportion of the service delivery burden, i.e. providing food, shelter and skills development services, is carried by NGOs. CCT1 states:

We've got the NGO sector that also has shelters, and they assist us with obviously taking people into the shelters, they also have daytime programmes where we collaborate with them in terms of referring our clients to them... What we also do, is we follow a grant-in-aid process, that is a funding process from the City, where we fund organisations to implement programmes within the sector (CCT1, 2024).

In view of this, NGO3 and NGO4 argue that the lack of national direction, adversely affects the budgeting priorities of local government, which creates uncertainty around the ability of NGOs to plan interventions and support the homeless. NGO2 states that street homelessness interventions are increasingly expensive, and the lack of consistent funding affects the overall impact of an organisation's involvement. NGO4 insists that the lack of a defined national policy, not only impedes upon the coordination between the departments tasked with responding to street homelessness but also creates complications for the coordination of adjacent non-governmental interventions. NGO4 states:

One of them is funding, because when there's no policy, there's no funding, there's no line items, there's no budget allocated, neither are there any specific departments that would be mandated to coordinate activities. So this means we work in a very uncoordinated manner (NGO4, 2024).

NGO4 cites that due to the complexity of street homeless circumstances, NGOs are required to work with an array of relevant departments. However, the participant asserts that since there is no overarching department responsible for coordinating NGO street homelessness interventions, there is no way to collate the expertise that these different departments have and

apply it to specific street homelessness cases. This leaves NGOs to work in a very uncoordinated way. NGO2 also acknowledges that while NGO responses may vary greatly, they retain the freedom to determine their own responses to the problem:

I think that NGOs are doing the best they can and determining their own narratives around homelessness, for example, which gives a lot of freedom to interpret it based on their own outcomes within their own organisations. Whereas if the City had determined that X, Y and Z needs to be achieved when we're addressing homelessness, the parameters by which they would operate, be within that framework (NGO2, 2024).

NGO1 takes more of a critical stance, arguing that the lack of a defined policy on the issue has created a vacuum which the City has used to interpret street homelessness as more of a threat to public spaces. According to the participant, this has allowed the City to determine its own response, which they claim has resulted in a response that largely infringes upon the constitutional rights of the street homeless:

I guess it creates a loophole for local government to exploit, or to put it maybe a little bit more mildly, a loophole that creates confusion. So there, the local government's point of entry is actually not homelessness, per say, it's regulating access to public spaces. So local government has constitutional powers over streets and public places... So that's the domain in which they have authority to regulate... They have used those by-laws to fine people for you know, for like public nuisances or...contravening these, rules intended for...public places and health and safety and all of that. And so, their primary point of entry is actually not to assist the homelessness, homeless people, it's to ensure that their public places are free of homeless people (NGO1, 2024).

The results from the study suggest that the lack of direction from the national and provincial governments has inadvertently given the City of Cape Town the freedom to select the departments that will respond to the problem, in addition to allocating their corresponding roles and responsibilities. However, CCT1 argues that, although mechanisms for internal City structures to work together, exist, it does not mean these mechanisms are functional, and that collaboration is entailed:

And also collaboration from governmental spheres in Cape Town. I think there is a forum, but I don't feel like the efforts are coordinated in a structured manner. It is just the reporting platform (CCT1, 2024).

In the above quotation, CCT1 mentions the existence of a “forum”, but does not explicitly state *which* forum they were referring to. The participant did claim, however, that this forum tends to focus more on the reporting aspect of what is being done, as opposed to collaborating on a plan of action. Based on this, and the fact municipalities⁴⁹ are first-line responders to street homelessness, it is believed that the participant was referring to the same intergovernmental forum (chaired by provincial DSD) that CCT2 described earlier. Despite the existence of an intergovernmental forum, the results indicate that there is confusion across spheres of government about how to tackle street homelessness collectively. Additionally, there does not appear to be consensus as to which level ought to take ownership of the problem.

Initially, it was not clear how the responsibility for addressing street homeless fell under the CACD’s portfolio, especially since the title of the Department indicates a focus on arts and culture. The work of the Department primarily centres around improving socio-economic conditions – particularly through the provision of employment through the EPWP, promoting a safe environment and enhancing community engagement (COCT, 2025a). Nevertheless, this does not mean that arts and culture driven initiatives are not part of the Department’s scope, the focus, however, appears to be on community development. Despite the confusion surrounding which City department is expected to accept responsibility for addressing street homelessness, it is clear that the City is reliant on the significant contributions of NGOs to deliver services. The results indicate that NGOs operating in the homelessness sector, like local governments, are also constrained by the lack of policy direction from national and provincial levels. As a consequence, NGO interventions are restricted by inconsistent funding, lack of institutional coordination and procedural direction. Thus, the policy vacuum complicated the coherence, and overall quality of the response to street homelessness from both the perspectives of the City, and external stakeholders.

4.1.2. Transitioning Away from the Street People Policy

The study confirmed that the City of Cape Town’s Street People Policy (SPP), published in 2013, is limited in its ability to adequately address the needs of the street homeless. There was broad consensus amongst the participants that since the Policy was published over a decade ago, it is no longer relevant, nor is it applicable within the constantly evolving landscape of the

⁴⁹ Despite not being mandated to.

problem. At the start of the data collection stage of the study, NGO1 provided key information about the discontinuation of the SPP, describing the City's re-evaluation of the aforementioned Policy. The new document, discussed in further detail in Chapter 3, is called the "Strategy to Reduce Rough Sleeping" and is currently⁵⁰ in its draft stages, awaiting formal approval. According to most of the participants, the Strategy presents an updated, more comprehensive and integrated approach to dealing with street homelessness in Cape Town, whereby all stakeholders in society have a role to play, as opposed to a select few municipal departments. CCT1 and CCT2 described the conditions that precipitated the City's development of the new Strategy:

Look, I think at the time, when it was developed, that...the response was adequate enough, but I mean, it's been eleven years since, and a lot has changed, and the dynamic has changed, and COVID brought its own sort of challenges that we then identified that the Policy wasn't covering everything that needed to be covered when it comes to homelessness, and that was when we moved towards the development of the strategy for it to be a bit more comprehensive and all-encompassing (CCT2, 2024).

Not today. I mean, trends are shifting every day, every year and I think that policy was relevant at the time... So that is why I'm saying, "not today". I mean the challenge with rough sleeping has changed exponentially, especially after COVID. We've seen a rapid increase in the number of people that are sleeping rough on the street, the number of challenges linked to them. And I mean, nowhere really in that Policy, do we speak of alternative accommodation from the City-side (CCT1, 2024).

NGO1 did not have much to say about either the SPP or the new Strategy, however, they did remark that the SPP had not achieved the results it intended to, hence the introduction of the new Strategy. Similarly, NGO2 did not provide specific commentary on either the SPP or Strategy, however, did elect to reiterate one of their organisation's core values, "every individual is valuable, and no one should ever have to live on the street". The respondent clarified this statement, arguing that street homelessness interventions must, firstly, target rough sleeping, and secondly, target the pathways that may cause an individual to end up on the streets. Although the SPP includes provisions for addressing rough sleeping, the Policy does not provide a strategy for addressing the pathways that lead to street homelessness. NGO3 and

⁵⁰ As of November 2024.

NGO4 likened the SPP to a “paperweight”, suggesting that the Policy is not useful, nor is it remotely applicable by their organisation. NGO3 and NGO4 do, however, emphasise that there is a substantive difference between the SPP and the new Strategy, and that considerable thought and effort has gone into upgrading the Policy to increase its applicability and overall utility.

The City has received a great deal of criticism for the manner in which it has handled the evictions of street homeless groups from public places. Notable advocacy organisations like Ndifuna Ukwazi, have challenged the City on several occasions, litigating the basis of their eviction of street homeless people. However, CCT1 highlighted that when the City is faced with unlawful land occupations, usually perpetrated by the street homeless, there is no procedural clarity from the SPP, on the eviction process that the City is expected to undertake:

... The City has taken a stance in the eviction application. Where we are evicting people who is unlawfully occupying land, but also in response to just evicting people, we must make sure that we provide alternative accommodation, and I think that Policy of 2013, sorry I said 2014 earlier, does not make reference to the current process that we are dealing with (CCT1, 2024).

CCT1 argues that due to the limited guidance from the SPP and existing legislation, the City is faced with few options regarding the management of the problem and thus has to proceed with evicting the homeless from public places. In order to avoid unduly punishing the street homeless and leaving them destitute, and as part of the new Strategy’s vision, several Safe Spaces were established around Cape Town:

I would say...we've made quite a lot of progress in terms of alternative accommodation and we've worked a lot in that space in a very short period of time. So in in five years, we have now built five safe spaces (CCT1, 2024).

The Safe Spaces function as the alternative accommodation that is offered during the eviction process (CCT1, 2024; Hirsch, 2024). As described earlier, the Safe Spaces are not a permanent solution to ending rough sleeping, however, they do represent the City’s commitment to providing transitional accommodation that is reasonably located and intended for short-term stays (COCT, 2024b:11). The Safe Spaces are run by not-for-profit companies and operate alongside existing NGO-run shelters in Cape Town (COCT, 2024b:11).

It is believed that since the Strategy had not yet been approved⁵¹, and therefore, not officially adopted by the City, the CACD respondents were not able to provide further information about its implementation. However, the respondents do acknowledge that, although the SPP has not yet been officially retired, there has been a transition towards adopting the principles of the coming Strategy.

4.2. The Dilemma of Reconciling Reactive and Proactive Approaches to Street Homelessness

According to CCT2, prior to the development of the new Strategy, the SPP was the primary document that guided the City's responses to street homelessness. The Policy identified the SDECD, now the CACD, and law enforcement as the main actors responsible for addressing the issue in the city. CCT2 reiterates that once the Strategy officially replaces the SPP, a "whole of society approach" will need to be adopted, whereby all City departments will have a role to play.

Although the CACD and law enforcement have been named as the main implementers of the SPP, CCT1 acknowledged that several other departments do still play a supportive role alongside these two departments. The participant explained that the CACD is responsible for all "soft" approaches, which focus on the provision of social assistance and referrals to safe spaces/shelters. If, after several unsuccessful attempts, the individual does not accept assistance, then the Displaced Persons Unit (DPU), located within law enforcement, is called. CCT1 noted that the DPU is tasked with enforcing the by-laws. If the person refuses to accept assistance or comply with law enforcement, the City's Legal Services Department begins the eviction application process. When an area is classified as "unlawfully occupied", the Waste Services Department assists in the clean-up of these sites. According to CCT1, the City also works with the Human Settlements Department to provide housing kits⁵², which are intended for use within any of the city's formally recognised informal settlements. The participant adds that, if the individual obtains permission, in the form of an affidavit, they are able to use their housing kit to establish an informal structure in the property of a family member or friend. Lastly, CCT1 mentions the involvement of the City Health Department, but did not specify

⁵¹ By the time of the data collection period, i.e. July-August 2024.

⁵² Housing kits contain materials that are used to build an informal structure.

how exactly the Department plays a role in supporting the CACD and law enforcement. After describing the roles and functions of these supporting departments in response to street homelessness, the participant briefly addresses how these departments coordinate their actions:

If there are any operations...we usually have a task team. It is usually coordinated by our Social Security Department, and we work together...it is called, “joint operations”, where social development would go out first. We would offer the social assistance. If people say no, the law enforcement will go back, and all the other role players will have their role to play within the process (CCT1, 2024).

In the above quotation, CCT1 mentions that the “Social Security Department” is responsible for coordinating the operations conducted by a task team from the CACD. The participant did not elaborate further on the aforementioned department’s coordinating role, nor did they specify which level the department operates within. There does not appear to be any information about the “Social Security Department” at local government level. The only departments/agencies involved in the provision of social security services are found at the provincial and national level, in the form of the Western Cape Department of Social Development and the South African Social Security Agency, respectively (Western Cape Government, 2025; South African Social Security Agency, 2025). The Strategy also does not provide any information about the “Social Security Department” that CCT1 refers to. Once more, it is not clear which departments are responsible for coordinating the current interventions and operations relating to street homelessness, that are conducted by the City.

4.2.1. Law Enforcement and Public/Environmental Health Approach

During the study, there was widespread agreement that law enforcement will always have a role to play in the management of street homelessness. The CACD respondents report that the procedure for engaging with the street homeless is comprised of the following steps: 1) the City approaches the street homeless individual, offering social assistance; 2) if, after 6 attempts, the individual refuses assistance, then law enforcement is contacted – however, CCT2 maintains that despite refusal, the City does not stop offering assistance; 3) when intervention is continually refused, a non-compliance notice (a fine), is issued, which orders the individual to appear in court; 4) if the individual fails to appear in court, or refuses to pay the fine within three months, a warrant of arrest is issued. CCT2 argues that due to the transient nature of street homeless populations, it is virtually impossible to collect the fines, and most will not

voluntarily appear in court to settle the fine, especially with the money that they have collected through means of skarreling or begging:

Because they are transient...I think that there's a very poor...I doubt that they even collect these fines linked to these court orders or compliance notices. It's virtually not possible... We know that they're not going to voluntarily present themselves to pay because they don't... Well, they claim they don't have the money. But I mean, if you see them hustling on the corners and the street and the skarreling and all of the activities that they do, they're not going to use those funds for a fine... This...really...we are stuck as a municipality. We actually are a bit stuck in that sense, because how do you enforce that? The compliance and payment of the fine with the homeless person. It's difficult (CCT2, 2024).

Policing the street homeless is a particularly contentious issue since a large proportion of their daily activities is criminalised by city by-laws. In their discussion of street homelessness as a “law enforcement problem”, both CCT1 and CCT2 refer to the By-law relating to Streets, Public Places and the Prevention of Noise Nuisances⁵³. CCT1 acknowledges that while being homeless is not intrinsically a crime, several activities, like making open fires, creating road obstructions, defecating, urinating and generating noise pollution in public places, infringes upon the provisions of the aforementioned by-law:

Being homeless cannot be seen as a crime, right? However, when we enforce these by-laws, there are steps that are taken...to somewhat criminalise homelessness (CCT1, 2024).

The participants agree that these activities pose a significant threat to public and environmental health. Several notable examples were used to demonstrate their point. Firstly, both CACD participants refer to the example of improperly disposed syringes in public places, arguing that when hazardous materials like used syringes are not disposed correctly, the health and safety of citizens, as well as the street homeless themselves, is at risk. Secondly, CCT1 asserts that communicable diseases are spread much quicker while sleeping rough on the streets, which is unsurprising, as the conditions that these individuals face, are harsh and can have detrimental effects on their bodily health. CCT1 further highlights that public urination and defecation, while being essential bodily functions, also poses a threat to public and environmental health:

⁵³ which is a by-law that regulates and protects the rights of those utilising public spaces in the city.

I mean, that poses a real threat, not just to them, but to other people, road users, other members of the public. They are destroying the public domain, the space that is intended for something else. They are using it for that. There's major health risks to them defecating, urinating. So I think all of those things listed in the by-laws, it needs to be enforced (CCT1, 2024).

According to CCT1, the combination of these everyday activities, can also have severe impacts on the economic activity and tourism industry within the city. The study found that, although the City places considerable emphasis on responding with a social development approach first, the perpetual contravention of the by-laws puts the public and street homeless populations in danger. This is the argument that is used as the main justification for employing a law enforcement approach to manage the problem:

We require law enforcement to enforce the by-laws. Okay, however, it's not really a policing issue, it's a developmental issue... So...law enforcement can come pick you up, remove you, and you will just end up on another spot, essentially. So that doesn't help the situation. We need long-term solutions that, where we can see homeless or rough sleepers, re-integrated in a sustainable way... You know, so the bigger picture, not just the policing. The policing is but one aspect of it...but there's so much more that needs to go into addressing homelessness (CCT2, 2024).

CCT2 posited that the City faces a complex dilemma: they are required to enforce compliance of city by-laws, but because the daily activities of the street homeless, conducted for the purposes of survival, unintentionally contravene the by-laws, law enforcement-driven intervention is inevitable.

4.2.2. Social Justice and Development Approach

In response to viewing street homelessness as a “social justice problem”, CCT1 refers to the increased difficulty that the government faces when determining the point at which intervention attempts should begin. CCT1 elaborates on this point by referring to the variable lengths of time that some individuals end up on the streets for, i.e. a few days, weeks, months, years and even decades. The participant remarks that as a result of this, there is no gauge for determining the point of intervention. Additionally, CCT1 asserts that the government needs to find a balance between not making life on the streets too comfortable for street homeless populations and ensuring that their constitutional rights are still prioritised and respected.

NGO1, NGO3 and NGO4 each underscore housing security and the general lack of access to adequate housing, as one of the leading reasons behind the prevalence of street homelessness. Although, NGO3 and NGO4 do assert that a problem like street homelessness cannot simply be solved by providing a roof over one's head, underlying problems like poverty and the lack of economic opportunities, must be addressed first:

The biggest thing is just housing insecurity. So, people would flee informal settlements to avoid...domestic abuse, or to avoid...going into a gang. And so, there's actually too many reasons to actually collate...a proper order, because it's also very individualised. But the key problems that we face, is just having to interact with people who are on...substances in order to survive that. That's very difficult... And it's very volatile personal circumstances (NGO1, 2024).

So I think that there's kind of a housing issue, a huge housing issue that then spills over to the streets of Cape Town. But it's not really about the roofs. It's much more about the poverty and mental health issues, because the guys on the streets, you can't fix it with necessarily giving just a roof. We know that there's structures available in locations that are affordable and doable, but that's not really the issue (NGO4, 2024).

I think with non-governmental organisations, you know funding is always a challenge to obviously...deal with the current situation, but also more specifically as you mentioned, poverty is one of the biggest challenges of that, at the moment. And...my engagement and my work with the clients in our programme, it's not a lack of will... They very much want to work. I think that's part of the reason why they're here and this work-based programme that we...run, it's just a situation where they've...come from such impoverished backgrounds, so there's...a limited education, but not necessarily all the case. I mean, we do have scenarios of highly intelligent people that have...the qualification. It's just, at this point in time, there's just a scarcity of work (NGO3, 2024).

Again, this highlights the intricacy of finding a solution to a problem like street homelessness. NGO1 clarifies that their organisation is limited largely to advocacy and litigation, and not service delivery⁵⁴. NGO2 mentions that their organisation's approach to addressing street homelessness is contingent upon the individual's willingness to accept assistance. According to the participant, the public are able to purchase vouchers on behalf of the street homeless individual, which the person can exchange at the organisation's service centres. These vouchers

⁵⁴ Service delivery in terms of provision of shelter and food, etc.

are used as a tool for engagement, and provide the individual with the opportunity, and the agency, to change their circumstances. NGO3 and NGO4 describe their organisation's Peer Programme, whereby the "Peers"⁵⁵ assist the organisation in identifying and connecting with current street homeless populations. Additionally, the participants mention that their organisation works in conjunction with the City Centre Improvement District (CCID), which helps to run and implement the Peer Programme:

I don't know if we can include the Improvement District in on that as well. I think they've also been, and we've been collaborating very closely with them as we as the City of Cape Town in terms of some projects and initiatives that we've gotten involved in, specifically around potential job creation opportunities and also...providing services in the city centre. I think one, as an example is, there's public toilet spaces that we run as part of job creation and opportunities for clients that have graduated from our programme...that not only provide a valuable service for the city in itself, but also for...people that are still currently finding themselves on the streets at the moment, is that there's ablution facilities there that...the City's obviously come to the party with that (NGO3, 2024).

NGO3 and NGO4 describe that their organisation's work is "client-driven"⁵⁶, and they only work with individuals who have been on the street for longer than 5 years and cannot access help for a multitude of complex issues. The respondents report that the street homeless are tired of the "backbreaking skarreling" and want to be able to support themselves with a regular source of income. NGO4 reports that many of the clients that they have engaged with, do not wish to give up using substances, as it is familiar to them, and as a result, do not want to go to a rehabilitation facility. According to NGO3 and NGO4, their organisation uses work opportunities as an outreach tool, citing that their approach is not "problem-focused", but rather, "people-focused". They state that they hope to inspire the individuals to take ownership of their circumstances and change their lives through the work opportunities on offer.

4.3. The Working Relationship between NGOs and the City

CCT1 described the positive working relationship that the City maintains with NGOs, especially when partnering with NGOs to provide shelters for the street homeless. The respondent states that the City is able to reach the street homeless population through these

⁵⁵ Previously homeless individuals.

⁵⁶ The street homeless individuals are referred to as "clients".

shelters and provide assistance. Additionally, CCT1 commented on the partnership that the City has with various City Improvement Districts (CIDs), which offer various social development programmes. According to CCT1, NGOs collaborate with government on the Expanded Public Works Programme (EPWP). The City provides grant-in-aid funding to the NGOs, to support their capacity and available resources, especially during the winter period. Both CCT1 and CCT2 discuss the City's "interface model", which CCT1 explained, is a mechanism that outlines the collaboration between the City and NGOs:

We have what we call within the city, is the "interface model". It's an agreed to interface model that the NGO sector, agreed to, in terms of collaborating with the City. So all of those NGOs, they would sign a protocol agreement with the City, stating what their responsibilities are, what our responsibilities are, and how we will collaborate within the sector (CCT1, 2024).

So for the City of Cape Town, we have a Street People Programme Unit (SPPU) within our department... So, we have our teams that obviously, we have our teams that go out and engage the stakeholders within the city. So we have an interface model, where our area teams are supposed to meet on a monthly basis with the CIDs, they have to meet on a monthly basis with street people groups. They're supposed to meet on a monthly basis with NGOs in the street people sector. So that is what the interface model is about. So we, through our SPPU, engage the entire sector around issues of homelessness (CCT2, 2024).

In the above quotation, CCT2 discusses the SPPU (which is situated inside the CACD), describing the Unit's role engaging different stakeholders within the homelessness sector. Though there is not much information available about the SPPU, the Strategy however, does briefly mention the Unit's role in the provision of services⁵⁷ directed at rough sleepers (COCT, 2024b:2). According to Swart (2023), the SPPU's role is to facilitate access to the aforementioned services that are on offer. From this, it is believed that the SPPU is the CACD's main vehicle for engaging with the street homeless.

The NGO participants were asked to list, in order of priority, the approach that they believe the City emphasises when responding to street homelessness. The following options were provided: (A) law enforcement, (B) social justice, and (C) public health. NGO1, NGO3 and

⁵⁷ The list of services includes the Winter Readiness Programme, referral services, and assisting with relocation, etc (COCT, 2024b:2).

NGO4 listed the order B, C and A, while NGO2 contrastingly listed A, C and B. NGO1 elaborated on their choice, citing that the City employs a combination of a social justice and public health approach, with a law enforcement approach as a “last resort”. The respondent explains that the City sends out social workers to offer assistance to the street homeless, and if they refuse, then they send law enforcement in. NGO1 further elaborates their claim, arguing that by sending in law enforcement, it directly undermines the social justice and developmental approach that the City leads with. Further, NGO1 mentions that while law enforcement will always form an aspect of the response to street homelessness, officers often have not undergone the necessary sensitivity training to deal with individuals who face uniquely, complex circumstances that result in them living on the street. The respondent argues that, as a result, a law enforcement approach tends to ignore the “human” aspect of solving the problem:

What they do is, their approach is, social workers go in. Okay, well, not even social workers, field workers... They'll take personal circumstances and write them on the sheets and then ask them the question at one point in time, “Do you want to go to a shelter?” And someone will say, “no”, but not engage in any of the reasons why. And...I just now spoke about the trust that is needed, so as soon as someone says “no” to a field officer, then law enforcement comes in. So, if that's your experience of one engagement with the City, which is almost like a snake with a forked tongue, then you're never going to trust that. So, their approach is confusing because the one hand is not speaking to the other. In many ways, the social development side, the social work side, is being undermined by a heavy law enforcement approach, and they can't reconcile too if they don't get to the heart of the matter, which is dealing with people (NGO1, 2024).

NGO3 and NGO4 argue that the City's approach to dealing with street homelessness has completely changed, whereby the City has shifted away from utilising a punitive, law enforcement approach, towards a primary focus on the individual's well-being. NGO4 mentions that, from the perspective of the by-laws, there is also an increased concern regarding the health and safety of those on the streets:

I think because the latest administration has changed completely how things work. I honestly do think that there is a real interest in people's well-being. But because you combine law enforcement with public safety, they look at public safety also to include the homeless person. So I would say public safety, but they have moved away from law enforcement. So I'd want to make a little side note saying that there's a huge difference. It is not punitive anymore. So I'd separate those two because it's

changed. So public safety, they do worry about the health and safety of the folks on the street as well. And second one would be public health (NGO4, 2024).

NGO2's choice of listing, was markedly different to NGO1's, NGO3's and NGO4's choices, and they did not provide much commentary on the reasoning behind their choice, simply stating that the law enforcement approach and public health approach are linked.

NGO1 asserts that there has been no partnership between their organisation and the City, classifying the relationship as an oppositional one. The respondent referred to the case that their organisation launched against the City, challenging the constitutionality of the by-laws, and they have described the City's response as largely uncooperative and fatigued. NGO2 mentioned that there is not necessarily a partnership between their organisation and the City, citing that the City mainly "partners" by providing monetary donations and grants to the NGO, for the purposes of establishing safe spaces. According to NGO3 and NGO4, their organisation engages with the City frequently, and in several ways. The participants describe working together with ward counsellors from different areas, different departments – mainly those involved in economic development, and the DPU. NGO3 and NGO4 claim that despite occasional clashes and disagreements, there is consensus that the focus should be on solving the problem, and not on the punishment of the street homeless.

4.4. Engaging with the Street Homeless

The study found that when the underlying factors that cause individuals to end up on the streets remain unaddressed, street homelessness morphs into a chronic problem. Both CACD participants acknowledge that chronic homelessness is one of the largest and most complex problems faced by local governments. The root causes of street homelessness are quite individualised, and personal circumstances dictate whether an individual can reintegrate into society or whether they remain on the street. NGO1 asserts that the personal and structural circumstances causing homelessness are so complex that the available, but limited, resources are insufficient to address them. It was determined that while the services and support on offer are beneficial and tend to alleviate much of the trauma experienced by rough sleepers, they are not exhaustive, nor are they long-term solutions to the problem. CCT2 refers to street homelessness as a "revolving door" problem:

The biggest challenge is the revolving door problem. So, what I mean by that is, that you'll find that you put in effort in terms of trying to reintegrate them, whether it is getting them into a shelter, or getting them relocated to their places of origin, or getting them to reunite with their families, etcetera, but you know, that's not long term because you'll find them back on the street again in the next three to four months again (CCT2, 2024).

Another interesting finding was that “willingness” is a key factor that influences whether the assistance on offer is effectual or not. NGO2 argues that NGOs can provide all the short-term necessities like food and blankets that a person living on the streets could ever need, but if the person has no willingness to change their circumstances, or to undertake the necessary developmental processes, the interventions will not work, and they will remain on the streets:

... We realise that unless someone is ready to change, you can give them all the soup and the blankets. They're not going to really want to take the next step out of addiction or, you know, into rehabilitation... (NGO2, 2024).

Despite the predominantly outdated provisions of the SPP, the document serves as the basis of the City's current procedure for engaging with street homeless populations. The relevant City and law enforcement officials are expected to follow a standardised procedure when engaging with the street homeless. The study suggests that this formalised procedure for engagement, produces a fairly limited set of outcomes. For instance, if a street homeless individual continually refuses assistance from social/fieldworkers, then law enforcement is called in to enforce compliance. If, by this stage, the person does not comply with directives from law enforcement, then there is not much else the City can do, other than: 1) continue to offer assistance and 2) enforce compliance. The CACD participants both recognise that due to the chronic nature of street homelessness, the interventions carried out by the City cannot end after the attempt is unsuccessful. The respondents report that the procedure for engaging with street homeless populations repeats until the individuals accept assistance. CCT1 mentioned that some individuals, even after receiving assistance, end up back on the street. Again, CCT2 likens the situation to a “revolving door”, whereby the engagement and intervention procedure is repeated until the individuals contravene the by-laws again:

There's nothing that the City can actually do until they contravene again, and then they'll just go through the same process again. It's a revolving door situation. You know, it's going to be up to the individual to adhere to the by-laws, but...it's not

necessarily easy for them to do that because they're so used to doing what they're doing...to survive (CCT2, 2024).

Contrastingly, NGOs are not expected to follow a formal procedure, they are able to approach the street homeless in a more informal manner. The study reveals that this, not only tends to foster greater levels of trust between the street homeless and providers of assistance but also creates a space for more innovative responses to the problem. NGO1 reports that some of the clients that their organisation has assisted, have been homeless for decades, having gone through the system countless times due to several factors like, having a criminal record, and the limited stays at shelters. The respondent added that having a criminal record, which stays with the individual for 10 years, often prevents them from accessing certain job opportunities and shelter:

But what happens in reality is that they don't even prosecute the crimes, the fines. Like 80-90% of them just get struck off their roll because of lack of evidence. People give them the wrong names. The prosecutors are inundated with these types of things and so, they don't actually ever prosecute them. But...I had one client who said to me he was so scared of receiving this fine and the consequences, that he paid it, and this would be like R500. You know, so it is real...even though...they think, "Oh, we don't actually do anything with this because it's inconsequential." It's not. It's also being labelled as a criminal is a severe mark on your dignity... So we have just received clients who have the fines and then we've litigated against the basis to issue those fines... (NGO1, 2024).

NGO2 maintains that, regardless of whether the individual has previously received assistance, or are even returning for further assistance, the organisation continues to help in whichever way they can. NGO3 and NGO4 believe that their clients are capable of determining what is best for themselves and affirm their organisation's support in assisting the client with their own journey of development.

4.5. Can the City of Cape Town and NGOs address the "Conflicting Rationalities" associated with Street Homelessness?

Baillergeau's (2014) Montreal case study illustrated the importance of interagency collaboration when attempting to overcome the mostly conflictual dynamic between law enforcement, social development and healthcare approaches to homelessness. While social

justice and public health interventions may not always align to produce the most comprehensive response to homelessness, there is considerable overlap between their sectors, hence why they are considered the most compatible of the three. While law enforcement interventions tend to contradict the former sectors' interventions, as demonstrated by the Montreal case, the EMRII team created the space for agencies with distinct mandates and responsibilities, to share resources and provide particular insights from their respective areas of expertise. "Collaboration entails being aware of each other's professional duties and skills" (Baillergeau, 2014:363). Thus, through intentional collaboration, the team was able to bring their respective professional skills and duties together to produce innovative responses to the problem.

In the City of Cape Town case, there was widespread consensus that due to the limitations of the SPP, the Policy no longer serves its function as the City's guiding response to street homelessness. Although the SPP's provisions acknowledge that numerous stakeholders have roles to play in response to the problem, only the roles of the SDECD (now CACD) and law enforcement are defined. Despite the SPP's lack of formal guidance for other stakeholders, the results confirmed that multiple departments⁵⁸ play specialised roles assisting with the current response. In addition, the impact of non-governmental stakeholder involvement cannot be understated, as the bulk of service delivery directed at the homeless is shouldered by NGOs, which the City relies on. The results indicate that the complexity of street homelessness necessitates a response from a collection of different agencies, both governmental and non-governmental, as each agency involved, has a unique perspective and contribution towards solving the problem. As discussed previously, the new Strategy represents the City's commitment to fostering a response to street homelessness grounded in interagency collaboration and is currently in the process of phasing out the SPP, which historically, did not provide any clarity or forum for the relevant stakeholders to cooperate and collaborate. It should be noted that, in the Montreal case, the front-line representatives from the municipal police and local authority for health and social service, joined up to create the EMRII task team. The hybrid composition of this task team allows for the centralisation of resources and expertise that are relevant to responding to homelessness. It is clear that the EMRII team is not

⁵⁸ i.e. legal services, waste services, human settlements, and city health. These supporting city departments do have their own mandates and objectives, in addition to providing auxiliary assistance to the CACD and law enforcement.

set up to function in the same manner as the City of Cape Town departments – it is a completely new body that draws expertise from various sectors within the city.

Returning to the Montreal case, it is evident that nuisance policing creates an environment of mutual suspicion amongst the government, civil society and even the homeless themselves. As discussed earlier, Baillergeau (2014:368) suggests that when law enforcement criminalises the “light deviant” behaviours of the street homeless, a fairly damaging narrative surrounding these groups is generated, which tends to exacerbate the disenfranchisement that they already experience. Once the street homeless believe or feel like they are undesirable features of the urban landscape, a mistrust of authority and formal institutions can start to take root. This mistrust can affect the street homeless’ willingness to cooperate with law enforcement (particularly) and other relevant stakeholders but also impacts their participation in developmental programmes aimed at improving their lives. In the City of Cape Town case, the enforcement of by-laws is a significant factor that complicates the City’s response to street homelessness. It was determined that majority of the street homeless’ daily activities unintentionally contravene the city by-laws, making these groups the targets of law enforcement intervention. The provisions of the relevant city by-laws ensures that these activities will require some form of policing in order to safeguard the wellbeing of these groups and the rest of the citizenry. Despite the CACD respondents’ acknowledgement that enforcing by-laws will result in the criminalisation of street homeless behaviour, they assert that law enforcement will always play a role in the management of the problem.

The SPP outlines a highly formalised engagement procedure⁵⁹ which tries to balance the provision of social support with the City’s responsibility to enforce the law. The results have indicated that the rigidity of this procedure constrains the actions that officials can take when engaging with the street homeless. The CACD participants admit that the City cannot force compliance. If the individual continually refuses to accept the assistance, there is not much that the City can do, apart from repeating the defined procedure. Interestingly, despite the fact that the City cannot force individuals to comply, law enforcement, or at least the threat of law enforcement, can be used to incentivise compliance. However, this appears to contradict the City’s main approach to addressing the problem through the provision of social assistance. The juxtaposition between supporting and policing the problem does not assist in creating an

⁵⁹ The SPP informed the City’s engagement procedure since its adoption in 2013.

environment for the street homeless to trust city officials. While the engagement procedure is standardised and predictable, the City's unyielding response mostly ignores the complexities of life on the street and thus does not present a comprehensive enough response to the problem.

Alternatively, it was determined that the less formal, and more flexible approaches to engagements that NGOs provide, encourages the formation of trust, through the development of care networks, support structures and relationships between themselves and the street homeless. The results of the study revealed that these organisations develop personal relationships with those that they assist, with each participant describing the developmental journeys that they support the individuals through. As discussed earlier, NGOs bear a significant portion of the service delivery burden, whether it involves running developmental programmes, the provision of food and shelter, assisting with documentation, reintegration/reunification, or even representing the individuals in court. The provision of these services gives the organisations a unique entry point into supporting and assisting the homeless. Given that NGOs operate outside of governmental jurisdiction, they will likely continue to engage with the street homeless from a more informal perspective on the issue. The Strategy does not specify how it aims to overcome the mistrust that develops as the result of the City's prevailing engagement procedure⁶⁰.

Baillergeau (2014:368) recommends striking a "conditional balance" between policing and providing the necessary social and healthcare support, as this may prove beneficial to the reduction of the problem. It was determined that there will always be a role for law enforcement in the management of this problem, as they are tasked with protecting the health and safety of those utilising public spaces. Strict adherence to formal procedure, and heavier law enforcement approaches tend to be counterproductive, and only result in the infinite repetition of the approach.

⁶⁰ Which is currently informed by the SPP.

CHAPTER 5: CONCLUSION

5.1. Key Findings: Summary and Reflections

By analysing the City of Cape Town's response to street homelessness, it was determined that the way in which street homelessness is conceptualised, plays a role in the resulting response. Given that the City is tasked with the regulation of public spaces, it is required to police the use of the spaces in order to protect the public. The study revealed that many of the activities conducted by the street homeless are largely conducted in public spaces, and for the purposes of survival. Many of these activities unintentionally contravene the by-laws that govern public spaces. Consequently, the City, motivated by its responsibility to protect users of public space, is required to enforce the law and criminalise these behaviours and activities. In this way, street homelessness is viewed as a public order/law enforcement problem. Contrastingly, when street homelessness is viewed from a social justice and developmental lens, a more nuanced understanding of the problem is produced. There is greater weight placed on the uniquely complex challenges that the street homeless face while living on the streets, and it is understood that the solution to the problem is not necessarily the provision of shelter and social services. The study showed that the problem is not only perpetuated by the absence of shelter, but also through prolonged exposure to poverty and lack of economic opportunity. The study also revealed that an individual's willingness to change their circumstances is also a key factor that affects the success of social justice interventions.

The results indicated that due the absence of a national and provincial policy framework on street homelessness, the City was pressured to formulate its own response to the problem, the Street People Policy, published in 2013. For over a decade, the Policy has informed the City's response to street homelessness, and its influence in shaping the perspectives on the issue cannot be ignored. On one hand, the Policy emphasises the need to support and empower the street homeless to change their circumstances, while on the other, it recognises the City's mandate to uphold public order, through the enforcement of city by-laws. The results have confirmed that pervasive factors like poverty, unemployment, housing insecurity and the aftermath of the COVID-19 pandemic, have rendered the Policy an insufficient response to a problem as complex as street homelessness. The limitations of the SPP motivated the SDECD's re-evaluation of the Policy, and in 2020, the Department began developing the Strategy to Reduce Rough Sleeping. In order to overcome the shortcomings of the SPP, the Strategy aims to reframe street homelessness as an "all of society" issue, define departmental roles and

responsibilities, as well as improve coordination between all stakeholders involved. Despite the development of the new Strategy, the study found that the City's engagement procedure is still guided by the inadequate provisions of the SPP, which do not provide a comprehensive enough response to the problem.

Another major finding was that NGOs and external stakeholders carry a significant proportion of the burden to deliver services to the street homeless. The City has recognised its own constraints in attempting to solve the problem alone, and thus has entered into strategic partnerships with NGOs to address the problem. The study revealed that the informal street homeless engagements, conducted by NGOs, allow for greater levels of trust to develop, thereby increasing the success of the interventions. In contrast, the City's strict adherence to formal procedures produces a limited set of actions for officials to take when responding to the problem. This reduces the effectiveness of the interventions offered by the City. It is not clear how the disparity in the level of trust that street homeless individuals have in NGO and City engagements is going to be overcome. Neither the SPP, nor the Strategy address this gap.

Baillergeau (2014) utilised the concept of 'conflicting rationalities' to understand Montreal's governance of homelessness in public spaces. The author specifically uses the local EMRII task team to demonstrate the successful convergence between rationalities that are usually in conflict with one another. Baillergeau's (2014) study generated several lessons for local-level collaboration on a problem like street homelessness. Notably, the punishment of "nuisance behaviours" is counterproductive, and may end up further alienating those who are in need of social and health-related support; due to the intricacy of homelessness, collaboration is necessitated, with a "conditional balance" needing to be found between firmer (law enforcement) and softer (social and health-care support) approaches; lastly, collaboration between agencies is an opportunity to share resources, knowledge and expertise. This study, similarly, utilises the concept of 'conflicting rationalities' as a framework for understanding the City of Cape Town's response to street homelessness. It was determined that, despite the collaboration that does occur between city departments involved in the street homelessness sector, the City's social development and law enforcement approaches tend to end up in conflict with one another. As discussed previously, the SPP helped create the divergent rationalities on street homelessness, resulting in a disconnect between crucial policy implementers. The study revealed that the City has not been able to successfully reconcile the two approaches, which

has ultimately affected the quality and efficacy of the overall response to the problem. This has left a gap for NGOs to step in and fill.

While the size and composition of the EMRII task team cannot be directly translated across to the City of Cape Town case, the collaboration between the teams' representatives is key. Through collaboration, the task team was able to provide input, share expertise and relevant knowledge from their respective sectors, thereby producing a more innovative response. Thus, as determined by Baillergeau (2014), in order for the City to reconcile the conflicting rationalities of policing and supporting the street homeless, coordination and collaboration between all stakeholders, governmental and non-governmental, must be improved. It should be noted that, the incoming Strategy represents a complete overhaul of the SPP and its guiding principles, with the purpose of improving the understanding of street homelessness, enhancing the quality of the response to the problem, through improving coordination and cooperation between all stakeholders involved.

5.2. Policy Implications and Recommendations for Further Research

5.2.1. The Limitations of Formal Policy Procedures

This research has found that, although the SPP played a central role in identifying street homelessness as a unique policy problem, it was determined that the Policy failed to fully capture the nuances and complexities of the problem. In turn, this has led to the formation of several knowledge gaps relating to the causes of, environmental conditions surrounding, and consequently, the management of street homelessness. The Strategy fleshed out the issue in greater detail, attempting to fill these gaps by integrating past, as well as current research and practice, with provisions found in existing legal and regulatory frameworks. Both the SPP and Strategy, are key resources that have shed significant light on the City's ever-evolving understanding of street homelessness. Additionally, when these documents are used in tandem with the relevant legal and regulatory frameworks, the City has been able to develop a more comprehensive response to the problem.

It should be noted that these documents, while instrumental in conceptualising the extent of the issue, do have their own sets of limitations. The content of these documents does not place enough attention on the daily experiences and realities faced by front-line responders, i.e. law enforcement officials, case/social workers and NGO volunteers, etc. The interview portion of

this research illustrated that these types of responders cannot employ a blanket response to each street homeless person's situation. The interviews highlighted how variable engagements with the street homeless can be, especially depending on their individual contexts. Many of the interactions that responders have with those on the street are cyclical in nature, and do not simply end after a single engagement. It appears that a focus on a more formal policy or legal/regulatory framework-governed procedure for managing and dealing with the street homeless can only be effective up to a certain point. These procedures cannot model each course of action in every instance/engagement.

During the survey of literature and the broader research process on the City's policy evolution relating to street homelessness, there was not much available information regarding the development of the coming Strategy. It is known that the City has faced intense scrutiny regarding the outdated policy instruments that it has used to guide its response. However, the interviews with the different sets of respondents, illuminated the nuances and difficulties that crop up for the City, while attempts are made to produce an effective and all-encompassing solution. The interviews provided much needed context and highlighted an alternative perspective on the City's experience with the Strategy's development, which was not readily communicated by media outlets already criticising the City.

The current strategies and policies lack subjective perspectives on engaging with street homelessness. Thus, a recommendation for future research entails a shift towards collecting a greater number of accounts from front-line responders, and documenting their experiences employing policy and regulatory instruments, on the ground. By including and integrating their perspectives⁶¹, into the current policy framework, it may assist policymakers and practitioners in properly fleshing out the difficulties associated with policing and managing an issue as multifaceted as street homelessness.

5.2.2. Commentary on the Strategy's Concluding Sections

Majority of the content in the Strategy⁶² is structured well, flows logically and is easy to engage with. However, when the user reaches the conclusion of the Strategy, specifically Section 7: Implementation, Interventions and Actions (COCT, 2024b:30), the objectives communicated in these final sections are difficult to ascertain due to several factors. Firstly, the information is

⁶¹ although they might be incredibly variable, from responder to responder.

⁶² As of November 2024.

fragmented by the excessive use of sub-headings. While it is acknowledged that the aim of utilising sub-headings is to group all relevant and related information under the same title, the manner in which the information is presented, ends up distracting the reader from the most important objectives contained in the Section. Secondly, tables containing information regarding responsible Departments, their respective roles and their guiding precedents, are inserted under the relevant sub-headings. This is the only Section in the Strategy that provides information confirming how these named Departments play a role in addressing street homelessness. Though it does not appear to be a limitation, these tables only provide a summary of their roles, without providing further context. The concluding sections of the Strategy are essential for researchers and practitioners, as it outlines the way forward, as well as the City's proposed plan of action. Thus, a recommendation for future research, would be to structure research findings and content in a more user-friendly way, but also, expand upon how each named Department actually performs their respective roles in relation to solving the problem.

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APPENDICES

1. Appendix A: Ethical Clearance



UNIVERSITY OF CAPE TOWN
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11th June 2024

To: Jane Abrahams
From: Ethics Committee
Subject: Ethics Clearance
Research: An Irreconcilable Policy Problem? A Study of Local Government Responses to Street Homelessness
Issue Nr: 007
Date: 11th June 2024

This letter confirms that the student researcher, Ms Jane Abrahams' Ethics Project Title: An Irreconcilable Policy Problem? A Study of Local Government Responses to Street Homelessness was approved by the Political Studies Ethics Committee on the 11th June 2024.

Yours sincerely

Signed by candidate

A/Professor Vinothan Naidoo

On Behalf of the Ethics Committee

Department of Political Studies

"OUR MISSION is to be an outstanding teaching and research university,
educating for life and addressing the challenges facing our society."

2. Appendix B: Interview and Participant Information

Community Arts and Culture Department Participant 1 (CCT1). 2024. Interviewed by Jane Abrahams. 27 August, Cape Town.

Community Arts and Culture Department Participant 2 (CCT2). 2024. Interviewed by Jane Abrahams. 29 August, Cape Town.

Non-Governmental Organisation Participant 1 (NGO1). 2024. Interviewed by Jane Abrahams. 22 July, Cape Town.

Non-Governmental Organisation Participant 2 (NGO2). 2024. Interviewed by Jane Abrahams. 27 July, Cape Town.

Non-Governmental Organisation Participant 3 (NGO3). 2024. Interviewed by Jane Abrahams. 23 August, Cape Town.

Non-Governmental Organisation Participant 4 (NGO4). 2024. Interviewed by Jane Abrahams. 23 August, Cape Town.

3. Appendix C: Local Government Representative Research Questionnaire

POL5010W Research Questionnaire

Student: Jane Abrahams ABRJAN006

Supervisor: A/Prof. Vinothan Naidoo

An Irreconcilable Policy Problem? A Study of Local Government Responses to Street Homelessness

Questions List – City Officials

- 1) Has the absence of a national policy on street homelessness affected the City's ability to formulate a local policy response to the issue? If YES, how...
- 2) What are the key challenges that the CoCT faces when responding to the street homeless?
- 3) To what extent do you view street homelessness as a law enforcement/public safety problem?
- 4) To what extent do you view street homelessness as a social justice problem?
- 5) To what extent do you view street homelessness as a public and environmental health problem?
- 6) How, if at all, does the general problem of providing adequate housing to city residents affect the way the city responds to the street homeless?
- 7) Which city departments are involved in responding to the street homeless, and how does the city coordinate its actions?
- 8) How does the CoCT coordinate with external organisations (e.g. non-governmental organisations, private businesses, other spheres of government) in responding to the street homeless?

- 9) From your perspective, does the City's current Street People Policy (SPP), published in 2013 adequately address the needs of the street homeless population?
- 10) Some of the daily activities of the street homeless contravene provisions included in the following city by-laws: Streets, Public Places, and Noise Nuisances (2007) and Integrated Waste Management (2009). If the street homeless are found to be actively contravening existing city by-laws, how does the city respond?
- 11) How does the CoCT collect the payment of fines issued to the street homeless who contravene by-laws? If a homeless individual is unable to settle the fine, what is the City's next course of action?
- 12) Are there alternative disciplinary measures that the CoCT employs when dealing with the street homeless who contravene city by-laws, that do not entail paying a fine, or being imprisoned?
- 13) What does the CoCT do about those who return to the street even after they have received a penalty, social and/or medical assistance?

4. Appendix D: Non-Governmental Stakeholder Research Questionnaire

POL5010W Research Questionnaire

Student: Jane Abrahams ABRJAN006

Supervisor: A/Prof. Vinothan Naidoo

An Irreconcilable Policy Problem? A Study of Local Government Responses to Street Homelessness

Questions List – Non-Governmental Stakeholders

- 1) Has the absence of a national policy on street homelessness affected how non-governmental organisations respond to the issue?
- 2) What are the key challenges that non-governmental organisations face when responding to the street homeless?
- 3) In your view, which approach do you believe the CoCT emphasizes in how it responds to the street homeless (please list in order of priority):
 - a. Law enforcement/public safety
 - b. Social justice
 - c. Public and environmental health
- 4) As a non-governmental organisation, please describe your experience partnering with the CoCT in responding to the street homeless?
- 5) From your perspective, does the City's current Street People Policy (SPP), published in 2013, adequately address the needs of:
 - a. The street homeless population
 - b. Non-governmental organisations assisting the street homeless

- 6) The SPP outlines the formal procedures for the identification, assessment and processing of street people. Are there any informal procedures that non-governmental stakeholders utilise when approaching the street homeless to provide assistance?
- 7) Does the CoCT need to approve all street homelessness interventions carried out by non-governmental stakeholders first, before any assistance can be provided?
- 8) If any non-governmental stakeholders/actors are met with resistance from/conflict with the street homeless, how is the situation handled?
- 9) How do non-governmental organisations assist the CoCT if the street homeless return to the streets even after receiving a penalty, social and/or medical assistance?