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“This is the place that the women built”: A case study of the nexus of formalised land rights and housing recognition on spatial justice in Cape Town

Masters

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Abstract

Many citizens and residents of Post-Apartheid South Africa suffer from past spatial planning policies that deprived black South Africans of access to economic opportunity. This research investigated how formalisation of land rights inhibits the capability of the urban poor in Cape Town to access urban opportunity. The main research question explored whether the formalisation of land rights affects alienation of the residents of Victoria Mxenge (VMX) settlement from urban access. The study uses the VMX case study to highlight the challenges associated with formalising land rights in poor urban areas.

VMX is a non-residentially zoned settlement in Cape Town that consists of approximately 140 homes constructed under a formal Communal Property Association (CPA) title deed that allows for communal land ownership. Informal processes and citizenship, the themes of the research, were drawn out of the main study question and objectives. The theory of access was selected as the research' conceptual framework. This framework helps to explain the relationship of the VMX community to land, housing, and access to associated urban opportunity. The research methodology was founded on qualitative data collection, specifically interviews with seven members of the VMX community, supported by secondary review of provincial data and policy documentation. Formalisation and municipal policy were reviewed for the rezoning of the VMX settlement as a formal township, as well as the replacement of the CPA deed with individual title deeds for VMX residents.

Interviews with the VMX community found that residents felt a necessity for additional formalisation to access further value from the rights under the CPA deed. Residents of VMX experienced benefits from the CPA title deed, however, found limitations in their manufactured forms of access. Informal tools and solutions are perceived as unacknowledged by government and government assistance to individualise ownership is slow and not prioritised. Comparisons to superior services in nearby communities led respondents to see individual title deeds as preferable to the CPA deed. VMX exemplifies how, in an urban setting, having land and housing still presents limitations for access to services and opportunity. Further formalisation, such as residential zoning and/or individual title deeds, would reduce alienation for VMX residents, increase urban access, and enhance citizenship. Recognition as citizens is fundamental to access. Lessons learned from VMX can be applied by government and community members manufacturing forms of access. Community-led solutions are valid and should be further legitimised in the sphere of land and housing.

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1. Chapter 1: Introduction

This study investigates the intersecting issues of informal land use, land ownership, and housing. The Apartheid legacy in the City of Cape Town remains largely apparent as housing continues to be segregated upon racial and economic lines. Concurrently, the pressures of increasing urbanisation and lack of economic opportunity have created a critical need for land and housing. This study focuses on how one community, the Victoria Mxenge (VMX) settlement, used land not zoned for housing as a place to build homes. The issues of access, true citizenship, and belonging are examined in the context of an urban community's struggle to achieve secure and clear land tenure.

Across urban centres, both globally and locally, there is a need for housing to alleviate homelessness, squatting, and illegal/unauthorised land occupations. The issues of housing and land are often conflated, as it is presumed that one means the other. However, in the urban context this may not be the same, particularly if the reasons for land and housing are to address poverty or urban access. The problems associated with land also pose questions of identity, how to repair historical stolen land, and how to redress historical disenfranchisement; this study has addressed aspects of these questions. Land and individual title have also been propagated as a form of exit from poverty (Cousins et al, 2005). Restitution via title and other solutions often aim to address identity, citizenship, reduce poverty, and increase active members of the economy.

The VMX site in Cape Town, South Africa was chosen as a case study for its unique profile as it contains established homes, land, and a communal title deed held under a Communal Property Association (CPA). The community's title deed status creates a disjuncture (some residents have or would like an individual title) that allows for a study of these intersecting issues (Ismail, 1998; Podlashuc, 2011; Ismail, 2015). Further, despite houses having stood there for over twenty years, the land is not residentially zoned. With the three qualifying factors of housing, land, and ownership being at the heart of the discussion on housing, VMX serves well as a case study to investigate land as a source of poverty alleviation, remittance from the historical Apartheid damage, and to test the effects of housing, land, and title on promised outcomes.

At VMX, the formation of housing occurred outside of the city laws and town planning norms.

As an “organic” development built by the women themselves through savings of their own and through their own physical labour, (Ismail, 1998; Podlushac, 2011; Ismail, 2015) the site remains at the periphery of society, located on the edge of a former Apartheid designated township. Additionally, the residents of VMX are largely South African citizens but are not “preferred citizens” and vulnerable to their citizenship being relegated to political whims. They feel their voices are only entertained when a political vote is needed.

VMX residents communally own the land under a CPA. This form of ownership created under the post-Apartheid government is meant to restore ownership quickly and appropriately to disenfranchised Black-Africans. This allows for democratic decisions to be made over the property but can also limit a sense of individual ownership for community members. It is a form of legal and formal land ownership and thus residents of VMX are therefore not squatting or illegally occupying the land; however, the land is not correctly zoned for housing, which contributes to further urban alienation of VMX residents. This study explores the extent to which having access to the asset of land and housing enables access to other urban resources and explores whether housing and land are enough to gain full access to urban opportunities. As VMX is a site with existing land and housing, the case study also illustrates how the two issues of land and housing do not always equate to one another.

This chapter lays out the statement of the problem, as well as a background to the study’s main and supplementary research questions. The rationale and objectives behind the study are discussed, along with further explanation of VMX’s selection as a case study and reference to relevant literature.

1.1. Problem Statement

According to the South African constitution and the Cape Town Spatial Development Framework, the government has the responsibility to create a just and equitable inclusion of all citizens into the country’s urban development. The Cape Town Spatial Development Framework (CTSDF) maintains that “the public good should prevail over private interests [and] all residents should have equal protection and benefits, and no unfair discrimination should be allowed” (CTSDF, 2012:10). However, ‘the public good’ set out in the CTSDF is loosely defined and subject to interpretation. There is a gap between the lived realities of many Cape Town residents – whether they await promised housing developments or are evicted from properties both rented and occupied – and what they might interpret as “the public good” and

“equal protection and benefit”.

Access to the urban economy, a place to live, and land for housing are central interests of Cape Town residents. The VMX community is a group of citizens who have created opportunities outside of the formal system. The VMX site, although better situated to transport and other amenities than other townships, remains precarious as its residents retain limited rights to the land because of zoning issues. As a non-residentially zoned area, VMX falls within a grey area for access to ward councillors or representatives, and has required the community to make their access to basic amenities, like water and electricity, outside of the formal pipelines/grids. Despite repeated attempts to address this gap through formal mechanisms, the VMX access is still burdened. This was highlighted by community participation in protests about a sewerage leak in early August 2020 (Washinyira, 2020).

The zoned status of the land is difficult to verify as the literature (Ismail, 1998; Ismail, 2011) presents a mixture of title deeds being present; this was clarified through this study’s fieldwork. At the time of this research, the land is not zoned as a residential area but is owned communally. There are processes underway to clarify both the zoning and recognition of the land as a residence and township. Once zoning requirements are fulfilled, the community has decided to move towards obtaining individual title deeds for each resident. This transition from communal to individual title deeds is set out more fully hereafter in Chapter 4.4.

The access of VMX residents to land and housing, and how this affects their access and inclusion as citizens of Cape Town, is central to the study research questions. This research explores how the VMX community has maintained their own legitimacy and whether the role of government, such as through the zoning of and granting of individual titles at VMX, serves the purposes of its citizens. Additionally, this research seeks to investigate how top-down mandated land use might play a role in regulation of the informal processes through their recognition as “legitimate” forms of access. This study argues that a more pragmatic outcome to the issue of integration of VMX within the urban economy, landscape and equal citizenship participation is through a re-evaluation of the current zoning of the settlement. Further, rights given to other residential areas of Cape Town, including education and municipal services, should be clarified and better accessible. By exemplifying the capacity of the urban poor to build and maintain a place of community and well-built housing, the study seeks to identify how this model could be extrapolated to address other citizens who remain further outside the spheres of access in the urban environment.

1.2. Background to the study

Policy and legislation have a strong role in post-Apartheid South Africa. Along with a progressive National Development Plan (NDP, 2011), supported by many corresponding mechanisms, South Africa is well-equipped on paper to meet the outlined aims of its inclusive Constitution. In practice, however, the nation stumbles in the achievement of the goals of these various well-laid plans and policies. As such, the necessity of research into how this pertains to land use in urban Cape Town is compounded by a desperate need to address past injustices and future rapid urbanisation.

Cape Town, like other cities in South Africa was spatially designed to exclude persons of colour from the economic centres as well as basic amenities. This spatial engineering was a basic design principle of the Apartheid government. Yet the issue of land remains a contentious issue because many of these structures have merely shifted names, paid lip-service to the ideals of a new South Africa (Nel, 2015; Denoon-Stevens, 2015), and still primarily exclude persons of colour. This is the fallout of many years of colonial and Apartheid structures, with the control of spatial planning having now shifted from the hands of the colonial state to those of an elite led by the neo-liberal market, dominated primarily by white South Africans and foreign investment. This is recreating and entrenching existing flaws in the system that are based on racial lines (Pithouse, 2014). These spatial planning tactics remain the mechanisms used in today's spatial planning because there has not been an active process to include informal settlements (Rakodi, 2005) and to ensure that socio-political capital is equalised, as suggested by Pithouse (Pithouse, 2014).

Although government plans, at both national and municipal levels, outline the need to address the past and to create spatial justice (SPLUMA, 2013; CTSDf, 2012), the emphasis on economic growth seems contradictory because it places the historically advantaged ahead of the historically-excluded. The historical ramifications of the Apartheid regime and legislation, such as the Group Areas Act, still hang over the nation's current economic structure. The Group Areas Act once decided where citizens were permitted to live; ironically, now the "free" economy does so. Moskowitz (2018), while discussing gentrification in the United States, argues that this might be deliberate decision-making on the government's part. The choice to give preferential treatment to specific classes, the preferred citizens, may not be a complete coincidence (Rakodi, 2005; Pithouse, 2014; Nel, 2015). To address the issues of inequality and

spatial justice, there is a need to revisit the way historical pasts are repurposed and overhaul the system to create socio-political parity.

The researcher contends that the City of Cape Town is reaching a tipping point in the area of urban land and access, where intervention is needed to procure the average citizens' rights as outlined by the Constitution, in particular sections 25 and 26¹. Such action requires a critical reassessment of the use of land management and spatial planning in Cape Town. This study is intended to contribute to such an analysis by providing a view of the issue, in particular the designation of land use and whether such applications remain a source of alienation of the individuals at the case study site. The theoretical applications of access and citizenship will support the qualitative data collection.

The VMX settlement was started by a group of women in response to a lack of government action to housing and land. Grown from penny-pinching and saving schemes, the Victoria Mxenge Housing Association ultimately constructed a group of 140 homes (Ismail, 2015; Ismail, 1998; Podlashuc, 2011). Alongside the South African Homeless People's Federation (the Federation), this housing project is an example of the capacity of South Africans to build their own houses using urban land without state support. The Federation has enabled the building of over 50,000 homes in South Africa (Ismail, 2015). Ismail has noted that: "There is a feeling amongst many members of the Federation that the Government has not seen their involvement as that of an equal partner, but wants to control resources and the pace of development. Ted Baumann of the People's Dialogue (Cape Argus, 24 May 1997) for example, says: VMX has gotten off the ground despite the Government, not because of government assistance" (Ismail, 1998:60).

During an initial visit to VMX, as a member of a university group, the researcher heard women residents speak of their frustration with the current title deed arrangement, implying that this was a matter of citizenship, becoming a member of society, and fulfilling the role of legal residents through actions such as paying their water bill. In this study's fieldwork, the women discussed their appreciation for the communal title deed but stressed that they feel they have

¹ Sections 25 and 26 of the National Constitution discuss the rights to property (land) and housing

outgrown this model and now hope to build and cement government action through an individual title deed – this is discussed further in Chapter 4.3.

VMX is considered an exceptional case in which to explore whether housing, land, or other government controlled/mandated resolutions ease the access of the poor to citizenship, economy, and the benefits of urban inclusion. The quandary begs the question of whether more formalisation would be a hindrance to further such development or whether government should simply strengthen the capacity of “informal development”. If one frames these necessities as resources, then to what extent is title, formal rights, and housing a propagation method or not? The question revolves around whether it is enough to have land, housing, and differing methods of holding title, or whether other methods should be implemented in parallel to government support for such endeavours. The research has explored how the residents feel their access and space to develop is hindered or sustained through the access they have or lack.

1.3. Rationale

This research provides a focussed perspective on the active subject of informal land use in Cape Town. By taking a new perspective that compares top-down solutions to the “organic” production and self-taught nature of solutions to housing, this research seeks to ease the knowledge gap between the policies of government and the creativity amongst marginalised citizens.

This study contributes to and connects the mounting research that addresses urban poverty, land segregation and urban integration by examining the interlinked nature of these three subjects within the Cape Town context. Specifically, the research explores whether the urban poor in Cape Town are given the tools to succeed in obtaining their rights as citizens and whether the tools or solutions they have created are being supported or obstructed by bureaucratic decisions.

Further, this study seeks to review how ownership of property is complexly intertwined with the issues of housing and land, yet relies on the necessity of, access to, or ability to benefit from this land – individual title or CPA title would vary the access derived from the land and how this is accessed, and the opportunities and challenges of each title arrangement were investigated as part of the case study. The research inspects the de facto rights of citizenship and how these should allow for the same rights to be applied to all citizens.

VMX illustrates how land and housing are both significant in the discussion of urban land and how access to each can be created, maintained, and facilitated. Limitations to this process remain in the form of geography, infrastructure, state recognition, and citizen belongingness. Additionally, there is a lack of formalisation of access to citizenship as compared to more affluent members of society. Although not fully generalisable, VMX is an example of community-led development in formalisation that could be adapted for communities with comparable land and housing issues. This research adds to existing literature on validating less formal structures as well as literature about inclusion in such spheres and the role of organic organisations in pushing for community-led development.

1.4. Objectives

The researcher has chosen three objectives to organise and outline this study. The objectives are as follows:

- To explore the extent to which formalisation/ lack of formalization of land rights inhibits the capability of the urban poor to legitimately access land and the urban opportunities.
- To explore whether policy can be used to assist existing informal processes and whether this is communicated effectively to communities.
- To explore the viewpoints and perceptions on formal and informal land rights of those who live on land not zoned for housing and how this has affected their access to urban opportunity.

These three objectives fall under the main goal to investigate the outcomes of policy implementation of zoning at VMX.

1.5. Main and Supplementary Research Questions

The main research question of this study is as follows:

- Would the formalisation of land rights alleviate alienation from land and urban access for the residents of the Victoria Mxenge settlement?

The following three sub-questions further guide the main research question:

1. Is formalisation and/or government action inhibiting the capability of the urban poor to legitimately access land?
2. How is policy used to assist existing informal processes and how is this communicated to the communities?

3. Has the formalisation (or lack thereof) of land rights hindered or helped access for the residents of Victoria Mxenge?

The sub-questions have helped focus the research, in particular the fieldwork, to facilitate a narrative of data that approaches the main research question.

1.6. Chapter Outlines

Following this introductory chapter, Chapter 2 relays the literature overview and presents existing studies on informal processes and governmental support. How the existence of second-class citizens affects access to urban opportunities is discussed. A review is carried out of similar case studies in Asia and Africa, including two South African cases, which explore the different approaches citizens have taken either alone or alongside government. The past case approaches are used as a comparison and distinction from the VMX case study. The theoretical framework that shaped the study, the theory of access, which addresses the de facto rights of access, is compared to the VMX case study.

Chapter 3 discusses the methodological approach, analytical framework, and data collection techniques used in the research. These qualitative research methodologies centred around interviews with members of the VMX settlement. The chapter also sets out the reasons VMX was chosen as the case study for the research. The limitations and ethical considerations are also explored.

Thereafter, Chapter 4 sets out the research results and reviews significant interview excerpts in relation to the research questions. These results are then framed against the topics of informal capability, citizenship, access and land rights.

The concluding chapter, Chapter 5, presents the findings, discussion, and conclusions from the research. This chapter also lays out the contributions of the study and further research recommendations.

1.7. Summary

This chapter presented the study's aims, central questions, outline, and context. Many citizens and residents of South Africa continue to suffer from past spatial planning policies that deprived black South Africans from access to economic opportunity. The research looks at the intersection of land rights formalization, access to urban opportunities, informal tools used by residents of Cape Town to gain access, and the efficacy of formal policy measures to improve conditions for Cape Town's poor. The VMX informal settlement was chosen as a case study

location. The next chapter presents the literature used by the researcher to approach this study and the conceptual frameworks applied.

2. Chapter 2: Literature Review and Conceptual Framework

2.1. Introduction

This chapter discusses the literature relevant to this study. As the study is interdisciplinary, the canon of relevant research is vast. To narrow the study's scope, the literature review is organised into two themes. These themes are drawn from the questions discussed in Chapter 1.5, the background to the study and the problem statement, and are supplemented by the literature investigated for this study.

The themes of this study are:

- Informal processes and government support; and
- Classes of citizenship.

The following sections discuss the literature to be used as a basis for each theme. The themes are explored further in a series of studies, considering urban land, informal land, and South African examples relevant to this study.

2.2. Informal Processes and government support

Informal actions and collectives exist to secure access to land; this is true in both urban and rural contexts. UN Habitat has recognised that informal settlements are the main form of urbanization in the developing world (Okyere & Kita, 2015). In Cape Town, the informal processes by which people obtain land can be seen in the occupation of land, new settlements, or building of "unzoned" structures for sustainable sites like VMX (Ismail, 2015; Benson & Meyer, 2015). These informal actions are an assertion of human creativity beyond the bureaucracy of the state which remains cumbersome, slow, and exclusionary (Chitonge & Mfunne, 2015; Ismail, 2015).

In discussing the precarious settlements across the developing world, Deboulet notes that there needs to be a paradigm shift in acknowledging the usefulness of informal settlements and that they are the mainstay of access building for those marginalised by historical, social, and political reasons. She argues that:

We wish to unseat the paradigm of modernization and normalization, [rethink the place of informal systems], and have the fight against precarious settlements replaced in the near future by an approach that supports them. Yet, this day is no nearer than any real regard for climate-induced risks, even though the underlying trends point to a

heightened awareness that we will have to ‘make do’ with these settlements and with their inhabitants (Deboulet, 2016:10).

This attitude, that Deboulet aims to dethrone, reflects the power dynamics that dictate this issue to not be one of concern. It is a matter of living with the unsightliness of poverty rather than eradicating structures and systems that perpetuate it and empower the precarious systems. This reveals not only a lack of support by government but by society as well. In Cape Town, the support is very limited, and is even actively fought against as seen in the abuse of the Anti-Land Invasion Units (ALIU), evictions, the removal sites of Blikkiesdorp and Wolwerevier, and the lack of government support of VMX settlement and other self-made modes of access to land (Berrisford et al, 2012; Ismail, 2015; Benson & Meyer, 2015).

The issue is not only informal housing but rather how it is an expression of government failure (Chitonge & Mfunne, 2015) to meet the demand for housing and land. This means that precarious housing is becoming the norm in developing cities. Chitonge & Mfunne also note the issues (pertaining to Lusaka but easily extrapolated to Cape Town) that the existence of idle pieces of land for long periods of waiting force the adoption of alternative methods of procuring land (Chitonge & Mfunne, 2015; Ismail, 2015; Benson & Meyer, 2015). This then leads to the criminalisation of citizens who have in fact been failed by the government (Benson & Meyer, 2015; Nel, 2015; Denoon & Stevens, 2015). Informal access to land has allowed for access where access would otherwise be denied (Rakodi, 2005). Questions of whether this is democratic are indeed useful, as political and social capital and recognition of this capital creates “legitimate” citizenship, as discussed further in Chapter 2.3, that does not recognise those in precarious situations as having enough socio-political capital to be allowed formal access, therefore they must create their own.

The creativity of individuals and groups to create access has no end. Informal learning had an instrumental role in the successes of the VMX housing project. There is evidence in the literature that supports the need to rethink the notion that informality is contradictory to planning, and the need to be inclusive (Okyere & Kita, 2015; Ismail, 2015; Deboulet, 2016) to truly create spatial justice. This will be further explored in Chapter 4 through the experiences of those interviewed in the research. How have experiences and interactions with government framed hopes for land access in Cape Town? The literature suggests that their daily lives are controlled by private elite powers as well as the state (Moyo, 2008; Pithouse, 2014).

It is imperative to recognise that even though housing is often the symptom for this issue and is the visible outcome or point of contention, in reality these are modes of access to specific pieces of land and socio-political capital (Pithouse, 2014). The exclusion from these spaces is linked to past spatial planning, the use of colonial governmental structures and prioritising social-political capital towards a sub-set of the population; in short, doing things the colonial way. The next section reviews the role of citizenship and preferential citizens.

2.3. Classes of citizenship & Second-Class Citizens

Citizenship and basic human recognition did not become universal in South Africa until the end of Apartheid. Prior to Apartheid and its own end, the colonial project used dehumanisation as a tool to enable targeted development and purposeful underdevelopment of different members of society (Pithouse, 2014; Rakodi, 2005).

Boone (2007) in discussing rural land tenure in Africa, raises questions about the drive to secure tenure. She argues that it is a matter of the “nature of citizenship” pitting economic growth against livelihoods. However, economic growth should not be the end all of development; growth of livelihoods, lives, and belonging is also necessary. This is essential in the discussion of urban land, too. The SPLUMA (2013) calls for equitable and sustainable development, however, Boone (2007) warns that where there is dire need for land resources, there will possibly be conflict with the fundamental question of citizenship (Boone, 2007:586). This study will explore the application of Boone’s caution in the context of urban Cape Town.

The issues and pressures caused by the scarce land resources available to marginalised and poor groups in Cape Town are evident by the increase of land occupations, evictions, and long waiting lists for housing. For the year of 2012, one estimate was that 450,000 families were on the housing waiting list; this has not seen improvement in the intervening years. With the Cape Town municipal government only delivering approximately 11,000 dwellings per year, then a family may be expected to wait 40 years for a home (Benson & Meyer, 2015). This long waiting time is corroborated by multiple sources (Ismail, 2015; Benson & Meyer, 2015). Is Boone therefore correct in assuming that this situation could lead to conflict? The problem is exacerbated by the disparity between people’s constitutional rights and the priorities of government. Furthermore, as economic growth has taken precedent over social equality, presumably in the hopes that the former would resolve the latter naturally, racial disparities continue with an added dimension of class. All are legally able to access land and its benefits, however class, largely defined by the racial dynamics of Apartheid, prevent the true access of

these possibilities, creating a second-class citizenship. Ismail (2015) has argued that “there was an explicit drive to eradicate rather than upgrade informal settlements” (Ismail, 2015:134). Ismail goes on to argue that as Housing Minister, Lindiwe Sisulu “was known to have a technocratic approach, which allowed for minimal community participation and emphasised a drive to eradicate the ‘visible slums’ on the edges of the main highway” (Ismail, 2015:134). This, in the lead up to the 2010 World Cup in South Africa, was a clear sign of who were considered preferential citizens of the Mother City.

Further to the argument that governmental decisions take into consideration the “preferential” citizen, Moskowitz (investigating United States gentrification, possibly not as transferable as previous cases) discusses how Detroit saw an investment in the urban centre and an abandonment of the sprawling suburbs. Moskowitz also links this treatment to long standing racism, classism, and a political decision to increase the tax base (Holston, 2008; Berrisford et al, 2012; Moskowitz, 2018). Indeed, gentrifying classes provide a better tax base and therefore more resources for local government. It is not difficult to imagine a similar desired outcome of the “cleaning up” of the city centre of Cape Town ahead of the World Cup, justified with continued emphasis on “liveable cities”, with possibly unconstitutional use of evictions, by-law abuse to eradicate the visibly poor from the city centre; it begs the question, for whom is the city meant to be liveable?

Denoon-Stevens sees the exclusion from this form of development and argues that “a spatially just city is not just one where people live close to work opportunities, but a city where the poor are included in both the residential and commercial fabric of the city. Only in achieving this can we create an urban form that is truly spatially just” (Nel, 2015; Denoon-Stevens, 2016:27). One must also ask if this is actionable for Cape Town – can Cape Town increase economic centres so they are not simply based around “white” areas?

2.4. Relevant Existing Studies

Two existing studies have been chosen from Asia, two from other African countries, and two from South Africa to highlight issues related to urban land and housing. While these studies stand in contrast to VMX, they illustrate the duality of a need for government support and grass-root based solutions. The individual research of VMX built on this need of government support of “organic” solutions. The following sub-sections summarise these six studies to exemplify relevant approaches taken by other nations dealing with similar land and housing issues.

Tacloban City, Philippines

Tacloban City is a large city in the Philippines with a population of roughly 250,000 people. Currently, up to half of the urban Filipino population live in informal settlements. Informal settlements in the Philippines normally appear on government or public vacant urban land, with Tacloban City being no exception (Rahman et al, 2011).

Often informal settlements are in places that are not suitable for additional housing, consequently affecting possibilities to improve infrastructure and attract investment. The areas are also prone to significant impacts by disasters such as earthquakes or mudslides.

Due to the size of some informal settlements, local and regional government has provided or allocated funding to ‘upgrade’ the settlement rather than evict the large number of people living there. Rahman et al (2011) found that the bigger the settlement, the smaller the likelihood of evictions. While eviction is less likely, tenure remains insecure and so investment by residents in the settlements remains limited.

Rahman et al (2011) found that upgrading the informal settlements could reduce long-term social and environmental costs. The authors recommended the legalisation of tenure for residents of informal settlements and argued that this would justify more investment by residents in basic services and their properties. There is some contrast in the VMX case due to the investment already undertaken despite the lack of tenure, however, as discussed hereafter, this study’s interview results identified the likelihood of additional investment in VMX if land rights were formalised.

Hanoi, Vietnam

According to a 1996 study by T Dang (Dang, 1996), during the 1990s, economic development in Vietnam widened the gap between rich and poor, prompting rural to urban migration and an increase of illegal urban settlements and slum developments.

The state-built houses for the poor that allowed them to pay off the dwelling in instalments, which are 30m² and valued at USD 7,200. This allowed a household earning between USD 300 to 400 per annum to realistically pay off a home.

Prior to the advent of the market economy in Vietnam, there was a long history of state subsidisation, particularly of public employees and military staff. In the intervening years since the end of the Vietnam War in the 1970s, there has been a decline in living conditions for the poor with a shift to the market economy, with fewer homes being built to accommodate the poor, and priority given to the middle and upper classes.

As most annual incomes are roughly USD 130, Dang suggests the creation of a credit union with low or no interest rates specifically aimed at low-income households, either to build homes or perform renovations that are manageable for repayment in 5 to 15 years. As noted previously, VMX residents were able to fund the construction of their own homes based on the provision of land. This may not be accessible to all, however, and this study in Hanoi provides useful context for methods to enable home construction once land is secured.

Kibera, Nairobi, Kenya

In Kenya, there is an expectation that more than 60% of Kenyans will be living in cities by 2030. Housing shortfalls in Nairobi have led to the establishment and growth of dense informal settlements, including the Kibera and Mathare slums. Of the 150,000 residential units required for annual construction, only around 30,000 per year are being realised.

Mwangangi et al (2014) found that affordability poses the main challenge for sufficient housing. Residents in low-income areas are paying ten times more for water than developed areas of the city and often sharing one toilet per 500 people.

Mwangangi et al (2014) found that political and structural conditions in Kenya have led the government to prioritise development which only benefits a small portion of the population. When new government housing is built, or land allocated, public officials have a strong incentive to reward patrons through illegally allocated land in areas designated for upgrading; this results in housing units being rented out to middle income households at below market

rates, thus leaving no option but informal housing markets for the poor, newly arrived, and politically unconnected. These barriers experienced in Nairobi mirror some of Cape Town's problems of high urban migration, nepotism, and the priority of development to benefit the middle-class.

Kigali, Rwanda

Rwanda is Africa's least urbanised country. Subsistence farming, however, is increasingly less able to meet the population's basic needs, which is expected to lead to an increase in city populations, especially the capital of Kigali. The government has a new national housing policy that aims to improve low-income supply and living conditions and to help prevent the formation of informal settlements. The new policy attempts to engage the private sector and to be flexibly inclusive so that different approaches can be used.

Already, demand has overwhelmed the Kigali market, leading to a rise in prices and boom in informal settlements; an estimated 70% of Kigali residents currently live in informal settlements. To meet the government's housing policy estimates for urban demand by 2022, the city of Kigali must supply an average of 30,000 new dwellings per year, dwarfing the current formal delivery rate of 1,000.

Some suggested methods for low-income housing in Kigali are to upgrade existing housing and settlements, implementing fresh site and service models, and cooperative housing. Buckley et al (Buckley et al, 2015) found that the government, however, struggled to move from policy to trials on the ground.

Buckley et al's study concluded that upgrading housing stock has feasibility issues. Most existing housing in Kigali is one storey and it is unclear whether further stories could be added, both from an economic and social acceptance by residents, and architectural and engineering perspective.

With respect to creating new housing communities, Buckley et al identified the need to increase transport services and determined the cost effectiveness of creating commuter towns. This satellite housing option could present an opportunity to create a higher service environment and is comparable to the position of the Cape Flats being viewed as a satellite feature of the main urban Cape Town centres.

Thokoza, Johannesburg

A study was carried out by Colin Marx (Marx, 2015) in Thokoza, a residential neighbourhood in the Ekurhuleni metropolitan council, east of Johannesburg. Created in the 1950s as a township, local government authorities were seeking to reduce high densities in other city townships through forced relocations.

The first phase of Thokoza had 17,500 plots and so-called “beneficiaries” received a minimal standard home and a 30-year lease to a plot. Many years later in 2006, after periods of conflict and rapid population growth, the 30-year leaseholds were converted to freehold titles under regularisation and transfer of ownership schemes. Residents who could prove that they paid rent could purchase the plots at a discount, and many residents were simply declared owners. Additionally, individuals and families who had lost their plot due to prior violence in the community that led to migration were reinstated as legitimate owners of their properties.

Marx acknowledges the obvious benefits of property rights and the importance of their security. He notes that there is a general acceptance that marginalised groups benefit from State-backed property security initiatives. Although Thokoza has a longer history of conflict, and the land designation was State mandated rather than self-realised, as at VMX, the types of rights related to property and the roots of townships are considered relevant to this study.

Joe Slovo Park, Cape Town

Through a case study at Joe Slovo Park in Cape Town, Cousins et al (Cousins et al, 2005) contend that de Soto’s assumptions in *The Mystery of Capital* are flawed and that due to entrenched structural features of the economy that growth alone will not reduce poverty and inequality, and that the provision of title deeds, if not done properly, can have negative impacts on the community.

Formerly vacant land owned by a parastatal, the Joe Slovo Housing Project began in 1997 and resulted in the construction of 936 houses. Joe Slovo is well-located amidst the relatively affluent Northern Suburbs of Cape Town. Recipients of the properties were given a housing subsidy and granted individual ownership to the land.

In their research, Cousins et al (2005) found that the ownership structure adopted at Joe Slovo resulted in a decrease of tenure as the property was registered to only one person, particularly affecting security for women and extended family. Additionally, the allocation of properties was deemed to be biased, with some community leaders receiving more than one house while

other community members received nothing. Cousins et al determined that up to 30% of the new houses at Joe Slovo Park were sold through informal land markets and transactions, i.e., illegally. Overall, they found the economic impacts of the property ownership structure to be negative. Informal activities that were already present in the community were displaced with formal activities, disrupting existing systems and revenue structures.

The research at Joe Slovo Park is relevant for this study to examine the formalisation process employed. The study's question relates to the formalisation of property rights, and how this has affected the residents of VMX, which differs as a community from Joe Slovo as it was formed through grassroots, or "organic" approach, to property rights rather than being State-led.

Summary of Selection of Existing Studies

Six previous studies were reviewed that were found comparable to the chosen case study at VMX. While each case study has its own unique aspects, there were comparable or relevant attributes applicable to VMX. The examples of Thokoza and Joe Slovo show that solutions are achievable for extending property rights to residents in South African townships through formal mechanisms; an intervention which will be shown to be relevant to VMX residents.

Outside of South Africa, in Tacloban City and in Hanoi, studies showed that enabling funding or credit societies within existing informal settings yielded benefits for residents. The results of this research show that VMX residents also desire to collaborate with local government to benefit from resources that formal residents now enjoy. In Kigali, the addition of services and basic services through formal means, and their prioritisation for low-income households, as needed in Nairobi, is expected to relieve pressure to informal settlements while also benefitting overall housing demand. These relevant examples outside of South Africa also show how lessons learned from VMX could be applied elsewhere in reciprocity.

2.5. Conceptual Framework - Theory of Access

In order to organise and structure the research, the theory of access was applied as a conceptual framework. As defined by Ribot & Peluso, access is: "The ability to derive benefits from things" (Ribot & Peluso, 2003:153). As used by Ribot and Peluso, access is a matter of resource they define as distinct from property. Access is a "bundle of powers" rather than a "bundle of rights" (Ribot & Peluso, 2003); if applied to land, housing and urban opportunity, then one sees how this can frame the research. As "property and access are concerned with relations among people in regard to benefits or values – their appropriation, accumulation, transfer, distribution,

and so forth...a key distinction between access and property lies in the difference between ‘ability’ and ‘right’. Ability is akin to power...” (Ribot & Peluso, 2003:155-156). The main claim of this theory is the distinction between the rights of property and the benefits and power derived from access to property. This access can be obtained through rights based (law) and illegal access, as well as structural and relational mechanisms of access (Ribot & Peluso, 2003:162).

The framework should help to explain how the relationship of the VMX community to land and housing is creating a type of access. The current access is rights based (CPA title) but has limitations. VMX residents also create an illegal form of access by building homes in a non-residential zone and connecting their homes to both electricity and water. These are forms of access the community continues to maintain outside the rights-based access granted them. This is examined further in the discussion section on access (Chapter 4.3). But additionally, the community finds limitations in the structural and relational sides of their access. This has been inspected via the citizenship and access sections of the research previously outlined.

At the centre of this research there is an exploration of the distinctive benefits economically and socially derived from the VMX development. The research investigates to what extent this access has been facilitated at VMX, and how this access has been affected by government interventions/application of law and policy, and whether this access is fully available to all the residents at VMX. As the rights of a CPA title, and, even more the zoning of the land, are limited, the research seeks to discuss these limits with respect to the access and benefits possibly derived from the land. For this, it is necessary to demarcate what access rights are to be inspected. “Mechanisms of access may operate sequentially, as when access...[is] contingent on prior membership in a particular organization” (Ribot & Peluso, 2003:160). While land and housing exist at the site of study, this research questions the extent to which the community and individuals have been able to derive benefit from the property. Additionally, the research touches on how the government has eased or hindered this access.

There is a further need to explore how access is distinctive between formal and informal use of land. Which usage provides a better “ability to derive benefits” from the land? How might this be facilitated through government action, if not already? Does the grassroots action provide enough access alone? Would secure individual title improve this benefit? Is there an access priority given to specific citizens? As previously mentioned, de Soto argues title adds to

security, arguably a benefit of access, and this is contended by others as insufficient or inadequate access (Cousins et al, 2005; Marx, 2015).

The concept of access is integral to its inspection of land as a resource and as a tool to identify land policy mechanisms (Ribot & Peluso, 2003). If one follows the hypothesis that the resource is in the hands of those with political power, and their political manoeuvring can influence how access is obtained, then there is need for exploration via fieldwork. The researcher sought to inspect the power dynamics within the community that could be influencing this access as well as the government powers that possibly play a role. Indeed, “some people and institutions control resource access while others must maintain their access through those who have control” (Ribot & Peluso, 2003:154). Issues of cultural and social capital within the community, as well as political leverage, were attempted to be explored through the scope of this study.

2.6. Summary of Literature Review and Conceptual Framework

The themes of the research were drawn out of the main study questions, the themes being: informal process and governance, and citizenship and second-class citizens. Existing studies were reviewed that are applicable to this research, including two from other townships in South Africa and four examples from outside of South Africa. The theory of access was presented as a conceptual framework for this research. The next chapter explains the methods the researcher used to execute the study plan.

3. Chapter 3: Methodological Approach, Analytical Framework, & Data Collection Techniques

3.1. Introduction

This chapter sets out the foundations of the study's methodology, practical matters relating to data collection, as well as the overall design of the research. The selection of the case study location at VMX is explained along with an introduction to the community and its context. Consideration is given for the limitations of the research as well as ethical considerations made by the researcher.

3.2. Background to VMX

The VMX settlement is located near Philippi and Gugulethu in the City of Cape Town in South Africa's Western Cape province. The settlement's location is not urban central but is near regular transport links and other amenities. VMX is close to the established communities of Khayelitsha, Nyanga and other townships and historical sites of removal. The VMX residents are predominantly amaXhosa, the first generation coming from the Eastern Cape. The community was self-created through community resilience, saving plans, and global connections to equip themselves with the skills to build homes. The land was acquired from the Catholic church (Ismail, 2015) by a group of women who first created the settlement and the community has been established for roughly 30 years. The communal title deed was placed in the women's names and is established as a female-led community. The capital to acquire and build the settlement was sourced by the group's own coordinated saving scheme, not by government subsidies or support. Held under communal title, VMX is a well-studied settlement. The site was chosen for this research to show how land and housing is accessed and the outcomes of this access. The site also reveals unique ways that policy affects communities.

Services promised to citizens of the state should not depend on the title deed they do or do not hold. VMX exemplifies how those inhabiting informal spaces fall between the cracks of access. Legally speaking, individual and communal titles should provide the same access and rights derived from the land. VMX possesses interesting features to its zoning, which is not cleared for residential use, and gives rise to VMX's informal nature. Zoning of the land has proven very significant to the access available to the residents of VMX, pertaining also to how far this access is granted. Land and housing are more a matter of access than property to the urban poor. As access is determined by the powers that come from the use of the object, not simply

the right to the object (Ribot & Peluso, 2003), the case study explores how VMX derives use from the current title and how they imagine that use to be expanded.

In lieu of formal access, VMX has created a degree of ‘manufactured access’, a term discussed more in Chapter 4.3, which is access not legally granted but manufactured through informal activity to create a lived form of access. This is less secure but its efficacy at VMX seems to be supported by the lack of evictions and provision of services otherwise not provided. VMX residents are also moving towards formalising this access and rezoning the property. This will convert their manufactured access to legal access. This change will come in two phases, rezoning and individual title. VMX residents believe, through lived experience, that individual title is a more secure access of the land than communal title. The research investigates this position, as on paper there should not be a discrepancy between CPA and individual title rights.

The question also remains as to whose rights will take precedence and who will enforce their rights even if they may be “more stable.” Title change is unlikely to change VMX residents’ position as second-class citizens overnight, however, with a recognition of their address and better access to check government accountability they might establish stronger rights over time. Will these rights be as respected as individual title holders of a beach-facing villa in Clifton (an affluent neighbourhood in Cape Town)? The contradiction of formal and informal remain at odds with the unequal application of citizenship, but the residents of VMX hold out hope that individual title might allow for more bargaining power with the municipality and take them one step closer to legitimising themselves and their citizenship.

3.3. Research design

The research design for this study utilises a qualitative research methodology (Babbie & Mouton, 2001). Qualitative research including interviews was chosen for this study to include the personal and richer nature of recorded community experiences. As the intersection of property and rights with true access to the benefits of these rights is under inspection, it was important to get the community’s personal experiences of their access, and therefore in-depth interviews with VMX community members were determined to be the best source of data.

As the research deals with the alienation of the poor in relation to government intervention, this required both an in-depth exploration of members of the affected community and their personal experiences. The researcher attempted to contact the Cape Town municipality for an interview, but after a period of twelve months was unable to secure a response. Ideally, City

officials could have provided specific insight to examples and resolutions of policy that affect citizens and how the approach to VMX had been decided upon. Although this remains lacking in the final research, the in-depth interviews of the VMX citizens provide solid material from which to extrapolate. As this study is examining a specific population – the urban poor excluded from full land ownership and benefit of land in VMX – the sample is both specific (purposive) and non-random (non-probability) (de Vos, 2011). A total of seven interviews were conducted with residents of the VMX settlement, all of which were selected by their own availability and their connection to the VMX community leader, who acted as the main liaison within the community. The seven interview respondents were chosen through:

- availability: based around the respondents who had free time from work and family commitments to be interviewed, and that were introduced to the researcher by the community leader, (hereafter, the Community Leader);
- willingness: the openness of the respondents to be involved in the interviews after understanding their purpose – it is noted that no respondents declined to be interviewed; and
- circumstance: being during daytime hours when the researcher travelled to the community.

Five of these interviewees or respondents were women who were originally involved in the project (ranging in age from late 40s to mid-50s), one woman who joined the VMX community after its founding (in her late 40s), and one granddaughter of an original VMX member (young university student of engineering). The interviews were facilitated through the Homeless People's Federation, in particular the Community Leader, an originator of the organisation and savings scheme. The interviews were held in the community hall on site at VMX. A translator was present for the women to speak freely in IsiXhosa. This gave a small cross-section of opinion for those living on site as well as those who began the project and their possibly evolving views.

Initially a discussion group had been planned to procure additional data as part of the study, however, this proved difficult considering language differences and individual availability of the VMX residents. The use of discussion group data could help reveal community ties, resilience and collective engagement with the issue of land and housing in Cape Town,

however, these aspects were also apparent in the individual interviews and therefore the absence of a discussion groups is not considered to detract from the quality of collected data.

Another interview was held with an attorney of the activist and legal NGO, Ndifuna Ukwazi. Ndifuna Ukwazi is an NGO that seeks to legally assist and educate on legal housing issues for marginalised citizens in Cape Town. They are a collective of activists and researchers that seek to hold the government to account over exclusionary development in Cape Town. The interview with Ndifuna Ukwazi added a further point of view of the issue of housing within the Cape Town context. The researcher attempted repeatedly to contact and engage with the City of Cape Town municipality, including various departments, however no interviews or responses were achieved. This issue was also compounded by the fact that the researcher relocated abroad mid-research and due to impacts of the Covid-19 pandemic. In lieu of official communication from the City of Cape Town, this study used reporting by the municipality as well as policy, plans, and other documentation to identify the formal position of the City of Cape Town. This caused some limitation to the study to have a more rounded view of the issue from the City's point of view.

3.4. Fieldwork and case study implementation

The case study was conducted in VMX during September and October 2019. As set out previously, the site was chosen because the VMX community holds a unique position having both land and housing, however, the situation remains in tension with the question of access for individuals to the urban economic and historical benefits. The singular placement of VMX allows for an interesting perspective of urban land and housing.

VMX struggles to obtain the correct zoning and thus individual title deeds to the land. This information was provided to the researcher on an initial visit and had been difficult to validate through the literature. The research examines how individual access affects these residents and whether this is a matter of citizenship or alienation from inclusive access to urban opportunity. The respondents provided personal accounts that reveal how their situation contributes to hindered access to proper housing and citizenship as respected members of society. Data was collected on a voluntary basis from individual interviews. This allowed for a voluntary cross section from the community. There was no non-purposive sampling of volunteers as they were contacted and provided contact to via the Community Leader. The interviews captured how

community ties, community commitment, government involvement, and issues of policy and application address the issue of integration of the urban poor.

3.5. Data Collection

The researcher used primary and secondary methods for data collection. These included personal interviews in the community, and one interview from Ndifuna Ukwazi (primary), as well as further documentation, newspaper, existing studies, and policy documentation (secondary).

Personal Interviews

The primary data collection involved individual interviews with participants and residents of VMX. The VMX settlement provides an interesting and long-term case study of the issue of land determination. Here the sharing of life histories, histories of the grounding of the community and experiences of government action/inaction will be relevant, however, their experiences of government action is considered pertinent to the exploration of how decisions have been made to either include or exclude these citizens.

The use of interviews to provide data is a common practice for research projects. The interviews for this study were held in a one-on-one fashion at the convenience of the participants. The interviews were recorded on a digital recorder with the consent from the respondent. Additionally, the researcher took hand-written notes. These methods limit the risk of inaccurate data collection. Data pertaining to identity will not be held confidential as all participants consented to use of their names and information (see note in Chapter 3.8).

The use of interview data is justified in answering the question as it provides the basis on which alienation of the urban poor occurs. The participants' experience of establishing or attempting to establish communities has been confined by the zoning and land use management of the city and legislation.

Interviews with government officials would have added to the robustness and well-roundedness of the data, however this was not feasible due to lack of response to contact attempts. Government contacts might have been helpful in providing second-hand accounts of other sites of interest. However, information regarding different sites as well as mechanisms of access manufacturing through informal and formal modes were received through the interview of Jonty Cogger of Ndifuna Ukwazi.

These interviews complement the secondary sources of previous research and literature, as well as news reporting, government data, and statistics. All interviews were held in a one-on-one manner. The selection of these interviews is a purposive selection of those involved. This too was digitally recorded with consent of the informant to ensure accurate collection of data. Notes were also taken throughout. This information highlights the issue beyond the case study and provides further grounding in the systematic issues queried in the research question. All interviews were held with adults above the age of 18.

3.6. Data Analysis

The collection of data used a thematic form of analysis as it is of a qualitative nature, broken down as follows:

- **Interview recordings:** The interview recordings were transcribed and reviewed in a thematic content analysis. Additionally, those interviews where the respondent responded in IsiXhosa were translated again. This was deemed necessary for a full data analysis to ensure that the depth of their response was not filtered through the translator. The themes were collated and collected through the analysis program *NVivo*. These themes were then used to extrapolate meaning and value to the project.
- **Handwritten notes:** The researchers notes were used to complement transcripts as a means for recalling feelings, body language etc. not evident in transcripts.
- **Archival and other written documents:** Additional data was used from already existing resources, including those in the literature review as well as archival, newspaper, mapping etc. from reputable sources. These were used as a springboard for contextual analysis of the collected data to give additional depth to the research.

The interview schedules for the data are attached in Annex A. Two research schedules were used as guidance during the administration of the interviews.

Research Schedule A was used when interviewing the Community Leader, while Research Schedule B was used during the interviews for the other respondents from VMX.

An interview schedule was prepared for the session with Ndifuna Ukwazi; however, this did not follow the schedule as the interviewee led the discussion and the researcher responded accordingly.

3.7. Limitations

As the research commenced, the issues of time, language, and access were potential sources of limitation. Mitigations to these limitations are listed below:

- **Time:** The researcher moved countries during the research period. This created a time pressure limiting physical access to interviews. While the interviews were completed, the discrete window to complete the research limited the number of interviews. This could impact the validity of the research; however, the research does not claim to be extensive and thus this restriction must be accommodated.
- **Language:** The use of interviews at VMX was another limitation as the researcher has only basic comprehension of IsiXhosa, the native tongue of most residents. To counter this, the researcher used the help of a younger resident to translate during the interviews. This was deemed necessary to create meaningful responses. One limitation that did arise was the translator could not translate word for word without disrupting the flow of responses. This was mitigated by an additional translation of the recorded interviews. Had the researcher spoken IsiXhosa, then the interviews could have been more provoking with more direct follow ups, the resulting data has proven to still be rich and conclusive.
- **Access:** As the researcher is a white female, access was a limitation concern. Throughout contact with the Community Leader and the respondents this was a point of reflexivity, as it might influence responses and access. However, as the community is all women, being female was considered to serve as a benefit to the research access. Initial access was negotiated through Leo Podlashuc, an established connection to the researcher and the site of study, however the researcher also established a rapport with the Community Leader. The incidence of previous research in the community also eased access as the community is aware of the benefit to raise awareness of themselves. General access to the city and officials was limited, emails remained unanswered, and communication became difficult as the researcher had to move abroad.

Finally, as this study forms the basis for a master's degree, it is both constrained by the duration of the academic course and allowable length of the report. While these limitations are expected to affect the scope of the project, due to the mitigations indicated above, namely through engaging a translator, personal reflexivity of the researcher, and added secondary resources, the validity of its findings are not expected to be compromised.

3.8. Ethical considerations & Validity

This study draws its ethical considerations from UCT's code of conduct for research. The entirety of the project aims for transparency and underlines the importance of voluntary participation. Throughout fieldwork, the researcher informed participants about the purpose of the study and the use of any data retrieved. The researcher advertised to interviewees the possibility to retreat from the study at any time for any reason. Before commencement of all interviews, the researcher provided the participants with the reasons for research, sought consent via a consent form that outlined the research purposes and gave information to contact the researcher if the participants wished to withdraw for any purpose. The researcher also confirmed the consent to record any data and interviews. Participants were also given the option of confidentiality; however, none requested the same. This study did not include interviews with persons under the age of 18 years. Notwithstanding the foregoing, the researcher decided to replace the real names of the participants with references when sharing their contributions.

The safety of the researcher is a key ethics issue. To ensure her safety, the researcher therefore limited the amount of study travel and tried to hold multiple interviews in a single session. This method mitigated some safety concerns. Additionally, the researcher considered her positionality as a white woman and researcher. This might have affected the research in the quality of responses as both being white and a researcher introduce issues of power. The researcher meticulously collected data and cited the information received from these sources. The analysis of data will be available to ensure transparency to add to the study's validity. The use of multiple data collection methods should also help ensure validity in the data.

3.9. Summary of Methodology, Analytical Framework and Data Collection

The research design was founded on qualitative data collection methodologies. VMX was chosen as a case study site due to its unique position and heritage within Cape Town's informal housing environment. Primary and secondary data methods were employed, centring on a series of seven personal interviews undertaken with members of the VMX community. Time, language, and access were the biggest forms of limitation for the researcher when undertaking the research. Although various risks were identified with regards to the integrity of the data and ethical issues, the researcher considers the results to be valid.

4. Chapter 4: Access to Urban Land – A Case Study of the Victoria Mxenge Community

4.1. Introduction

This chapter lays out the results of the interviews and enquiries conducted by the researcher in relation to the main research question. The transcripts of interviews conducted by the researcher at VMX are used as a guide to navigate the intersecting research themes of informal capacity, access, and land rights. Both dichotomy and cooperation between formal and informal mechanisms is evidenced in the interview responses. Within each themed sub-section of this chapter, the researcher used applicable feedback from the interview respondents to link the past, existing, and desired future in VMX as communicated by its residents.

4.2. Informal Capability

In this section, the data pertaining to the informal capability of the VMX residents is discussed, including challenges to achieve formalisation and alienation. The capability of VMX residents is assessed, as well as the manner which VMX residents fulfil needs through their informal knowledge. The grey areas that exist between the formal and the informal are explored, as well as how the residents in VMX relate to and wish to formalise and legitimise their informal capability.

Exploring the capability of informal methods

Walking amongst the houses and the community built at VMX, it is clear to see that the houses have been skilfully built. In the design of the homes, there is a variation in size and appearance; some are open brick and others a plastered brick front. At first glance, VMX could be one of many formal neighbourhoods in nearby parts of Cape Town. The objective of this community has never been to create capital or profit but rather to create homes and community – a place to “know your neighbour”.

The VMX residents did not plan to occupy their land, their plan was to build a community. They sought to accomplish this through the knowledge they had of working outside the formal system, acquired from life in rural South Africa. The residents planned the community, they saved money, purchased land, and built homes. They were capable of building a community, a natural human reaction that does not require a government stamp; but coming from a rural area they did not necessarily realise the depth of the formal bureaucracy into which they were

entering. Resultantly, although they achieved the construction of a community, it has remained informal by definition.

The Reconstruction and Development Programme (RDP) houses built by government seek to deliver homes and alleviate poverty. The VMX residents are all likely candidates for RDP housing, but the poor performance of the RDP encouraged them to proceed on their own terms. There is a sense of pride among the VMX residents of self-built homes as compared to RDP homes.

“Because I made my own cement, made bricks, and did it all myself, I’m 100% in a better position than the [RDP house holders],” said Respondent A, citing her preference for an informal Federation home over a formal RDP home.

Respondent B agreed that their homes were superior, adding: “I prefer the saving scheme because at least our Federation houses are much better than the RDP houses.” However, she went on to note that the “(RDP holders) receive much more services from the government than we do. We don’t get a lot of services... That is what distinguishes them from us. All government services, they receive, and we are left lacking.”

Although comparisons are made to the RDP houses, VMX residents do not necessarily feel they are better or more entitled than other South Africans. Respondent B said: “We did not get them because we are unique. Others could do the same. It is up to an individual to take initiative. Others could also have [these things]”; a sentiment that is seen in the way the Federation has assisted so many other South Africans to build their own homes. The VMX spirit is a demonstration of the power of a community, which is a strength that VMX residents did not feel currently exists in the formal system. None of the respondents felt the government could re-create what they had – even though they had found a better model, they did not think the government capable of implementing it.

Informal knowledge, knowledge creation, and protest

Informal knowledge can take many forms. In the case of VMX residents, knowledge building has been a matter of self-education, self-motivation, and action. Additionally, VMX residents expanded upon the knowledge they already possessed. Coming from the rural areas of the Eastern Cape, communal title and land ownership were the most important aspects of formation before building. The Community Leader compared the model to what she previously knew in the Eastern Cape:

If you compare communal ownership and ownership in rural areas, to me it seems [communal ownership] gives that title which, in the rural areas, is where you find people living under [a similar] situation in most cases for so many years or the rest of their life. [Owners] value their properties, [and] it's not easy like in the urban areas to see them selling and doing whatever. Because in the rural areas, even though people don't have individual ownership, they don't sell. Most of the people are respecting, instead of selling; rather they transfer that to their relatives or siblings or family.

The Community Leader pointed out the complexity of translating rural knowledge to urban implementation. Rural use of land is typically enough to give comfort of tenure, however in the urban context there are the complications of individual title, perceived security of tenure, and the monetary value derived from property. With regards to pursuing a communal title deed, the Community Leader describes how they chose this route because they felt it would be more beneficial to the individuals and the community, having seen others go before and not receive the expected benefits of the individual title deed. The Community Leader explained:

The communal ownership helped people a lot to value what they got (sic), like houses. When we look to communities nearby [with] individual [titles], most of the people who have those titles...sold out their houses and go back to being squatters. It's not that they go somewhere else or improve...People just use the individual title deed to make money and they become poor again...Even though the individual is given that recognition [of ownership, they] always disadvantage themselves for the long-term, because they become homeless [again].

This is the issue recognized in the previous literature on Joe Slovo Park by Cousins et al (Cousins et al, 2005). Here, too, there were issues created by individual title. The Community Leader sees these flaws in the system and hopes that the ties built over more than 25 years will sustain the community beyond their communal title as they move towards individual title.

In the current housing crisis, or rather crisis of access to the urban, that exists in Cape Town, there are many groups forming to fight for representation, education, and validation. The rate of evictions, lack of appropriate replacement dwellings in Cape Town, and shortfall in service delivery is relevant to VMX and the formalisation of housing. A quarter of a century ago, when the Federation formed itself, there had been frustration with the poor results of the government system. Although the South African government has encouraged self-help housing solutions,

these efforts have been limited. The context of the dire housing situation creates a breeding ground for more informal solutions, pushing Cape Town residents towards desperation rather than informal creativity. VMX has seen some assistance in moving towards formalisation, but the residents cite a general lack of support. One respondent exclaimed: “We experience stress before we get anything”.

As protests continue throughout Cape Town, VMX residents are seeking to shield the rights and assets that they have established in their informal community by exploiting formal mechanisms. As told by Respondent C:

We make provision for ourselves...we are not recognised by the government but that has not stopped us from being a community. We have not given power to the fact of not being recognised or that the government or the municipality do not recognise (sic). We still engage [the government] and ensure that they know that we exist. We push and shove and nag to ensure that they know we are here.

In the next section, the legitimising of the informal is discussed.

Legitimising the Informal and Hopes for the Future

VMX residents have been able to build a community, receive international support, and build homes, but they are being told by the government that they did it incorrectly and thus do not receive official help, such as municipal services for electrical and sewer connections, and postal assistance. The land is not residential and so they fall unclaimed between the municipal and provincial government. Services and representation are limited and accessed via informal connections. They cannot receive official assistance such as schools or even contribute as citizens to pay for their water due to their address not being listed. They have built physical access, but they have not managed to construct a bureaucratic access, and are stuck between the formal and the informal, of having a physical address and being close to the urban economy; without formalization, they are lost in a purgatory where many of their citizen rights are not extended because they lack bureaucratic access.

“[The government] could look at us as a Federation and notice that we do not have all of the strength and capacity to do [everything],” said the Community Leader. “We don’t all have the capacity.”

While VMX residents are proud of what they have accomplished, they eagerly want government action and the right to acquire government support. They are made to feel

important when it is ballot season but forgotten once the votes are counted. “It will be easy for the government to provide for us, and know that we are people of this place,” said Respondent D. “We will have the grounds to face [the government]. We will be able to call them [at times of crisis] and tell them that no voting shall take place here until they have made the necessary interventions we need... and we will be able to ask them why they are unable to assist us.”

Respondent D and others felt that the more their rights were formalised then the more they would be able to hold the government accountable.

Re-blocking is a form of government attempts to address informal settlements. Its’ supposed advantages are to create clear roads and walkways, availability of electricity and sewage, access for emergency vehicles and avoidance of shack fires. Shack Dwellers International (SDI) promote re-blocking as a government-led solution that involves community members in the process. SDI writes that re-blocking rearranges informal homes into more ordered and institutional legible formation. Jared Sacks (Sacks, 2018), of the School of Oriental and Asian Studies, argues that re-blocking is not community led. “If you are stuck in inhumane conditions, you might as well build a life for you and your family. This is what Gogo Happy Ndebele has tried to do with her home: over the years extending it to six rooms to accommodate her grandchildren. She also put in proper tiling, put in a flush toilet, and planted a garden with grass and flowers. It took years of hard work to make her shack feel more like a home.” Mrs Ndebele’s home was ultimately demolished completely, including her flush toilet that the municipality said was not legal, and, at the age of 59, Mrs Ndebele then spent one week living outside in the rain until she had enough money to start re-building. In the place of Mrs Ndebele’s former home, a new structure was built by the government to house a different family.

This re-blocking approach exemplifies the duality of needing to formalise and having legitimate reasons to formalise, and yet doing so in a top-down manner dismisses the informal capacity and informal manufacturing of access. Mr Sacks points out that the re-blocking was enabled by councillors convincing communities that this is what they need, forcing the communities into an “institutionally legible” format that does not utilise the decades of progress made by community-led self-development movements (Sacks, 2018).

In contrast to re-blocking, VMX residents see opportunities to work together with government towards going forward. For example, with respect to compliance, when constructing the first

phase of VMX, the structures were not built entirely to City of Cape Town specifications. The Community Leader advised that as they continued their build-out of VMX, that they began to comply with the requirements of the City. “We’re still working,” said the Community Leader “As we’re still working [with] the policy in the past years, it forced us to register under the [City requirements] in order to comply...Now we are following those regulations to the constructions which we are building now.” There are three phases of the VMX housing project, the later ones are all built to these specifications.

Nonetheless, the Community Leader notes that had they known and complied with all the standards prior to shifting to achieve compliance, they would not have been able to build at the speed they did nor build so many houses. As noted previously, VMX residents find that their homes are of higher quality than RDP houses. Thus, while their homes were not initially compliant, anecdotally, VMX residents see that their homes require less maintenance and repairs than those developed by the government-led RDP.

“We made our own bricks,” said the Community Leader, while pointing out the houses they built in 1994. “And we were not complying in terms of the foundations which were made. There are very few of those structures which have been affected.” Still, VMX homes do not qualify for subsidies for renovation like RDP houses, because they are outside the formal compliance structure. “Some houses are not finished. Other houses are dilapidating, and one doesn’t have the capacity to re-purchase bricks and cement because it is costly...The government could come and find a way to assist us and do some of the things for us. Just as they had said we should wake up and do it ourselves, we have done things ourselves. But we can’t do everything to the T.”

Respondent D speaks about what the government could do if it met the community halfway, highlighting that the government has yet to come even part of the distance to help them meet their needs. In all interviews, the respondents expressed dissatisfaction of the government achieving a fraction of what would normally be expected. Respondent D explains that:

Government was meant to [assist] because we took initiative ourselves... We stood up for ourselves and were unlike people who had this handed to them...we stood and put our heads together to say: since we are not alone, [then] we can make a plan. The initiators met up and we organised land that was donated by the Roman Catholic [Church]. After attaining the land, [the Church] didn’t say: ‘come and build these

houses'. [We] decided to build for [ourselves]. The government should see our progress and say: 'at least these mothers have reached this point, we should take up their concerns here and there'. Well, they wouldn't do that because they don't know us; they don't see us as people who exist.

The informal capacity of VMX residents has created a form of access. There is a necessity to formalize the situation of the VMX residents and their access, however, this process should not negate the community- and self-led development that has afforded the existing access. In the next section, access as a concept and consideration in VMX will be explored.

4.3. Access

This section explores the nature of access for VMX residents and how this is affected through formalisation. The section will also delve into how access fits into the larger sphere of Cape Town and South Africa. These are explored through the themes of manufacturing access, the existing access at VMX, expanding access, and a view of titles and rights and how they relate to access.

Existing Access at VMX

Over the years, VMX has negotiated with local government to expand their access. When establishing their community, VMX residents built everything themselves with a few consultant engineers and no government support. Along with the electricity connection mentioned in the last section, the VMX community have also negotiated that the local municipality provides a rubbish collection once a week (information provided by the interview with the Community Leader). While access to these basic services is helpful and provide for better living conditions, other access for VMX residents remains limited.

As the community is not residentially zoned, they cannot be considered a residential area or township; this creates limitations on access. VMX homes do not have official addresses and the community's children travel to other areas for school. For bureaucratic purposes, they are recognised as residents of Cape Town, but in the same way a citizen of a territory (e.g., American Samoa) is recognised as a national of the territory's owner (e.g., United States of America) and not as a full citizen. VMX does not fall clearly under a ward or councillor. Yet, and to the frustration of VMX residents, they are registered to vote and are campaigned to around election cycles. In light of these restrictions, VMX residents have observed other communities and recognised their access is different, as well as taken note of what other

communities are receiving from the government. Residents categorise the disparity as a dismissal by government rather than a routine maintenance problem. Respondent E cited an example for her father, a resident of Kraaifontein and a predominantly white area:

During the morning, a pipe burst under the road. I saw [the pipe had burst] at eight in the morning, by 10am there was a truck there fixing that pipe...it was fixed the very same day. I thought: this is how it works. If you don't pay rates, then you're a sort of lesser than, as compared to a person, like "Mr van der Merwe" who lives there [in Kraaifontein]...I don't know if it is something we're doing wrong, or if the government is just lazy.

There is not enough data from the interviews to identify the different approaches in service delivery, however, the perception of unequal service provisions is the focus of residents. Other relevant research, including Chitonge et al (2020) has been carried out with a focus on water and other resources, the scope of which falls outside this study; however, future exploration of this topic could benefit from a parallel investigation of specific municipal services.

Respondent B, another VMX resident, when asked about her expectations from her house and how it would provide better access, specifically to jobs and the city replied: "I don't feel that I have better access because I don't receive other government services. Now I feel as if this house is not mine because the things that other people with their own houses get, I don't get. All that I have is this house. It seems as if it is not mine because it is not on my land. This land is not mine because I don't have a title deed."

Respondent B feels empowered because she has a house, a sentiment shared by all respondents, who recognize that marginalized peoples have other challenges, but that without formalization then they all still lack full access. In many ways, this is a discussion about recognition within the system. The consensus by members of the VMX community is that possessing individual title would be more secure, provide for better representation, and better accountability to local government.

It is interesting to note that individual title is not necessarily the key to these issues. Once the area is rezoned and becomes a residentially zoned area, some of these issues will be resolved. However, each respondent acknowledged the role of the community building in creating their initial access to the site and the community itself being an asset. Both the Community Leader and Respondent E spoke with some reticence that this community might be undermined by the

individual title, however, they thought the risk was worth it, to maintain the community will. The community believes that as a non-recognized township they remain invisible. This is the crux of their access issues.

“We are not listened to,” said Respondent D. “How are we going to be hearable if we don’t have a place, if we’re not known? We are not hearable because they don’t know where we came from. We are not known...It is not easy for us to be heard no matter what concerns we raise. It would take years for them to investigate who we are because we are not recognised.”

Recognition as citizens is fundamental to access. Although the residents of VMX maintain the access of land legitimately, they do not maintain the residence and homes in the same manner based on the zoning of the land. They have access to the land, which is stable and rights-based as they own the land, however, the access and benefits derived from the access to housing in their minds remains tenuous. The next section discusses how VMX residents see themselves moving towards stability and growing their access.

Manufacturing Access

As discussed in the theoretical framework section, access is the ability or power to utilise rather than the right to utilise (Ribot & Peluso, 2003:155-156). Access can be obtained through rights-based approaches and by informal (illegal) access (Ribot & Peluso, 162:2003). The previous section has demonstrated how those living within the informal have felt the need to manufacture their own power as a failure of government action. This is exemplified by the many land occupations, protests, and growing action groups such as Reclaim the City, LARC, Black Land First, and others. The necessity of the informal is a necessity for access. Informal actions manufacture access, however unstable and temporary that access might be.

In the context of this study, manufacturing access is demonstrated by the real-life examples of marginalised South Africans, through their own abilities and determination, separate from formal mechanisms, creating their own access to land, housing, transport, food, electricity, and water.

At VMX we find a hybrid of both the informal and the formal. The land is formally owned, but the plumbing is installed informally by the residents. VMX did negotiate with the City of Cape Town to install electricity lines and connect its residents to the public power grid, yet the residents do not pay the rates associated with their consumed power as they are “not a residential area”. Caught in this grey area, the VMX residents are seeking a legitimising of

their informal actions in order to secure long-term and reliable access. The VMX residents' efforts do not negate the informal access they have already created; however, to gain further access, the existing informalities need to be formalised and recognised by the hegemony of the state. Through negotiation, the community has managed to maintain and increase services, continuously holding the local government to account. This speaks to a persistence and a power to push forward for change. The Community Leader addressed this as follows:

We [are] not just sitting down... We keep on in the negotiation [with the government] until they start to treat us like other settlements or other communities... To me the government can create a middle way because that informality [helped] us to understand things differently. We first practiced our informality... [and] then we started to see [the] formality needed to be mixed in order to make [our community] what we want. So, if the government can allow that informality, [then it will organise] people. Because [they feel] better ownership and it makes them proud of their success... [and] motivates them more to try more things.

In manufacturing access, from making one's own bricks and laying one's own water pipes to negotiating a move towards formalising and rezoning the land, the women of VMX have consolidated their existing powers and then attempted to expand these. These efforts have mostly been outside of a right-based form of access, manufactured instead through their own action. Currently they are negotiating for a rights-based access, as they feel this to be more secure – security and title will be discussed hereafter. The Community Leader remarked above: “formality needed to be mixed”; there are limitations that the VMX community has found in their informal action, however, it did provide them with access – now they wish to solidify that access and expand it.

“What I liked is that you build your house the way you want,” said Respondent D about her introduction to the Federation. “I found that [VMX was] a better place than where I came from in the shack dwelling area and where I came from even before. I felt that [VMX] would be better, and that I would be able to reach places where I wouldn't have been able to before. I was looking at such things and thought my life would indeed change from the condition I was in.” Then, Respondent D spoke with respect to her future in the community and desire to secure a title deed: “At least now there will be change. Even when I look at people who experienced [receiving a title deed] before me who have houses in Gugulethu, there has been much change

since they received their title deeds. They are not hindered and they are not turned away from anywhere. [Now] we are unable to voice our demands because we are not known.”

There are three phases in VMX, with the latter phase receiving individual title deeds, as they had followed the standardization process once it became known to the Federation. Respondent D here may be referring to the saving scheme in VMX and/or neighbouring residents in Gugulethu. As the translation was not word-for-word (that would have reduced and interrupted responses), the researcher could not delve deeper into this aspect of Respondent D’s response. She draws a sharp contrast between the situation in formal townships and hers. This speaks to the legitimizing of having an individual title deed, and how the access of VMX residents has seemed to be achieved with a hope that having a title deed would do the same for her. In a way this is an ‘imagined access’, something hoped for by Respondent D. Many responses in this research were similar: the VMX movement had given its residents a house, empowerment, the power to live near the city and amenities, community, and power to access all these amenities through their own action. However, most respondents to the research said that individual title would likely give them greater access. In this imagined access, the residents believe individual title will secure their access to government representation, their recognition of residential area rights, their participation in government being acknowledged and security for their children. These new opportunities are largely access to political power and access to amenities that should be available for citizens. It is important to note that residents have laid hopes in securing these rights through individual title as they see these hopes realized by nearby settlements. They see RDP homeowners endowed with these rights. However, it is also possible that this access could be built through other mechanisms. While residential zoning could also provide many of these rights, the focus by VMX residents to change their status is on individual title deeds.

Respondent D exemplifies how the push to create better access is a constant process. As VMX residents continue to stabilise their access they are possibly forcing through a third way as the Community Leader described – a mixed formality. Informal processes are necessary for this access, in fact informal action is a manner of manufacturing access. The balance of this chapter and the discussion chapter that follows elaborates further on the shift in focus of VMX residents from the communal title deed to the individual title deed.

Expanding Access

Although VMX has established access to both land and housing, the current format of this access does not feel stable to them. The accesses that are connected to land and housing have not come to them because of the manner of their access. They have built a residential community; however, the lack of official recognition inhibits connected forms of access. These forms of access are explained by the respondents. Respondent C speaks about change of access from previous settlements, hoping that living in a stable home and community would help provide better opportunities:

There is no change. There is no change because the City does not recognise this place. You see when there are job opportunities for children, the sweeping of streets, [ECWP programmes] and the like, the City says: ‘Well you don’t live here’. This location is not recognised as falling under the area of Philippi. It is an independent location because it has not yet been approved by the municipality. For example, when there was a submitting of forms, Mxenge was said to be belonging to the City of Cape Town and not the district or regional municipality. The [local] municipal offices don’t recognise [VMX], despite the fact that [they provide] refuse removal services or they come and work on the pipes. In terms of access to jobs, there is no improvement at all. Not even in terms of businesses.

This is where the informal meets the grey crevasse between VMX and the formal. Access to municipal schemes and funding, for example, can be fundamental processes to establish better access to opportunities, establishing routes out of poverty, and continuing these procedures for future generations, however, these accesses remain beyond the reach for residents of VMX as they “are not known” by the city.

Of course, in a representative democracy with established systems of support and a commitment to reinvigorate the social democratic policy that is fundamental to the South African Constitution, this gap seems to defy policy. The women of VMX moved from the homelands to their current urban setting. Not only do they face the knowledge and culture gaps between rural and urban, but also the intentional exclusion of knowledge and integration fostered under the Apartheid and segregated white systems where homelands were intentionally isolated from white-centred urban areas. This in turn leaves room for argument that urban versus rural is an issue of race in itself. Each citizen of South Africa is entitled to the rights of the Constitution, but as Respondent D describes:

There is nowhere I enter with a right. Wherever I go seeking a service, I am often asked where I stay and where is the proof that says you stay there. And I come with a communal title deed and they say...no, [we] don't want that one. So, I feel like I am hindered because I cannot borrow money for educational purposes for my child. You see, there was a funding opportunity at Kuyasa but I could not access that assistance because I did not have a title deed.

Respondent D feels as though she does not have the right to anything. As has been mentioned previously, VMX residents like Respondent D see the simplest answer to expand their rights and to establish that access is through a title deed. An individual title deed that recognizes the VMX residents as owners and secures their rights to recognition, formalizes residency to the local council and the City, and formalises political access.

Respondent D goes on to explain why she feels that the individual title deed will expand her access.

We will have a sense of domicile when we have title deeds and they will be able locate us and listen to us. Now they don't listen to us, I like to say that they don't care about us because they don't know where we are. They don't see us as people who exist. So, when we get these title deeds, we'll be able to say this is who we are and we of this place. Maybe they'll be able to listen to us because we are people who believe in this place, you see? *But it fascinates me that we are not heard because every single day there are elections, we vote. Secondly, we vote from this very place. This unknown place. But They know this place when, as councillors they campaign, everyone, they come here. When we want services, they don't provide them* (emphasis added). When our children need jobs, they don't bring them to us. They say we are not known.

VMX residents fall in between the provincial and the municipal remit, as they are registered citizens of South Africa but not residents of the Cape Town municipality and therefore not seen as the City's responsibility. It is unclear whether this dispossession will change under an individual title deed. Will VMX residents simply be turned away unless they are recognized as listed? They need recognition and to be claimed by their municipality. They hope that individual title will secure this status. Respondent D also points out how they are unknown when the residents themselves need something but are happily counted as registered voters and to "vote from this very place, this unknown place." Even as unclaimed residents their votes are

sought. This acknowledgment could be extended to increase access. They already have claim to these rights, but the access is not being granted; there is a need for the formal to be recognized and either formalized or granted access. This is not being advocated by government and so the residents are pushing for individual title to secure this access through formal mechanisms.

The VMX residents do not see themselves as completely lost. They are resourceful and continue to push for their formal recognition as a township; they have been promised this will happen. They are waiting for City engineers to establish ground safety. The city reported to them, that this will have to wait for the coming financial year (i.e., from March 2020). Due to health and distance complications caused by Covid-19, the researcher has not been able to follow up this action. Despite these limitations the residents have pushed on. They continue as they always have, saving pennies and scrimping for support. They also pitch in to help each other as the community is so strongly established. Respondent E speaks of how she holds an unofficial dance and homework group for the young kids to keep them off the streets. Between her studies, side projects and translation duties, she acts as a community lookout to help kids stay out of trouble. There is a creche that the community puts together that holds up to 60 children. One of the respondents was taking care of her grandchild during the interview. All these actions are day-to-day lives: the maintenance of a community, ones seen all over South Africa and the world. Arguably there is no need for intervention or government involvement in these projects that maintain access and allow mothers to go work, children to succeed and communities to thrive. But these community bonds and reliance could be strengthened by funding, for schools and playgrounds. The community building is strong, but it is denied the full extent of access when funding or larger community engagement Access building through community is the life blood of South Africa, but how does one efficiently expand on this power to build? How does one effectively expand on the rights that are enshrined under the Constitution? The next section looks at this distinction in relation to titles, tenure and access to land and housing.

Titles versus Rights. Rights vs Power.

In an interview with Jonty Cogger, an attorney at law for the organisation Ndifuna Ukwazi, Cogger thought it very interesting that VMX residents had chosen individual title deed as their solution, and this was being pushed for by the community. He saw this as a greater reflection of how the law of property is easier to apply than the law of rights.

Amongst the discussion on poverty alleviation, land, and housing there is an argument to establish and hand out title deeds (De Soto as discussed by Cousins et al, 2005). Give the poor assets and they are then less poor: it seems a simple equation. However, this demarcates the issues as simple, black and white. Of course, in this oversimplification we see the humans living in the grey relegated to a compromise that often does not benefit them. The reality is that there are multiple types of tenure, there are multiple types of title deed. Does a blanket solution of individual title solve a multitude of issues? Likely not. Cities, particularly growing cities and ones with a rapid influx of persons everyday will have an array of issues, simply when looking at tenure alone.

Payne argues that “in cities where there is a continuum of tenure categories” it is important to acknowledge that “dramatic transformations from one category to another may distort land markets and expose vulnerable social groups.” Payne argues for a rights-based approach “so that existing situations can be stabilised through the provision of greater de facto rights” (Payne, 2001:415). Payne argues for a hesitancy by considering the long-term impact of dramatic change. At VMX, where there was a conscious decision from the start to create a communal title to establish stability, community, and with that a safety net to prevent persons from selling to bankrupt themselves. They foresaw the dramatic change would not only distort the land market but the true access of the individual. The Community Leader also alluded to this issue perhaps coming to fruition with the newer push for individual title. Perhaps, as Payne describes establishing their de facto rights would be a better approach. So, where does one move forward with this?

More than anything the residents expressed a wish to be seen and recognised and have their acknowledgement turned into equal recognition as other members of society. They saw this as a means to establish security and legitimacy. Of course, the route they have chosen to do so is through seeking out individual title deed. Is the only way to do so through an individual title? No, many of these issues would be resolved by being recognised as a residential township, and officially becoming a community under local and municipal responsibility. This would establish more rights that now remain entangled in the bureaucracy of formalisation and zoning issues. Nevertheless, it cannot be denied that VMX residents feel they will gain more through a continued formalisation of their rights. Through individual title they hope they will gain clarity on ownership and gain security of their rights. The perspective seems to be that they still feel like renters on communal land. Without having a close inspection and discussion with

a member of government, it is difficult for the researcher to state to what extent these rights will be extended; this remains a lacking perspective in the research.

How might this be generalized beyond VMX? As Payne argues: “A starting point may therefore be to regard every step along the continuum from complete illegality to formal tenure and full property rights as a move in the right direction, to be incremental. One option is to create the rights of residence rather than change their formal tenure status...such intermediate options appear to offer improved security, increased public sector influence of land development, modest increases in tax revenues, and practical options for financing land development... Consideration should also be given to increasing the range of tenure options available possibly by adapting existing indigenous tenure systems or innovations from other countries.” (Payne, 2001:427). Payne speaks of land as a financial asset, limited by the current system of Dutch Roman Law, the system under which South Africa finds itself respecting ownership more than rights of residence. In the ideal application of the law, all laws and rights would be treated equally. However, in practice as Cogger pointed out, the law respects individual ownership more. He finds that landlords are put above renters based on the eviction cases in which Ndifuna Ukwazi is involved. One such example had the police forcefully removing renters from a property, despite the eviction being unlawful as the police saw themselves as enforcers of the owner’s rights. This was anecdotal and cannot speak to the whole police force of South Africa, however, renters, farm hands, and other marginalised members of society often remain without the knowledge of their rights they remain vulnerable to unequal application of the law. Cogger also points out the importance of rights-based education. One cannot fight for rights one does not know are possessed. This is a role the activist group Reclaim the City aims to fill alongside Ndifuna Ukwazi. In the case of VMX, these rights of ownership have been accepted and they applied the knowledge they had and the knowledge they built. Through social influence and their own experience, they have also concluded that although the access their community built has been an improvement, in order to be fully recognised they have to further formalise themselves. Their informal access can only take them so far; the access they manufactured is not enough for their needs as the formal rights of ownership in the land system of urban Cape Town are better established and respected.

VMX residents expressed no concern about market fluctuations although they have seen the damage of using title for monetary gain. What VMX residents seek most is security and believe that ownership and individual title deed is the best way to secure that stability. Although with

residential recognition, their de facto rights might be better established, they see ultimate security in the individual title deed; considering how this title is respected under the current system, then they are likely right. Individual title will not be a pathway out of poverty for the residents, but when they are already marginalised then they “will take what they can get” as Respondent E described. Nevertheless, the hesitancy of the risk of community breakdown remains there. Thirty years on, the hope is that the community ties will remain without the strength of the communal title.

The next section will go into further detail on land rights and the particulars of title deeds.

4.4. Land Rights

This section discusses the aspects of title deeds in VMX as well as the feedback from respondents when asked about current deed status and future goals. The observed and perceived impacts of title deeds, specifically the difference between communal and individual title deeds, is explored. Finally, the motivation to formalise land rights is discussed based on responses from VMX residents.

Communal versus individual title deeds

As the VMX project began, when the pennies were being counted and the land was being identified, there was a conscious decision that the community would be built on the basis of a communal title deed. The communal title concept was familiar to those from the rural Eastern Cape, and, as a tool, the title structure also established a conformity and base for the community. VMX maintains stricter rules for residents as compared to other nearby communities – e.g., no brothels or shebeens are allowed, the title deed is in the name of the women, not their husbands – thus the communal title deed allows cohesion and rule creation by VMX members. Although this establishes a cultural baseline to the community, the Community Leader mentions how this also provides a security of tenure for the residents. There was fear that with individual title that early VMX members might sell for a short-term profit. She observed that many who received RDP houses and then sold them ended up worse off than before. VMX was designed to be a long-term creation of access, not simply a quick remedy. Although this fear of selloffs remains with the movement towards individual title deed, the community voice, the influences neighbours have had on each other, has established itself to move towards this security. Many respondents spoke that they still remained “like backyarders” with respect to their tenure security. Residents could in theory lose their houses as they remain under communal title, not in the residents’ names specifically.

When pressed to see if there was any precedent for this fear of loss, any previous incident of another community member thrown off the land, the researcher was given the story of two members who had been reprimanded and warned, however no actual eviction occurred. Ownership also comes as a sense of pride for many of the women. They spoke of recognition for their work, of being seen; none of them spoke of selling their homes or spoke of their properties as a financial acquisition. Their houses were homes, extensions of themselves, and they wished to note and establish a record of this sentiment. All respondents acknowledged the power of the community, both in building their literal homes through growing their knowledge of bricks and foundations but also through the community support and establishment of their identity as VMX: **“People know that this is Mxenge. This is the place that the women built.”**

Ownership is not the singular route to access of land or housing. However, the residents feel they are pushing for this as a better and more secure form of access. Additionally, there is a sense of ownership and recognition they see in having a title deed. Respondent D sums this up: “The communal title deed is for everyone, and I want something that will be mine alone because this one belongs to everyone.”

When asked if she saw a difference in owning the land as compared to simply having a secured dwelling or home, Respondent D confirmed that she did: “Yes, sister, because I would be free. I would be left feeling free and I would feel that this place is really, really mine.”

The sense of freedom spoken of by Respondent D is an interesting aspect to consider within the discussion of land rights. Freedom is itself a complex subject and holds very contextual and personal meaning to each user of the word. Taken in a Post-Apartheid context, freedom can symbolise equality; the vanquishers of Apartheid were freedom fighters. The aim of this freedom was not simply to vote but a hope for a freedom of opportunity, freedom for change. In VMX, the researcher found an underlying feeling or fear that under the communal title deed residents see themselves as being beholden to the Federation and the community, and that there would be a different type of freedom with an individual title deed. Although, as shown previously, the VMX residents do not regret their agreement to the communal title, they see they have changed, and the quasi-paternalistic structure enforced by a communal title deed no longer serves them. Respondent B goes so far as to say she is uncomfortable with the communal title deed:

I want my own title deed. I don't feel comfortable with us having a communal title deed. I want my own title deed because other doors are closed and cannot be opened for me when I don't have this title deed. For example, the children grow up, and I remember I once went to the bank, and they said they could never lend me money without me producing a title deed for my child to go to school. Which means our children cannot study without us having a title deed. So, I don't feel good – I want my own title deed.

In contrast, the communal title deed has undoubtedly served the VMX residents well. Respondent F remarks that past success is because of the community, however, there is also the possibility of abuse. The communal purpose has been met and there is a need to move beyond that in order to secure equal opportunity in the community. “We work because we are one people,” said Respondent F. “We don't work to be individual people because we work towards a common aim. We know that in places like this there are people who capture the processes [to the disadvantage of others]. But when you have a title deed you are able to look for your own place just as other people do – so we need to be equal and be the same.”

Respondent F points out that the community is integral, but individual title does not need to prevent their sense of community. This is highly relevant as a form of access building and solidification. In formalising her individual right to her home, Respondent F also formalises her voice in the community, both in VMX and the larger local and municipal space.

Respondent A identified another type of formalised security of access that would come from individual title: her children's access to housing, land, as well the recognition of ownership. “My child would also feel comfortable because I would also now have the right, here is my title deed...this is my home,” said Respondent A. “I beat my chest and say this is my home. This is why I say the government must see to [the individual deeds] and act on our behalf.”

It is not to negate the community or the communal building that they have achieved, but an individual title deed is seen by VMX residents to create more tenure security in their understanding. The desire for an individual title deed is fear-driven because their current tenure feels insecure. Respondent A had a different response in that she was more focused on recognition for her accomplishment than fearful to lose her security.

Whether it is many years of urban living or a general erosion of communal values in society over the last 30 years, the respondents realise there is a change in what they want from a title

deed. The original purpose of community building has been met and they now see new possibility in an individual title deed. Whether all expectations and hopes are met by a further formalization of their title deeds, the respondents reiterate that they will feel more secure and have received a recognition of their individual work through such a title; why VMX residents may feel that way is touched on in the next section.

Change and individual title deed

This section focusses on the interview with Respondent C. This interview revealed that there was both a change in what community members wished to get from their title deed and the change they had seen surrounding them.

Respondent C indicated that expectations were met at first, however, “because people are saying different things they had not said before – saying they want their own individual titles for their houses – this means what we had agreed on initially is not what people are interested in anymore because people now want their individual titles. Things are not as they were in the beginning.” At the start, the VMX community agreed regarding the single communal title deed and that they would cooperate as a community with a long-term vision. “People were happy about building houses together,” explained Respondent C, “as opposed to individual title deed owners building their houses, with the knowledge that no one would sell their house and change the composition of the neighbourhood. We took this communal title route so that people do not sell their houses and that these would later be houses inherited by one’s children.”

Although consideration for future generations is relevant, the change in feeling towards the communal title was not because of their children or grandchildren. “They are not yet wise enough to determine that their mothers must go home,” said Respondent C, referring to the tradition of sending older members back to the Eastern Cape while their children receive/maintain their estate in the city. “We are the ones who changed our minds from what we had initially agreed upon, and the fact of people seeing what is being done elsewhere or being influenced by seeing others being able to sell their houses and move elsewhere and the government providing for each individual person. Right now, our children are not the ones appealing for a change of title deed regime. Instead, they are the ones going out and purchasing their own homes. We are the ones changing our minds because of the problems we have encountered as a community and the fact that we have considered those problems and thereafter had a different feeling from what happened initially.”

Unity of purpose, with regards to the nature of the title deed was a common theme in the respondent interviews. A greater interest in the individual title was not necessarily driven by access to more services or recognition of the VMX community. “If we were people in agreement,” said Respondent C, “I wouldn’t want anything to change because we were initially in agreement at that time.” However, things have changed “because there are people who say: ‘I want my own title deed...I want something that says this is my house’.”

VMX residents together saw the benefit to create a community of homes, not simply to build houses. Respondents implied that there are issues of access and legitimisation that need to be resolved through individual title deed. Respondent C, along with the Community Leader, both understand that opportunities and benefits perceived as fruits of individual title come with the official establishment as a residential area. A type of formalisation, zoning and residential establishment are thus seen as steps to help the community. Individual title deeds serve as a personal gain, a social form of access; power to claim individual contributions, and a power to derive social recognition, to be seen.

The next section looks at respondents’ reaction to the prospect and concept of owning land.

Owning land, land rights, and individual title

Even with access to housing, even once they secure formal recognition, many of VMX residents’ trials will persist as they are not directly linked to housing and land tenure. Their trials are marked by systemic failure to create an economy and a society to accommodate the growth of the active population post-1994 and Apartheid.

The residents hope that their citizen rights, such as safety and security, schooling, or poverty in general, will be addressed through an individual title and land ownership, but this will unlikely be the case as the other systems are failing. Unlike de Soto (as quoted by Cousins et al, 2005) argued, the ownership of land does not translate into a reduction in poverty immediately. Once individual title is attained, as this appears to be likely, and the right zoning is applied, this will not be a silver bullet to eliminate poverty and undue hardship. Nevertheless, the change would result in marginal improvement in access and rights to municipal services. This bump in access may only result in incremental change to the original VMX residents’ personal futures, but the influence would likely be more exponentially felt in their children’s futures, possibly taking a generation for the proper impact to be felt.

A view to the future was consistent in VMX responses. Respondent F identified a sense of security, saying “There is a difference because when I have my own place, I feel safe but when I live on someone’s property I am scared, I’m unhappy and I feel like I am borrowing their place: so where will I go?” Questions about legacy and what will be left behind were echoed by Respondent A as well: “Because there will come a time for us to die, when you don’t have proof [of having an estate]: what will happen to your children?”

There is a desire for proof, something tangible, that says the land is theirs and not just of the community. “It is important that I own this land,” said Respondent B, “Because tomorrow I will have grandchildren, I will have my family and [make] it easy for them to build on my land without borrowing from someone else. I would feel comfortable in my house if I owned the land.”

As a community, VMX residents’ tenure is not in question, but what makes them feel insecure is their role within the community and communal ties. No one has ever been kicked out of VMX despite not being legally protected, but the understanding is that an individual title deed is best. Many of the families living there will have to decide who will get the title deed and this becomes difficult when each family member wants to have a legacy that they pass on to their individual families (i.e., children and grandchildren). Respondent C touched on this in her interview:

And when the land belongs to someone [in the case of people who live on farmlands or land ruled by chiefs] evictions can take place at the whim of the owner. This is why people believe in owning their own title deeds as opposed to us coming together. Communal living is something we liked before, but because we now live together with others, issues keep cropping up. This is why people are saying ‘I want my own title now’.

In effect, once recognised as a residential area, access will have been built fully to both the land and to housing. With that recognition they will be entitled to further assistance and addresses, these in turn will build further access to education and poverty alleviating measures. However, while the push for individual title takes formalisation further, will it take access further in equal measure? The next section discusses the need to formalise expediently given the likely lag in access benefits.

Necessity to formalise land rights

In order to legally grant individual title deeds to the residents of VMX, the land must first be re-zoned for housing. As set out previously, the VMX community is seeking to formalise their land rights further by converting their single communal title deed into many individual title deeds. The residents believe this will bring a greater benefit from their homes and provide better access to government help and ease in daily tasks. However, is a full formalisation of their land necessary? In the discussion of precarious housing, the right to land and the right to housing, these women, who can only be described as resilient, have already succeeded in manufacturing their own access to most opportunities. Of course, while there still remain hurdles preventing them from reaching their full potential, a walk around the VMX neighbourhood may give the impression that their rights, in regard to section 25 and 26 of the South African Constitution have been filled – and perhaps this is why the VMX community has not been identified as a high priority for massive change.

“I’m sure when we have individual title deeds we will have the support and services,” said Respondent F. “With the communal title deed, it says I’m not from [Cape Town]. I want to be from [Cape Town] so I want government to address that. The council takes the bins. The drains are fixed but the children of this community do not get jobs.”

The understanding within VMX is that government services will be afforded once they have an individual title deed. For example, if the community was acknowledged and the individual title deeds were recognised, then a school would very likely be built there or in close proximity. This is only possible after zoning and official government steps to recognize VMX as a place – thus, at the moment, the community is a blank space on the map despite the presence of an established community.

While the VMX residents have managed to manufacture much of their essential access through their informal capacity, as well as reaped the communal benefits of the communal title, there is need for a further step-change that can only come through formalization – both in the zoning of the community and in the granting of individual title deeds. As Respondent D explained previously, with respect to the evolution that she has seen in her own life and elsewhere on the Cape Flats: I found that [VMX was] a better place than where I came from...[Now] when I look at people who experienced [receiving a title deed] before me who have houses in Gugulethu, there has been much change. They are not hindered and they are not turned away from anywhere.”

Referring to neighbouring residents, Respondent D draws a sharp contrast between their situation and hers. This speaks to the legitimizing and recognition in having an individual title deed, how access has been achieved, and the hope that having a title deed would give to Respondent D and her neighbours in VMX. Gugulethu is a formal township and therefore individual title deeds may legally be granted at the government's discretion, whereas in VMX this remains not possible until it has been re-zoned.

4.5. Conclusion

Interviews from the seven respondents to the case study research show a shift in the VMX community focus towards securing an individual title deed. The informal methods are seen as having achieved their function, but more formal recognition and support is required to complement the existing work done by the VMX community. In place of formal mechanisms to gain access to urban opportunities, the VMX community manufactured their own informal access. While the VMX community feels the government could learn from its informal methods, it does not feel confident that the government could replicate what they've done; rather the government (formal) should support the community (informal) so they can achieve a better result. Until formal acknowledgement in the form of land recognition and rezoning are achieved, then the VMX community feels locked out from many of their basic rights as Cape Town residents and South African citizens.

5. Chapter 5: Findings, Discussion and Conclusions

5.1. Introduction

The previous sections have presented the background, theory, and case study research on the nexus of informal capacity, access, and land rights in the City of Cape Town with a specific focus on the VMX community. Residents of VMX were found to have achieved a measure of rights to access urban opportunities via the creation of an informal system and receipt of a communal title deed for the land on which their self-built housing sits. The VMX community, nevertheless, remains excluded from services, support, and recognition otherwise offered to formal or more-formal townships and settlements. The respondents to the case study interviews identified individual title deeds as a deemed solution to many of their experienced access problems. This final chapter discusses the findings of the study and draws conclusions with respect to the main and supplementary research questions.

5.2. Findings of the Study

This research explored the extent of formalisation, recognition, and government action in a case study at the VMX settlement. Through interviews with members of the VMX community, the research found that residents both wanted and felt a necessity for additional formalisation to access further value from the land, housing, and urban opportunities.

Key findings from this study can be summarised as follows:

(A) Informal tools developed by VMX did not readily receive formal acknowledgement or supplement, although more study is required.

A question in the literature is whether community members are given the tools to succeed in obtaining their rights as citizens, and whether the tools or solutions they have created themselves are being supported or obstructed by bureaucratic decisions. Within the scope of this study, the question could not be fully resolved, however many respondents indicated that the tools and solutions they created were not acknowledged by government and the assistance to formalise, given to them by the government, is slow and not prioritised. Help that is received by the VMX community has been a constant negotiation in order to increase services and hold government to account – this has been the experience when seeking all types of formalisation. Further study would be needed to explore government motivations for such actions, or lack thereof, however, the VMX residents generally do not see themselves as being supported.

(B) Manufactured forms of access still resulted in limitations for VMX residents.

Although the residents of VMX had already manufactured forms of access through their informal use of the land, they found limitations of this access. Despite having done all they feel they can do, the VMX community remain more disadvantaged than other parts of Cape Town. While having homes and a form of title, they remain on the periphery because they are not a formalized settlement. Therefore, in terms of their recognition as citizens, although they have a home and a community, they are not more recognized by the municipality than the literal homeless.

(C) The communal title deed coupled with informal access has resulted in benefits for the VMX community.

Most residents have experienced benefits from the communal title deed through an increased sense of community, stability, and through housing. As the Community Leader remarked, in the face of formal bureaucracy, the community utilised their informal capacity to achieve the rate of construction of homes within the VMX community. This would not have been possible within the formal structures of the time or even as they stand now.

(D) Notwithstanding the benefits of the communal title deed, a majority of the VMX community believes individual title deeds would lead to recognition.

For the future, most respondents to the research saw individual title deeds as the most secure form of land and housing access, as well as providing a clear recognition of what the individuals themselves have achieved and their right “to be known”. They crave both acknowledgement for what they have achieved as well as better access to the benefits of the land and city. Important factors motivating the push for individual title deeds by the residents of VMX were comparisons to other communities, frustration with government services, recognition of their individual work, and lack of access to basic services and citizen rights.

(E) Some formalisation is necessary for full access or power derived from the land.

Individual title alludes to a stronger tenure security within the working system or landscape of post-Apartheid Dutch-Roman law, which has been visible to the VMX residents in their comparisons to other communities, seeing a superiority of individual title deed through application of the law. It is important to note that as a precursor to individual title they will need to be rezoned. This rezoning will also grant them another level of access, perhaps

resolving many of their issues, particularly those of citizen participation, before they have individual title.

The following sections discuss the findings in the context of the two themes of this study: manufacturing citizenship and the necessary of the informal.

5.3. Manufacturing Citizenship

A common thread identified by the researcher in this study was the manufacturing of citizenship through informal means as well as the desired solutions to legitimise citizenship.

The concept of citizenship is complex and literature on preferred citizens was reviewed previously in Chapter 2.2. Through the interviews with the VMX residents, citizenship was found to be a type of access, being what is expected of the government and constitution. Simultaneously, there is a communal accountability, and the scale of the communal accountability is what manufactures the citizenship; a reaction to alienation.

The VMX residents spoke often of how accessible they felt to politicians, but that the accessibility was not reciprocated. While many citizens of South Africa may feel this way, the irony of the VMX residents not being able to register for a bank account because their place of abode was not recognised while their vote was easily accommodated was found to be demoralising. Most of the women in VMX are in their 50s and previously lived in rural South Africa during the Apartheid era. Therefore, to place themselves as citizens within the post-Apartheid democracy is complicated further based on their lack of formal access to rights and opportunities. Voter registration has not been a problem, yet they do not see the civil benefit of being able to vote. It is a twisting and corruption of the “one man, one vote” pillar.

While access could be seen as more important than rights, under democracy we use rights to define what access is essential. In lived experiences, especially in the informal sector, the access that is manufactured and pushed for is not necessarily given freely, thus the motivation and necessity for manufacture. Rights were maliciously and purposefully taken away under Apartheid whereas now rights are obstructed through apathy, bureaucracy, and an unwillingness to recognise the merit of manufactured access, and especially, manufactured forms of citizenship.

5.4. The Necessity of the Informal – A Grey Area

A key factor of informality is the manufacturing of access where such access is limited or not feasible. (Rakodi, 2013; Chitonge & Mfunne, 2015). There is also a disjuncture between the formal mechanisms and the informal – the gap between what government can and should provide to its citizens. This grey area is where the VMX community finds itself. Although empowered to create their own homes, streets, and utility connections, the community is an unrecognised township, a hole in the map, and therefore is not able to receive all that government and society have to offer.

The formal provides for safety and standards across the country; however, these appear to come at a cost to those who are not included within the formal fold. The informal is outside the social and capital accumulation, therefore there is a loss of social and political gains as it does fit within the existing societal structure. However, VMX residents, drawing upon their own knowledge and methods, as well as seeking out support where needed (e.g., requesting help from structural engineers on brickmaking), the residents and Federation created their own power and access that remains outside, or “informal”. This does not subtract from the inherent validity of the actions of the VMX community but speaks to their formal capacity.

How does one counter the necessity of the formal standards when such a large portion of the population remains outside these norms anyway? The options available to many South Africans are not included in the structured economy, the formal housing market, and processes remain slow and cumbersome or well beyond their means and suited for a middle class largely populated with white residents.

VMX is currently stuck in a loop while they await the zoning of their community as a formal township through the slow bureaucratic process of restructuring. The response of the VMX community has been to manufacture their access to housing and community. In the research, most respondents said they would not change the status quo, or their past decisions to join the VMX community, even with the current troubles of formalising their legal rights. Despite the government response (Ismail, 2015), VMX residents noted no regret in joining the government, being their way of meeting the government halfway.

By forming and joining the Federation, VMX residents did what they could with the options that they had. This is similarly the case across many informal land and housing access groups (Chitonge & Mfunne, 2015). Despite the accomplishment of creating VMX, because of its

informality, the community has not allowed security of residents' rights as citizens; from the basics of education funding for children to being able to receive post. And the services that they do receive such as water and electricity are illegally or informally accessed, a manufactured access of their own, relinquished to them by the government. Here, VMX are distinguishable from other informal actors, as, once they discovered their "illegality", they have been in contact with and in negotiation with the city, creating a grey area of access for themselves.

If we see informal processes as active ground for informal knowledge, a place of idea fomentation, then one could argue that dismissing the informal as a nuisance or eyesore is the opposite to creating lasting change that is both inclusive and promotes progress. Deboulet, as previously discussed in the literature review, makes the same argument that covering up informal efforts is counterproductive.

Nearby VMX, in Khayelitsha, the Siyahhlala informal community in July 2018 purchased materials and equipment to install its own water pipes to provide potable water to its residents. One of the community leaders, Noxolo Sam, said in a statement: "We can't ask the City of Cape Town to give us water taps while it sends law enforcement officials to destroy our shacks. We have to use our own initiative". In response to the community's efforts, the City of Cape Town's Xanthea Limberg said that, while the connections were illegal, the City would investigate whether the informal and formal connections could be married (Lali, 2018). The researcher was unable to establish if the City ever came through with its commitment. However, this meeting of the formal and the informal is both a more humane way to proceed than mass evictions and is likely to be more productive in producing multiple forms of land and housing access.

The necessity to build and manufacture access outside of the formal has been discussed at length by many authors. In South Africa, in particular, it seems that this frustration has reached a tipping point. As reported in a Groundup article by Nompandolo Ngubane: "We have been abandoned for seven years. Where are the houses we were promised?" said Qayisa as she recalled a sod-turning event held in the nearby suburb of Collingwood in 2012. "Residents claim they were told that they would benefit from the housing project, but their houses were never built." (Ngubane, 2019)

Ngubane reports that this housing project did not go forward "...after a site assessment found that the proposed land would not be suitable for housing". Symptomatic of empty promises on housing and land reported across the country, Ngubane questions why this assessment in Collingwood was not done prior to the public announcement for the housing project.

There are more examples in the tragic story of the 100-year-old man who received his RDP house two days before he died, or the countless promised housing projects and the contractors who seem to only fill a small portion of their promised quota (Ngubane, 2019).

Protests are on the rise across South Africa. A few examples include a protest in Brakpan in October 2019 by residents of the Mkhandla informal settlement over disconnection of their self-made electrical connections to the power grid and the confiscation of their cables; protests outside the Muizenberg magistrates court in October 2019 demanding that arrested leaders be released for a previous protest over the demolition of informal shacks; and, demonstrations outside Alan Winde's home, Western Cape Premier, over safety and services in the Marikana informal settlement. During the course of this research, dozens of other incidents were recorded within Cape Town and all throughout the country.

This revived anxiety around housing and land could be why we see the community of VMX, who have long appreciated strength and solidarity in their communal title, are adapting their knowledge again in order to solidify their rights in an individual title. Rakodi noted:

In particular, in the urban context, they have borrowed from and often mimic formal rules and procedures, or take advantage of formal rules, especially where the latter are ambiguous or inconsistent. However, urban development and growth do increase the pressure on such social institutions and in some cases, they weaken and break down. In such situations, actors in land transactions seek to use formal institutions to protect their rights and investments. (Rakodi, 2005:9).

5.5. Conclusions of the Study

The purpose of this research was to explore whether the formalisation of land rights affects alienation of the residents of Victoria Mxenge settlement from land and urban access. The types of formalisation and municipal policy investigated for the case study were the rezoning of the VMX settlement as a community and formal township, as well as the granting of individual title deeds to VMX residents to replace the existing shared communal title deed.

The literature review considered six studies of different forms of land and housing access. Of most importance were the two relating to South Africa; the Thokoza study and the Joe Slovo study. The Thokoza study highlighted how state-backed tenure security allowed for many to establish their right to land in the post-Apartheid landscape of removals and restitution. This right to land is important as title and security of tenure are treated as one, and this is how the residents at VMX also understand it. The state also holds power to adjust granting of titles to allow for restitution. This is particularly relevant to VMX who await the government meeting them halfway. The Joe Slovo Park study highlights the fears for individual title conversion that haunt the grounding of the VMX community – short term sales to the detriment of individuals and the community. The VMX residents seem very cognisant of this risk and seem to counter with the assumptions of Cousin et al, that their interests in individual title are not for selling purposes. These examples highlight the importance of tailored resolutions for complex issues and levels of formalisation.

Urban land and housing are often conflated as one issue in highly urbanised and urbanising cities, but they are separate entities and access to them can be at different levels; VMX exemplifies how having both land and housing does not remove limitations on the access of the benefits associated with such land and housing. This limitation is largely due to the informal nature of this access, rather it being through law. Indeed, VMX residents have access to the land, a house on the land, but not access to the other amenities of land and housing ownership. Therefore, the research found that further formalisation of the VMX settlement is needed to derive the full access that the residents require, and that formalisation within the system is necessary for both basic access (e.g., a residential address), social recognition, and to reduce alienation. The researcher contends that although the residents wish for individual title rezoning will resolve many of their issues. It is not title that extends access but rather formalisation. This can be achieved through individual title, but also rezoning and official recognition.

The research found that residents of the VMX settlement felt the need to manufacture their own access and forms of citizenship in light of government inaction and alienation. The community did not believe that what they had manufactured informally was possible for government to recreate nor did they believe government should attempt such a programme. Rather, the VMX residents felt that government should meet them “halfway” with regards to formalisation and provision of services and facilitation of citizen rights. There are lessons that can be learned by government from the residents of VMX as well as by members of communities that are

manufacturing their own forms of access. Community led solutions are valid and should be equally legitimised in the sphere of land and housing. This legitimising could ease pressures that exist in urban areas and allow for varied forms of access to build diverse and possibly better outcomes for all. As for any true, sustainable, and foundational change, it will come in increments; increments that mean everything to those who live them.

This study concluded that informal tools developed by VMX residents are not perceived to receive formal acknowledgement or support by the government. Notwithstanding the benefits of the formal communal title deed, a majority of the VMX community believe individual title deeds would lead to recognition and better access. The study identified that some formalisation is necessary for full access or power derived from the land, and that the manufactured forms of access created by the VMX community still result in some limitations for residents.

5.6. Contributions of the Study

This study revealed intricacies of the formalisation of the informal as it relates to housing and land rights. So how can the lessons of VMX be applied elsewhere? What is the merit of seeking to recreate aspects of the VMX journey? Study respondents agreed that aspects of VMX were worthy of replication and that this was feasible. Reasonable recommended government actions emerged through the interviews, including maintaining utilities, supporting with restoration grants (as are offered to RDP households), and providing a physical address. Should the government push through the legal bureaucracy of formalisation through rezoning, which would open the door for individual title deeds to be granted, the study identified that some attitudes and preconceptions of community members around the individual title deed are cause for greater information sharing and education.

5.7. Recommendations for Further Study

Although this study unveiled the logistically messy underbelly of the VMX residents lived experience, it also demonstrated the interwovenness of land, housing, tenure, and rights; they cannot be treated as independent issues within the post-Apartheid era in Cape Town. The start of South African democracy in 1994 did not provide a blank slate on which to build a society, but rather reallocated the rubble of a very established system; the issue and challenge is integrating those deliberately excluded. The possibility of an amalgamation of the multiple systems would need further exploring. The integration will have to be one that has degrees of formality and a recognition of the system benefitting certain rights over others. Further study

will have to explore how this can be done with every citizen in mind rather than trying to force an inclusion without the proper means or education of all involved.

Additionally, there is a need to further investigate the role of policy change and government change to the VMX project. Furthermore, there is need to understand how extrapolatable the lessons of VMX are to the larger discussion on land. It would also be valuable to continue research on the issue of renter's rights and the realisation of these rights for marginalised members of society.

6. Bibliography

Alkire, S. (2005). "Why the Capability Approach?", *Journal of Human Development*, Vol. 6(1), 115-135. DOI: 10.1080/146498805200034275.

Benson, K. & Meyer, F. (2015). "Reluctantly Loud: Interventions in the History of a Land Occupation", *African Cities Reader III: Land, property and value. Vlaeberg, South Africa: Chimurenga*, 173-209.

Berrisford, S., DeGroot, D., Kihato, M., Marrengane, N., Mhlanga, Z. & van den Brink, R. (2012). "In Search of Land and Housing in the New South Africa: The Case of Ethembalethu", *World Bank Working Paper*, No. 130, 1-24.

Boone, C. (2007). "Property and constitutional order: Land tenure reform and the future of the African state", *African Affairs*, 106, 557-86.

Buckley, R. & Murray, S. (2015). "Delivering low income housing in Rwanda", *International Growth Centre Blog*, 23 March 2015.

Chitonge, H. & Mfuno, O. (2015). "The Urban Land Question in Africa: The Case of Land Conflicts in the City of Lusaka, 100 years after its Founding", *Habitat International*, 48, 209-218.

Chitonge, H., Mokoena, A., & Kongo, M. (2020). "Water and Sanitation Inequality in Africa: Challenges of SDG 6", *Africa and the Sustainable Development Goals*, 20.1, 207-218.

City of Cape Town. (2012). Cape Town Spatial Development Framework. Cape Town.

Conradie, I. (2013). "Can Deliberate Efforts to Realise Aspirations Increase Capabilities? A South African Case Study", *Oxford Development Studies*, 41(2), 189-219.

Cousins, B., Cousins, T., Hornby, D., Kingwill, R., Royston, L. & Smit, W. (2005). "Will Formalizing Property Rights Reduce Poverty in South Africa's "Second Economy"?", *Questioning the Mythologies of Hernando de Soto*.

Dang, T.T. (1996). "Housing for the poor in Hanoi, Vietnam", *Ambio*. Vol. 25, No. 2, 113-114.

De Vos et al. (2011). "Research at grass roots: For the social sciences and human service professions, 4th edition", *Van Schaik*.

- Deboulet, A. (2016). “Rethinking Precarious Neighborhoods”, *Paris, France: Imprimerie de la Centrale Lens*, Agence Française de Développement.
- Denoon-Stevens, S.P. (2015). “Developing an appropriate land use methodology to promote spatially just, formal retail areas in developing countries: The case of the City of Cape Town, South Africa”, *Land Use Policy*, 54, 18-28. DOI: 10.1016/j.landusepol.2016.01.010.
- Holston, J. (2008). “Insurgent citizenship: disjunctions of democracy and modernity in Brazil”, *Princeton University Press*.
- Ismail, S. (2015). “The Victoria Mxenge housing project: women building communities through social activism and informal learning”, *UCT Press*.
- Koggel, C.M. (2008). “Globalization and Women's Paid work: Expanding Freedom?”, *Amartya Sen's Work and Ideas: A Gender perspective*, 165-185.
- Lali, V. (2018). “Khayelitsha Residents Install Their Own Communal Tap”, *Groundup*, 20 July 2018. Available at: <https://www.groundup.org.za/article/khayelitsha-residents-install-their-own-communal-taps>. Accessed: April 2019
- Rahman, M.A. & Amanullah, A. (2011). “Access to Land and Location of Informal Settlements in Tacloban City, Philippines”, *Journal of Sociology*.
- Marx, C. (2015). “Extending the analysis of urban land conflict: an example from Johannesburg”, *Urban Studies*, Vol:53:13, 2779-2795.
- Moskowitz, P. (2018). “How to Kill a City: gentrification, inequality, and the fight for the neighbourhood”, Nation Books.
- Moyo, S. (2008). “African Land Questions, Agrarian Transition and the State: Contradictions of the Neo-liberal Land Reforms”, *Dakar: CODESRIA*, Chapter 3, 28-75.
- Mwangangi, AS. & Simiyu, CN. (2014). “Analysis of Low Cost Residential Housing Development for the Urban Poor: A Case Study of Kibera and Mathare Slums in Nairobi”, *Journal of Economics and Sustainable Development*, Vol. 5, No. 16.
- Nel, V. (2015). “Spluma, Zoning and Effective Land Use Management in South Africa”, *Urban Forum*, 27(1), 79-92. DOI: 10.1007/s12132-015-9265-5.

- Ngubane, N. (2019). "What is the Use in Voting While We are Still Suffering", *Groundup*, 2 December 2019. Available at: <https://www.groundup.org.za/article/where-are-houses-we-were-promised-asks-pietermaritzburg-resident>. Accessed: January 2020.
- Okyere, SA. & Kita, M. (2015). "Rethinking urban informality and informal settlements growth in urban Africa: a literature discussion", *Journal of Sustainable Development in Africa*, Clarion University, Vol 17, No.6.
- Payne, G. (2001). "Urban land tenure policy options: titles or rights?", *Habitat International*, 25, 415-429.
- Pithouse, R. (2014). "The Urban Land Question." *Polity*, 04 April 2014.
- Rakodi, C. and Leduka, C (2004). "Informal Land Delivery Process and Access to Land for the Poor: A Comparative Study of Six African Cities", *Policy Brief No.6. International Development, School of Public Policy*, University of Birmingham, UK.
- Robeyns, I. (2005). "The Capability Approach: a theoretical survey", *Journal of Human Development*, 6(1), 93-117. DOI: 10.1080/146498805200034266.
- Sacks, J. (2018). "Expropriation from the poor", *Groundup*, 6 April 2018. Available at <https://www.groundup.org.za/article/expropriation-poor>. Accessed: April 2019.
- Saull, R. (2012). "Rethinking Hegemony: Uneven Development, Historical Blocs, and the World Economic Crisis", *International Studies Quarterly*, 56, 323 -338.
- South Africa. (1950). "Group Areas Act, 41 of 1950", Government Printer, Pretoria.
- South Africa. (1996). "Constitution of the Republic of South Africa. Act 108 of 1996", Government Printer, Pretoria.
- South Africa. (2013). "Spatial planning and land use management Act, 16 of 2013 (SPLUMA)", Government Printer, Pretoria.
- Washinyira, T. (2020). "Sewage is flowing like a river here, say Philippi protestors", *Groundup*. 6 August 2020. Available at <https://www.groundup.org.za/article/philippi-community-protests-over-river-sewage>. Accessed: June 2021.
- Washinyira, T. (2021). "SAHRC commissioner finds sewage gushing from drains in Cape Town housing project", *Groundup*, Available at <https://www.groundup.org.za/article/every->

street-i-walked-there-is-sewage-gushing-out-of-the-drains-and-running-into-the-streets-says-sahrc-commissioner. Accessed: June 2021.

Annex A: Interview Schedules

Research Schedule A

- 1) What are the exact rights to the land?
- 2) How does this affect group and the individuals?
- 3) Is there a wish to change this? What would that bring?
- 4) How has this titling of the land affected the community?
- 5) How does the titling affect your daily lives, your future and generational future?
- 6) Does your house give you a sense of belonging and citizenship?
- 7) Does this house/community allow you to have access to all the rights you thought it would?
- 8) Do you feel like this access could be strengthened? How?
- 9) Do you feel like an equal citizen in the city? How or what would you change about that?
- 10) How has this home changed your access to jobs, the city, economy, transport, security?
What was the original plan for this?
- 11) Do you think these links could be increased?
- 12) How has this community changed your life? Was it because you have a secure home or because you had land to build on?
- 13) How do you see the difference between having land vs a secure house?
- 14) Is transport still a difficulty?
- 15) Do you think owning the land vs having use of the land secures your rights and your citizenship differently?
- 16) Do you feel you created access to the land despite outside forces?
- 17) How do you maintain access to the land? Do you feel this access is secure?
- 18) What outside forces do you come up against throughout the building? Creation? Do you still come up against dangers to your security of tenure?
- 19) How do you see the government's role in this issue of housing and land access? How could they help better?
- 20) How would you like your efforts to be recognised?

Research Schedule B

- 1) How do you feel about the communal title deed vs individual title deed? Do you see this expanding your access to services/citizenship?
- 2) How does the title deed affect your daily life – jobs, transport, water, city access, services, etc.
- 3) Does this house allow you access to everything you thought it would?
- 4) Do you feel like more of an equal citizen through this ownership? How would you change that?
- 5) Do you see a difference between owning a piece of land versus having a secure dwelling?
- 6) Do you think this home has increased your access to the city?
- 7) Do you think owning the land vs. having use of the land secures your right, your access, your citizenship differently?
- 8) Do you think your action through the federation is a better approach than the RDP approach? Why/why not?
- 9) Do you feel you created access to the land despite outside forces?
- 10) How do you see the government's role on the issue of land & housing, how could they help better?