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Formalising informal settlements: how social relations and identity influence changes to the tenure security of the urban poor in Durban, South Africa

Panel session 85: Governing informal settlements, on whose terms?

1. Introduction

In South Africa, state policies towards informal settlements are in keeping with a global trend that favours the *in situ* upgrade of informal settlements and the formalisation of residents' tenure status. The Metro Housing Unit of eThekwini municipality (which includes Durban) has the strongest *in situ* upgrade track record across the country, operating under intense time pressure and tight budgets. This contributes to a strong emphasis on 'community participation' and devolved responsibility for many aspects of the process to a local councillor and settlement-level Community Development Committee (CDC). The councillor and committee are responsible for both ensuring resident participation in the upgrade process and helping set the parameters of upgrade eligibility through housing lists and cut off dates for later settlers. In doing so, they strongly influence which individuals benefit from an upgrade project and which do not.

This paper examines resident engagement with the process of upgrade and formalisation in low income settlements in eThekwini at distinct stages of the process: pre-feasibility stage and implementation stage. The paper argues that the social relations and identity of individual residents affects their level of engagement with the upgrade and formalisation process, and access to its outcomes (housing, services and greater tenure security). That is, social relations and identity help determine and mediate the exercise of power and allocation of resources in low income settlements.

The paper is structured in three parts. The first part contextualises the discourse on participation in relevant literature. The second part discusses how residents in these settlements first learn of the upgrade and formalisation process and the opportunities they have to engage with it. The third part examines how residents go about influencing the process to ensure their share in its outcomes. The paper concludes with reflections on the reality of participation in the upgrade and formalisation process in eThekwini.

The arguments in this paper are taken from a wider study into the relationship between tenure and vulnerability. In keeping with the methodological approach of this wider study, the arguments here are presented through the narratives of residents drawn from a series of interviews conducted between September 2009 and June 2010. It is their perspective that sheds light on the complexity of power relations in informal and newly formalised settlements.

2. The discourse of participation

The idea of 'community participation' is the cornerstone of many 'people-centric' approaches to development projects and programmes. The philosophical roots of 'community participation' are in a

participatory methodology which has a genealogy that stretches back to community development in 1940s post-war Europe (Hickey and Mohan, 2004:6-8). Participatory approaches in general, are characterised by populism and the exercise of agency (Hickey and Mohan, 2004:3), emancipatory politics and activism (Kemmis and McTaggart, 2000:568), and more recently through a human rights based discourse, the strengthening of civil society (Hickey and Mohan, 2004:8).

The 2009 National Housing Code of South Africa sets out the guidelines and policy principles for state housing assistance programmes since 1994. The Code is designed to complement housing legislation (specifically the 1997 Housing Act) and major policy initiatives such as the 2004 Comprehensive Plan for Sustainable Human Settlement (also known as 'Breaking New Ground'). Under guidelines issued on the upgrading of informal settlements, the Code states:

> To ensure that fragile community survival networks are not compromised and to empower communities to take charge of their own settlements, one of the basic tenets of the programme is that beneficiary communities must be involved throughout the project cycle. All members of the community, also those who do not qualify for subsidies, are included.
>
> (GoRSA, 2009, p.16)

The Code specifies that "all members of the community" ought to be involved in the planning, design and implementation of the upgrade and formalisation process. Critics of the process argues there is insufficient 'community participation' and that greater participation is not only desirable but essential. For example, point three of Warren Smit's (2005) "10 Things to Remember About Informal Settlement Upgrading", is:

> Real Community Participation in Essential: The key lesson that can be learned from international good practice is that real community participation by committees representing beneficiaries is essential, at all levels from strategy level down to project implementation level; participation in allocation processes, layout design and house design is particularly important.
>
> (Smit, 2005)

Smit's emphasis is on representative community committees participating at all levels of the upgrade process, as opposed to "all members of the community". Smit's assessment best reflects the reality of 'community participation' in the upgrade and formalisation process in eThekwini. Settlement representatives – specifically the local elected Ward Councillor and a Ward Committee or Community Development Committee (CDC), are usually responsible for relaying information to residents from the municipality, 'raising the voice' of residents to the municipality, and facilitating the entry and movement of municipal actors such as builders, engineers and water and sanitation officials into the settlement. The role of the CDC and Ward Councillor is vital to the success of a project upgrade, yet

there appears to be very little official and mandatory monitoring of how these actors operate, leaving them plenty of room to manoeuvre and exercise personal power.

In their book, "Participation: The New Tyranny?" (2001), Cooke and Kothari argue that participation is contrary to empowerment objectives when it is expressed as a potential for tyranny, with tyranny defined as the "unjust exercise of power" (2001:1-15). They argue that power dynamics within a 'community' are rarely accounted for within participatory approaches. This means 'community participation' can reinforce unequal power structures and marginalise the most vulnerable and most in need of development assistance.

The upgrade process in eThekwini and discourse of 'community participation' makes four major assumptions about 'community', 'participation' and the role of local elites: first, CDCs, which are in principle elected, are founded and organised in accordance with just and democratic principles. The second, councillors act in favour of informal dwellers in their constituency, sometimes over the interests of their middle class voter base. The third, informal dwellers share a communal identity and are incentivised to behave cohesively for the greater good. And fourth, that local elites given the opportunity to manipulate the allocation of resources do not succumb to the temptation.

3. How residents first hear of the upgrade and formalisation process and the opportunities they have to participate in it

3.1 The upgrade process in Gum Tree Road

Located 7km north of Durban's Central Business District (CBD), Gum Tree Road is an informal settlement of approximately 400 households nestled in the historic Indian districts of Kenville and Sea Cow Lake in Ward 34 – an ANC stronghold. The settlement is in a light industrial zone; it has been and remains an attractive location for job seekers and low paid workers. Some of the earliest settlers to Gum Tree Road came in the late 1980s from African townships and were moving closer to work, or they were African tenants of Indian landlords in Kenville exhausted by paying rent and keen to build a home convenient for work and provide a dwelling that would allow them to (re)build a family (i.e. enable children and partners to move to the city). This group of early settlers concealed their homes by building shacks deep in the wooded areas around and in between formal Indian houses. The number of settlers in Gum Tree Road rose substantially from the early 1990s around the first democratic elections. Around the same time the early settlers formed a committee to organise residents and set rules for entry to the settlement and general rules on behaviour.

In 2008 the CDC of Gum Tree Road called a settlement-wide meeting and announced that Gum Tree Road will be upgraded and formalised by eThekwini municipality. This was not the first time residents had heard such news. Soon after the meeting, municipal officers entered Gum Tree Road

and re-numbered all the shacks in the settlement and recorded the name and ID number of all adults living in the shack. The (re)numbering of shacks was not the first time that residents saw a number painted on the front door of their shack. Prior to 2008, residents recall continual promises of upgrade, formalisation and the installation of services in the settlement. Usually promises of improvement were made by aspiring politicians and office holders seeking re-election. The effect of this history of broken promises is that there is widespread disbelief that the upgrade and formalisation process will be implemented in Gum Tree Road.

One such disbeliever is Mandisa Hintsa is a 39 year old amaXhosa woman originally from Eastern Cape Province[1]. She moved to Durban in KwaZulu-Natal (KZN) in 1994 to look for work to support the young child she left behind with her parents. She has lived in Gum Tree Road since 1995. Mandisa's engagement with the process so far has been cursory. She attends settlement-wide meetings infrequently called by the CDC where she is informed of progress, but Mandisa feels she has no opportunity to influence the process itself. She says:

> They [municipal officers] make plans by themselves, but then they ask us if we are happy. We say 'yes, we are happy', but what else can we say? They say they will make things better, that makes me happy.
>
> There are people from the Housing Department who are here often – they come with books and papers. We only know they are from Housing because of the sticker on the side of the truck. When we ask them what they are doing, they tell us, 'we are making a survey, counting the houses to see no one has built [a shack]'. For years they do that. They come, count, but they don't do anything.
>
> (Hintsa, 10/03/10)

Mandisa wants to trust the municipal officers who promise to make things better. However, the actions of municipal officers who effectively conceal their arrival into the settlement and the purpose of their visit has bred mistrust. Yet, despite her scepticism and mistrust, Mandisa's expectations of life in Gum Tree Road have been raised with talk of the upgrade; she dreams of one day calling her children to come live with her in her own house.

Thulani Mabena, a 29 year old amaZulu man, is a relative newcomer to Gum Tree Road. He arrived in 2005 to search for work in one of many factories in Kenville. Thulani learnt of Gum Tree Road from his brother who had once lived in the settlement. His brother introduced him to landlords in the area and helped him to find a shack to rent. In the 2008 registration exercise, Thulani was registered as the owner of the shack, despite still paying rent to the landlord. Since what may be an error in registration, Thulani believes he has a stake in the outcome of the upgrade and formalisation process.

[1] In the interest of confidentiality, I have used pseudonyms for all interviewees. The names that appear in this paper reflect their tribe and ethnicity, as their real names do.

Like Mandisa, Thulani does not feel involved in the development plans of the settlement. He says, as far as the upgrade process is concerned, "we [want to] work together, but they [the municipality] come here without telling us what they are here to do" (Mabena, 10/03/10). One of the consequences of this mistrustful relationship between residents and the municipality is a lack of resident buy-in to the process. Residents like Thulani feel disengaged and are therefore unable and unwilling to assist the municipality with the implementation of the process. For example, he says, "I am worried more delays will happen because people will keep moving in, and the community is not involved enough in plans to stop it." (Mabena, 10/03/10).

However, apart from conversations residents directly have with the municipal officers who count and number their shacks, or the speeches they hear from officials who occasionally speak at settlement-wide meetings, residents have no direct relationship with the officials charged with implementing the upgrade and formalisation process. Their opportunity to participate in the process is mediated by the CDC. The CDC is a committee of approximately ten residents informally elected. Elections are called through resident consensus typically when a member is widely perceived to be non-performing. The Chairman of the CDC is the main representative and spokesman for all residents and usually works closely with the local Ward Councillor.

Neither Mandisa, Thulani nor any of the other Gum Tree Road residents interviewed for this study, identified the CDC or the local councillor as culpable for the lack of information on the process and opportunities to engage with it. Broadly, the CDC is held in high esteem. Mandisa calls them "our speakers to the government" (10/03/10). Thulani, grateful for their permission to settle in Gum Tree Road, values the CDC as an accessible source of authority that helps to set and uphold social rules of behaviour in Gum Tree Road, that is the CDC makes the informal settlement a safer place to live. Historically, residents have greater experience with and respect for the authority of the CDC than the municipality. When Mandisa first arrived in Gum Tree Road she had to gain permission from the CDC to stay. She notes, "I talked to the community and I found space, then I built my shack" (Hintsa, 29/03/10). Her access to land and a dwelling was determined by the CDC. For most settlers their access to Gum Tree Road is initially mediated by friends and family who invite them to settle; their entry is consolidated with the permission of settlement leaders to stay.

Zanele Mhlongo, a 42 year old amaXhosa woman, is the earliest settler interviewed. She explains the process newcomers undertake in order to settle in Gum Tree Road:

> Our committee decides who can come and stay. You ask the committee for permission to build your shack. They ask you for a letter to say where you come from and why you have come here (the letter should be from the leader of your old community). Sometimes at the end of the day we don't welcome people from outside because they don't come with a committee letter saying where they come from. Leaders give a piece of land [and] then they call a meeting to call people to say there is a newcomer.

(Mhlondo, 15/03/10)

The role of the CDC is to set and uphold rules on entry to the settlement. Residents widely believe adherence to these rules engenders greater security. They make a connection between personal safety and the authority of the CDC; a connection that may continue post-upgrade.

In the upgrade and formalisation process, Mandisa, Thulani and Zanele are aware that the CDC is primarily responsible for developing a housing list of all eligible residents. Thulani says, "It's the community leadership's decision [on which families go where]. It's done according to when you first come. It's a good system." (Mabena, 10/03/10). Mandisa adds, "People who have been here the longest, they must go first, then others. The chairperson of the Community Development Committee must select, with the help of the community. We can help because we know who is here first." (Hintsa, 10/03/10). Zanele, an early settler, concurs that "They [the CDC] decide based on a housing list which is based on who came here first". However, she adds, "If others invade the [formal] houses I will not wait, I will move into a house too." (Mhlongo, 15/03/10). Zanele, aware of the rules on eligibility, is prepared to circumvent them to gain access to resources she believes she is entitled to. Zanele's confidence in her power to break the rules stems from the social obligation she believes other residents are under. She says, "I'm safe because I'm the oldest person here. Others have come there through me. I went up and down the hill to get permission to live here[2]. This is what I get, great respect." (15/03/10). Later settlers are less confident in their power to circumvent the authority of the CDC.

Most other residents in Gum Tree Road are aware that their access to land and a dwelling post-upgrade is determined by the CDC. So although in Gum Tree Road residents are widely disengaged with the process and 'participation' resembles consultation after all major decisions (such as the design and location of houses) have been made by non-residents; the decisions on individual eligibility that the CDC and local councillor make, is an area that residents feel they can influence.

3.2 The upgrade process in Cato Crest

The experience of residents in Cato Crest, a settlement currently in the 'implementation stage' of the upgrade and formalisation process, suggests the beliefs of Mandisa and Thulani are well founded and that residents can influence the decisions of local elites. Cato Crest is a settlement located less than 5km from Durban's CBD. It is a large settlement of over 15,000 households at the last unofficial estimate. It is a part of the wider Cato Manor area and has a long history of continual settlement. The latest period of occupation broadly dates from the late 1980s. The history of settlement governance in

[2] After several years of police raids on shacks in Gum Tree Road, Zanele and her husband claim to have approached the local land owner in 1994 and secured written permission – for themselves and other settlers - to stay in Gum Tree Road.

Cato Crest differs substantially from Gum Tree Road; this results in a very different relationship between residents and their settlement representatives.

In 1989 Grace Nkosi, an amaZulu woman who was 36 years old at the time, moved to Cato Crest with her husband and young family; they were one of only a handful of families. In 1989 the area looked like a jungle. Grass and shrubbery had overgrown former footpaths, roads and the remaining foundations of old houses. Grace and her family had fled to Cato Crest to escape political violence in northern KZN. Her family had long been ANC supporters and the family moved amid fears that supporters of the Inkatha Freedom Party (IFP) would kill her two sons and husband if they stayed. Cato Crest was a refuge for many early settlers.

The imperative for a settlement leadership came from these early settlers who also dominated the leadership competition. The early leadership (which included Grace and her husband) tried to set rules of behaviour and establish order within the settlement, which was to be their new home and a place to shield their families from the political violence that threatened all of KZN. Members of the leadership, with the support of settlement residents, opened dialogue with the municipality (still a part of the apartheid administration) to prevent the demolition of shacks and to provide services. The municipality, unable to prevent the settlement of Cato Crest, agreed in early 1993 that if the settlement did not grow further current residents would not be evicted and services would be delivered (Nkosi, 12/11/09). However, new dwellings were constructed as early settlers called family and kin to come settle in the area.

As in Gum Tree Road, the population of Cato Crest grew exponentially in the mid-1990s around the time of the first democratic elections. The end of apartheid and the appointment of a new post-apartheid municipal office in 1996 lessened the legitimacy of the old leadership, who many new arrivals in the settlement saw as tainted by its past associations with racist white rule. New settlement residents rejected the old social order of apartheid and the rules set by the cohort of early leaders.

Bongani Mabuza, a 42 year old amaZulu man, was one of these new settlement residents. He moved to Cato Crest in 1994. Unlike most of the early settlers, Bongani was not fleeing political violence, but was trying to save money. He explains:

> I was staying in town on Victoria Embankment ... Someone I was working with was staying in Cato Crest. I told him he must check a room for me here. He found a room … for R50[3], [in Victoria Embankment] I was paying R800 a month. So I decided to come here. It doesn't matter it was a cabin or what, what was important was money, saving money. I stayed here until I bought a house [a shack] ... [Then] I paid no more rent. I never paid anything after that, just paid cash, once.
>
> (Mabuza, 22/10/09)

[3]South African Rand (R)

By 1994 the settlement is well established and there is no space left for newcomers to build a shack, unless they are invited to build on someone else's plot. Bongani's experience in coming to Cato Crest is atypical. Gugler (1992:159), Nederveen Pieterse (2003) and others, all emphasise the role of kinship clusters in informal settlements and the essential role they play in establishing a secure residence for newcomers and being the first networks for socialisation and livelihoods. Bongani did not come to Cato Crest through kinship networks; he used his social connections and bought his way in. Unlike in Gum Tree Road, the settlement leadership figures only marginally in the rules on an individual's access to the settlement. This may be because of the large size of the settlement and because, in recent years, organisations and individuals vying for power and influence in the settlement appear more concerned with consolidating their power and authority and securing the privilege to allocate resources.

Politically, Cato Crest is in an important location. The settlement is surrounded by traditionally white middle class areas that since 1994 have consistently voted for the Democratic Alliance (DA). The majority African residents of Cato Crest have traditionally voted for the ANC. This appears to have strongly influenced the redrawing of ward boundaries in order to effect party political representation in local government. Between 2006 and 2011, Cato Crest was divided into two political wards - ward 30 and 31 - and with it large numbers of African voters were divided between two traditionally white DA wards. Until local elections in May 2011, both wards were under the control of ANC councillors. Prior to these recent elections, ward boundaries were once more redrawn. Cato Crest now falls within ward 29 and is controlled by an ANC councillor.

If the decision to redraw ward boundaries through and around Cato Crest was politically motivated to secure party presence, an effect of that decision has been an interjection of party political agendas onto local civic life and a reconstruction of how civic life is conducted. The influential role played by the residents of Cato Crest in shaping the outcome of local elections has created more space for party structures and party political actors in the settlement. This has resulted in un-coordinated efforts in settlement-wide development and heightened competition for power amongst some individuals in the settlement, as leadership positions control the allocation of resources and create opportunities for patronage and self-enrichment. In recent years the ambiguity over the governance of the settlement has made it difficult for residents to distinguish state authority (the office of the councillor), from party political authority (the reach of the ANC party machine), and settlement authority (civic community committees). This ambiguity has weakened transparency and public monitoring of the upgrade and formalisation process. It has also obscured how the process ought to be implemented, giving rise to alternative theories that centre on corrupt practices and abuses of power.

The upgrade and formalisation process in Cato Crest is being implemented through a phased approach that started in 2000 and is ongoing. As a result Cato Crest is a mixed residential area with patches of

formal housing, shacks and transit camps that temporarily house residents awaiting a formal house. All residents are aware the process is being implemented, but most are uncertain as to when their particular section of Cato Crest will be upgraded. The residents interviewed for this study widely believe the upgrade process is implemented by corrupt actors. In addition to legitimate channels of eligibility, access to formal housing delivered by the process is commonly perceived to be through relations with current settlement leaders (including area committee members, CDC members, local councillors, and the ANC Branch Executive Committee) as these actors are responsible for drawing up housing lists and allocating formal houses.

Bongani Mabuza says, "People can be taken off the [housing] list for no reason. [I know] because new people have been allocated houses and the old people [those who have lived in Cato Crest longer] are in transit camps. Who is on the housing list and stays there depends on their relationship with the Area and Ward Committee and the Councillor" (Mabuza, 29/09/09). Even after a housing list has been drawn up Bongani believes the local councillor and the CDC manipulate the allocation of houses. He says corner houses are the most desirable because there is more space to extend them, "these houses are given to friends of the Committee and Councillor. That's why we can't choose our houses" (Mabuza, 29/09/09).

In Gum Tree Road residents believe housing lists will be fairly composed by the CDC on the basis of a shack number and whoever has lived there longest. In Cato Crest, Margaret Gumede a 50 year old amaZulu woman who lives in a transit camp in the settlement, believes the housing list is not composed in a 'fair' way. She says on the list "is a mix of people with a CC [shack] number and people without a CC [shack] number. It is not done by people who have been here for longer" (Gumede, 12/03/10). Residents do not trust the official discourse on eligibility to the upgrade process and the allocation of formal housing. Although none of the interviewees claim they accessed the process applying this method themselves, they strongly believe social connections to current leaders are essential to move onto the housing list if otherwise ineligible or to be fast-tracked.

The paper so far has discussed how residents in Gum Tree Road learnt of the upgrade and formalisation process in their settlement through the CDC and the actions of the municipality. To these residents, formal avenues of participation in the process appear to be limited. Instead residents are more inclined to try and influence the CDC to ensure their share in its outcomes. The strategies favoured by residents carry a historic relevance to narratives on access to land and housing. That is, Mandisa, Thulani and others initially gained access to Gum Tree Road through their relationship to the CDC; they hope to access the outcomes of the upgrade process in a similar way. Lessons from Cato Crest suggest that settlement-level actors involved in the implementation of the upgrade process are influenced by social and political connections with residents. The third part of the paper now

turns to examine how residents in Gum Tree Road and Cato Crest access the upgrade process and its outcomes.

4. How to influence the upgrade and formalisation process and secure access to resources

4.1 Influence and access to the process in Gum Tree Road

The type of governance structure prevalent in these two settlements affects the strategies that residents employ. In Gum Tree Road those residents whose eligibility to the process is questionable hope to exert personal influence over individual members of the CDC through appeals to shared identities and common social relations. In contrast, the contemporary history and elevated role of party politics in Cato Crest's civic affairs means many residents hope to exert influence over settlement-level leaders through their party political identity and political connections.

Thulani Mabena first arrived in Gum Tree Road in 2005 as a tenant. Since his arrival he has established himself as the owner of a popular tavern and as a member of the Community Forum – a neighbourhood watch style forum of young male residents. Thulani claims he did not seek out the position of Community Forum member, rather, "I was elected by the community. It wasn't my plan ... I don't know why they want me. Maybe because I am a young man and strong" (Mabena, 10/03/10). Thulani's gender and youth has seen him elevated to a position of power and responsibility in the settlement, with some authority over others. For example, he has the authority to ask people he sees in the settlement who they are and where they are going. Thulani claims his position does not affect his involvement in settlement politics. This is possible. However, his position enables him to cultivate a closer relationship with the CDC. His position gives him access to the CDC (the Community Forum reports in to them) and enables the members of the CDC to recognise him and perhaps want to assist him for his services to the settlement. That is, while Thulani claims he does not exploit his position to garner favours with the settlement leadership, through this position he is able to build a closer relationship with the CDC than ordinary residents.

Thulani's relationship to the CDC is particularly significant because of his unusual and somewhat confusing tenure situation. He explains:

> I'm renting this place for R400 a month. I'm trying to buy my current shack from the owner. The owner, he told me to pay R4000 ... But I am really confused. I know that in the database I appear as owner of this shack, not the tenant. The database shows that this shack is not belonging to the owner.
>
> (Mabena, 10/03/10)

Under the rules of eligibility to the upgrade and formalisation process only owner-occupiers of shacks who meet income, nationality and age criteria, are eligible for a share in the outcomes of the process. Tenants are ineligible and owners of multiple shacks can only register once. Thulani's landlord is

motivated to sell the shack and with it eligibility to the upgrade and formalisation process; however, Thulani believes he may well be eligible without having to pay his landlord R4000. In Gum Tree Road the CDC plays a significant role arbitrating landlord – tenant disputes. Siphiwe Msomi, is Thulani's best friend and another tenant. He says, "My current rental contract is only by talking. I'm not safe. But if the landlord tries to cheat me and change our agreement, I will go to the committee. I trust the committee leaders will resolve my problems" (Msomi, 15/03/10). Siphiwe and Thulani are confident in the power and authority of the CDC to resolve the unfair treatment of tenants by landlords. The leadership's ability to enforce rules on the behaviour of landlords and tenants is especially important to Thulani should his landlord dispute his eligibility to the upgrade and formalisation process.

The relationship between tenant and landlord in Gum Tree Road is about more than a simple financial relationship; it is also about power. It is a relationship that functions largely independently of the CDC. The prospect of an upgrade affects the power dynamic as tenants are emboldened and in a position to use their status as occupants of a shack to claim a formal house, at the expense of the landlord who may prefer to exploit the process and register a friend or relative instead. However, for some landlords the upgrade may not inherently upset the balance of power they hitherto held over tenants. Zanele, an early settler and landlord of two shacks, expects the financial obligation of her tenants to be replaced by a social one. She says, "I have no problem with them getting a house, but I will lose money. [But I also] know when they get a house it is because of me. They are here because of me, and I have some power over them" (Mhlongo, 23/03/10).

Mandisa Hintsa is confident of her eligibility to the upgrade and formalisation. Her confidence stems from her broad appeal to a common identity, one that is shared with the actors charged with implementing the process. She says, "I will be moving to a house ... You don't get [a house] if you don't get ID, if you are not a South African citizen. But I have ID, I am a South African citizen" (Hintsa, 10/03/10). Mandisa, an amaXhosa, frames her eligibility solely in terms of her citizenship. To Zanele Mhlongo, also an amaXhosa, voting is an act of buying into the state and thus becoming eligible to any benefits the state has to give. She says, "I need an RDP house. I am voting here, I am the citizen of South Africa that is why I need the house" (15/03/10).

The upgrade and formalisation process has redefined the value attached to national identity in determining access to land and housing. All but one interviewee (a Malawian man) believed access to both the process and the settlement post-upgrade should be restricted to South Africans only. Lay discussions of the process amongst residents unequivocally tie the discourse of 'citizenship' to 'entitlement'. 'Citizenship' in Gum Tree Road is a prevailing discourse that includes residents of different ethnic and tribal backgrounds. It is a powerful tool for inclusion necessary in a settlement in KZN with many amaXhosa residents. However, inclusion based on citizenship, means the exclusion

of non-South Africans. The upgrade process may (unintentionally) play to the general fear of foreigners prevalent in much of South Africa, and provide a legitimate cover to permanently exclude them from low income settlements.

4.2 Influence and access to the process in Cato Crest

In Cato Crest, as in Gum Tree Road, national identity and citizenship is promoted amongst South African residents to frame entitlement to state resources; it is a discourse based on the exclusion of others. Bongani Mabuza believes he deserves the benefits of the upgrade because he is a South African. He says, "I'm a SA citizen, I'm not born outside, I'm not a foreigner. I was born here, my culture is here" (Mabuza, 22/10/09). He goes further to elaborate his entitlement claim, "I have earned this plot […] because I am South African. I know my rights" (Mabuza, 19/10/09). This sentiment is popular amongst all South African interviewees in Cato Crest. However, for Bongani this discourse of rights, entitlements and citizenship has a historic dimension. He experienced and participated first-hand in anti-apartheid activism in the 1970s and 80s. In urban areas especially, activists focused on boycotting and destroying visible state institutions. Bongani recalls:

> There was violence in 1985, because there was a 'stay-away'. May 1, it was a 'Worker's Day'. In [May 1st] 1985, I refused to go to school. The children refused to go to school. They were crying 'No - this is a Bantu[4] education' … There was violence and burning of school at that time. I participated; I could not duck and hide … All the things that were government's, at that time, we destroyed it … To [destroy] we plan together, because we had no weapons at that time. Our weapons were stones. The government was the target. The reason was against the government - because it was racist and because of Apartheid.
>
> (Mabuza, 22/10/09)

Bongani's participation in 'stay-aways' and *toitois* (protests) has had a profound effect on his conception of citizenship, which he relates to his direct contribution to the creation of a post-apartheid South Africa. That is, his activist background has forged a South African identity that leads him to believe he helped create and is therefore entitled to resources from the post-apartheid state. Foreigners, to Bongani, did not participate – or at least not to the same extent that he did – and therefore have no entitlement claims.

'Citizenship' is a powerful discourse that includes South Africans of different ethnicities in Gum Tree Road, however in Cato Crest which is a predominantly amaZulu settlement, ethnicity can also be a distinguishing identity that frames entitlement to state resources. It is an identity that in KZN is historically tied to party politics. In KZN the end of apartheid came amidst organised violence and warfare between amaZulu supporters of the Inkatha Freedom Party and amaZulu, amaXhosa and

[4] Here 'Bantu' is used pejoratively to refer to African education and black South Africans in general under Apartheid.

other African supporters of the ANC and United Democratic Front (UDF, established in 1983 when the ANC was banned). Inkatha was essentially an ethnic populist movement rooted in Zulu traditionalism that evolved into the Inkatha Freedom Party in 1990. Nathi Zondi is a 29 year old amaZulu man whose mother – an active member of the ANC - first came to Cato Crest in 1989 to escape political violence that she and her children were caught up in. Nathi childhood recollections of the conflict frame his understanding of contemporary ethnic tensions in Cato Crest and elsewhere. He says:

> My mum told me [when] I was a boy [about] these stories of the IFP killing women and kids, abducting them and making them child soldiers. So [when IFP-ANC fighting broke out where we were staying] she told me to run. I ran, I didn't know where to, I just ran ... I could hear people who were fleeing from the battle itself, not just people who were running away. People who went to the battle, fought in it, realised 'no we're not winning', and ran away. The battle was between IFP and non-IFP. We now realised that was an ANC organised battle, but back then it was IFP against Xhosa-speaking people. There was that tension, which still exists together between the Zulus and the Xhosas.
>
> (Zondi, 31/03/10)

Although party political membership is not clearly divided along ethnic lines, in KZN there is a historic association between ethnicity and party political membership that has helped to shape contemporary ethnic and political tensions.

Margaret Gumede, an amaZulu transit camp resident, has been both a member of the IFP and the ANC. Margaret is 59 years old and witnessed some of the worst party political based violence in KZN. It is her belief that tenure security and personal safety is affected by political allegiance. On the basis of this belief Margaret joined the IFP when she lived in Ndwedwe, northern KZN. She recalls: "I had no interest in any political party. Eventually I did have to get a card. We lived in a side that was predominantly IFP. So eventually I had to buy an IFP membership card. Not that I believed in the IFP, just for safety. I don't know even one policy." (Gumede, 13/04/10).

Sometime after moving to Cato Crest in 1996 Margaret joined the ANC. Her pragmatic attitude to party political membership is part of a narrative of safety where changing one's political identity to suit the prevailing political environment is done out of necessity in order to affect survival and opportunities in life. Margaret's current experience of the upgrade and local politics in Cato Crest, adds evidence to support her belief. She claims, "[in] this transit camp area, people will join the ANC because it is an ANC dominated area" (Gumede, 13/04/10). In the upgrade and formalisation process in Cato Crest, relocation to the transit camp is determined by the local ANC councillor and ANC-dominated CDC. Margaret's claim implies there are no non-ANC members who live in the transit camp (or they are concealed); and there may be a non-official eligibility criteria for movement to a transit camp and eventual relocation to a formal house.

Grace Nkosi, an early settler in Cato Crest, believes high-ranking grassroots members of the ANC are responsible for co-opting the agenda for settlement-wide development, and are using this agenda to pursue strategies for self-enrichment. She explains:

> There is no community development committee, there is only one political committee, the ANC, driving development in the community ... I used to get help [from the community committee] when the community was very poor and desperate. But once development came to the area money came in too. Money is the problem. For example, the procedures for housing allocation: the committee must call the community and tell them, but they don't do that. Sometimes people from outside the community get a house.
>
> (Nkosi, 29/09/09)

The narratives of Margaret, Grace and Nathi illustrate the relevance of party political identities and political connections to the allocation of resources resulting from the upgrade and formalisation process in Cato Crest.

This section examined how residents in Gum Tree Road and Cato Crest influence the upgrade and formalisation process in their settlements and try to secure access to its outcomes. In Gum Tree Road, the CDC plays a significant role in mediating the power relationship between landlords and tenants; the importance of their role is heightened for those individuals who are able to develop a direct relationship with CDC members, like Thulani Mabena. Tenants who do not have this relationship are more exposed to the power of their landlord and his or her influence in determining access to the process and its outcomes. The internal power dynamics of a settlement is under-acknowledged in the participation rhetoric of the upgrade process, as Cooke and Kothari (2001) warn. On the whole, residents whose eligibility to the process is not in dispute appeal to the shared identity of citizenship to consolidate their claims to access the process and receive its outcomes. In Gum Tree Road, the discourses of citizenship and entitlement exclude non-citizens. In Cato Crest however these discourses are also applied to exclude other minorities including non-Zulus and non-ANC residents, raising concern that minority residents are not just excluded from the upgrade process, but will be excluded from the entire settlement.

5. Conclusion

The discourse of 'community participation' prevalent in official guidelines and policy on the upgrade and formalisation of informal settlements, insufficiently acknowledges existing power dynamics within a settlement and the historic relationship that individual residents have with local elites (including the CDC and landlords) in securing access to land and housing.

The devolved responsibility for aspects of the upgrade and formalisation process to local elites, who are assumed to better know the needs of the local populace and have a legitimacy to act on behalf of them, has provided ample opportunity for local elites to manipulate the process. This is widely

believed to happen in Cato Crest. Residents in Cato Crest appeal to their social relations and aspects of their identity to access local elites and influence their decision making; in Cato Crest the dominant social relations and identity are party political connection, which can also be statements on ethnicity. In Gum Tree Road, there is little to suggest local elites manipulate the process (at this stage). Yet, residents still use their social relations and aspects of identity to appeal to local elites. These are historically successful strategies.

The politics of participation is not ahistoric. This paper illustrates that for some residents their willingness and ability to influence local elites stems from personal experience and accessibility. This is not necessarily a bad thing, for some. But it is for others, in particular those who lack social connection and are marginalised because of aspects of their identity. The reality of community participation in the upgrade process is it maintains prevailing power structures – including those that are unfair, exploitative and discriminatory against certain residents. The current momentum for upgrading informal settlements and the strength of the participation rhetoric means there appear to be ample opportunities and few consequences for those local elites tempted to abuse their power and authority. This carries implications beyond the process itself as the residents of entire upgraded settlements could be indebted to local elites and exposed to manipulation in the future.

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